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Sent: 20 March 2007 15:13
To: Cultural Bill Consultation
Subject: COSLA's Response to the Draft Culture (Scotland) Bill
Importance: High

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Regards

Mike Callaghan
COSLA

Tel: 0131 474 9264
Email: mike@cosla.gov.uk

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Response to the Draft Culture (Scotland) Bill Consultation

Introduction

COSLA welcomes the opportunity to provide a response to the Draft Culture (Scotland) Bill consultation. We also welcome the approach taken by the Scottish Executive in engaging with both COSLA and VOCAL in developing the Bill and the statutory guidance and in seconding a senior officer from local government to provide advice and guidance in shaping both documents. In addition, we welcome the model of entitlements, cultural planning and self assessment outlined in the Bill and proposed by COSLA and VOCAL in our joint submission to the Cultural Commission.

Against this background of support in principle for the Bill and Guidance, we would highlight:

- a clear need for additional resources from all relevant Scottish Executive departments to deliver cultural planning approaches across social policy areas;
- the request for information on cultural provision places an additional burden on local authorities without any clarity of the purpose of submitting the information or what action Ministers might take when they receive it;
- COSLA suggests that an outcome-focussed process rather than the largely input/output driven process described in the Bill would be more useful and more in line with the current public service reform and Best Value agendas;
- it is imperative that the model of self-assessment quality standards, with sectoral standards developed by Scottish Museums Council and Scottish Libraries Information Council beneath an overarching cultural quality framework, is streamlined, flexible and supportive;
- the Creative Scotland Board and effective delivery of the Culture (Scotland) Bill, requires representation on the Board by Local Government as the key strategic co-ordinators and deliverers of culture and as primary stakeholders of Creative Scotland; and
- a provision enabling Local Government to ensure commitment from community planning partners and national bodies towards local cultural planning and entitlements would strengthen the Culture (Scotland) Bill.

Further details of the above issues are expanded upon in some of our answers to the consultation questions.

Cllr Graham Garvie
COSLA Arts and Leisure Spokesperson

Draft Culture (Scotland) Bill COSLA Response

General Comments

The Draft Culture (Scotland) Bill and Guidance raise the profile of cultural services and their role in meeting objectives across a range of policy agendas such as, education, health improvement and regeneration.

It is critical that the Draft Culture (Scotland) Bill and Guidance is as strong as it can be in steering community planning partners to embrace cultural planning and the development of entitlements as part of the broader community planning agenda.

The Definition of Culture within the Draft Culture Bill and Guidance

The Draft Culture Bill and Guidance set out the broad definition of “culture”, providing a narrower definition of culture than that employed in the 2000 National Cultural Strategy which defines culture as ‘including aspects of lifestyle, such as sport and leisure’. The Draft Culture Bill’s scope is limited to the arts, heritage resources, museums, libraries and archives without reference to sport and leisure. Guidance and legislation must not prevent or inhibit councils and their partners from developing integrated sport and leisure-based entitlements to widen participation across Scotland.

Local Cultural Entitlements

Q1) Do you think that developing local cultural entitlements will help to increase participation in cultural activities?

COSLA welcomes the model of entitlements, cultural planning and self-assessment outlined in the Bill and Guidance as proposed by COSLA and VOCAL in our joint submission to the Cultural Commission. It is our view that local cultural entitlements will make an important contribution to increasing participation in cultural activities. Local cultural entitlements enable communities to shape cultural opportunities to their needs and aspirations while enabling providers to respond to what local people want in ways that are relevant to their circumstances. Throughout the Culture Bill and accompanying guidance the key policy driver is increasing participation. Locally developed entitlements could be critical to achieving an increase in participation in culture, enabling the recognition of variations in participation across the country and amongst different groups.

Against that background, we would emphasise that increased participation also depends on resource-intensive measures – community engagement, community development, staff training, improved transport, enhanced facilities to name but a few. To achieve increased participation, cultural entitlements require commitment and resources not only from local government but from the Scottish Executive, community planning partners and from the national cultural bodies. We suggest that structures are put in place to ensure co-ordinated, long-term, integrated approaches to increasing participation and delivering entitlements to avoid a scatter-gun, short-term, “project”-based approach.

Furthermore, we suggest initiatives such as national entitlement cards should be considered to increase participation in leisure and cultural activities across the country, given that they could greatly widen access to cultural services.

Q2) If you believe further or alternative measures are necessary, what are they?

- The request for a diverse range of information on cultural services by the Minister places an additional burden on local authorities. In the Scottish Executive document 'Transforming Public Services' it is clearly stated, "each portfolio in the Executive is committed to a measurable reduction in the burdens of planning and performance reporting by 2007". COSLA is committed to reducing the amount of unnecessary information collected from local authorities by the Executive in line with the public service reform and Best Value agendas.
- Local cultural provision is subject to local democratic decision-making. The principle of informing local people about the standard and quality of cultural provision is accepted as part of the accountability process for councils. This accountability and the principle of local decision-making would be undermined if there were direction from central government. It is not unreasonable to expect greater transparency in the work of national bodies through public reporting to Ministers on their work.
- Local accountability could be better served by the proposed model of self assessment, outcome-based quality standards, with sectoral standards developed by Scottish Museums Council and Scottish Libraries Information Council sitting beneath an overarching outcome-driven cultural quality framework which is streamlined yet flexible;
- There is a need for locally-elected representatives to have explicit powers to ensure that local and national partner organisations make a commitment to cultural planning. The focus in the guidance is on councils as delivery bodies principally. Equally important is their co-ordinating role, ensuring partners' commitment, resources, skills and knowledge are harnessed.
- The national cultural bodies must adequately and comprehensively reflect and respond to the broad spectrum of cultural interests across Scotland.
- It is also important to the success of the cultural strategy that "bottom-up" community development approaches are properly resourced to increase capacity to take up cultural entitlements.

Q3) How do you think the Scottish Executive and local authorities can best utilise the influence and impact of cultural activity?

- Cultural activity through sport can play a significant role in contributing to community safety and well-being, regeneration, fostering citizen participation and community identity and inclusion. It can also be a positive force in bringing community planning partners together to plan, provide and deliver services that contribute to culture.
- There is, however, a need to end short-term ring-fenced funding, for example by transferring funds for cultural co-ordinators, creative links and active school co-ordinators to local government to enable councils to make locally-responsive decisions on how they meet their cultural entitlements.
- Scottish Executive portfolios beyond tourism, culture and sport must commit and contribute to cultural planning to deliver health improvement, community safety and other outcomes. As a result, the Executive should fully resource local authorities to enable them to increase participation in cultural activities, not only directly through its Tourism, Culture and Sport portfolio, but also through other policy areas such as Health, Transport and Regeneration.

- The Scottish Executive and local authorities should exploit all opportunities to promote and increase access to and participation in culture e.g. through cultural opportunities attached to major events such as the Olympic and Paralympic Games and the Commonwealth Games, should Scotland's bid be successful.

Q4) Do you think the initial draft guidance under this Part of the Culture Bill is clear and helpful? Is there anything else it should contain?

- COSLA welcomes the draft guidance and the collaborative approach applied by the Scottish Executive to its development. We suggest further clarity is required on definitions – for example, to differentiate the concept of 'cultural planning' from 'planning for culture'.
- Further clarity is sought on assessing and measuring the instrumental impact of culture in delivering wider social agendas such as community safety and health improvement.

Creative Scotland

Q5) Do you agree that there should be a single national cultural development body?

- COSLA and VOCAL, in our shared response to the Culture Commission, argued for a democratisation of culture with direct accountability for cultural policy through Scottish Ministers.
- There is scope for further streamlining of other national cultural development bodies.

Q6) Do you agree with the remit proposed for Creative Scotland? Has it the right powers and functions?

COSLA believes that Creative Scotland has a remit to support delivery of the national cultural agenda.

- However, we believe that in giving Creative Scotland a direct role in the economic development of the arts and culture, there is a distinct possibility that there will be duplication with the roles of local government and enterprise agencies. There is also a question over whether the staff skill set required for enterprise and business development support complements or diverges from that of the other core functions of Creative Scotland.
- Creative Scotland should be a development agency rather than a direct service delivery agency. It is therefore probably not its role to directly encourage "as many people as possible to access and participate in the arts and culture" nor to "increase diversity of participants" as set out in the Bill, though it may be its role to support other agencies to do both tasks. Ultimately, it is the role of the deliverers – local authorities, private sector, voluntary and community sectors to increase participation and diversity in arts and culture.
- the Creative Scotland Board and the effective delivery of the Culture (Scotland) Bill, require representation on the Board by Local Government as the key strategic co-ordinators and deliverers of culture and as primary stakeholders of Creative Scotland. The Scottish Executive document 'Transforming Public Services' document stresses the need to improve accountability of arms length public bodies (NDPBs) to Ministers and the public. A local government elected member on the board of Creative Scotland is a step towards strengthening accountability.

Q7) Do you agree that Creative Scotland should work in concert with the Scottish Executive to implement national cultural policy?

- We strongly believe Creative Scotland should work in concert with the Scottish Executive and local authorities in supporting and promoting the arts and culture across Scotland.

Strong partnership with local government will bring Creative Scotland a wide range skills, experience and methods of delivery that will increase participation in cultural opportunities.

National Collections

Q8) Do you agree that the National Collections should remain as constitutionally separate centres of excellence?

- COSLA does not oppose the National Collections remaining constitutionally separate Centres of Excellence, but advocates that they develop links that will benefit implementation of national policy, including shared services and approaches.

Q9) Do you think the powers and functions proposed for the Collections in the draft Bill are right? If not, how would you improve them?

- We believe the National Collections should have a requirement to increase diversity and access;
- The Draft Bill proposes a new statutory role for the National Collections to offer advice and assistance to local museums, galleries and libraries. There are clearly some issues on which local government may be able to offer advice and assistance to the National Collections. There is also a need for clarity on the roles of the Scottish Museums Council and the Scottish Libraries Information Council vis-à-vis the national advisory role of the national cultural bodies.
- Throughout the Culture Bill and accompanying guidance, the key policy driver is increasing participation. The proposed legislation could be further enhanced through placing a duty on the Collections to increase audience diversity through an explicit requirement of national culture bodies to link to local cultural planning;
- Some further clarity is also required on collections of significance.

Q10) What do you think of the name 'National Record of Scotland'?

- The name National Record of Scotland, whilst an improvement on the former name, is at risk of being confused with the functions of a National Archive. We would therefore suggest that a more appropriate title should be found for this body to convey its focus on the Archaeological and Historical record.

Q11) Do you agree that Faculty of Advocates should be able to contribute to the board of the National Library by having at least one representative?

- COSLA agrees that key stakeholders should be represented on boards of national bodies.

Q12) Do you agree that the Collections have the appropriate powers to obtain, loan and dispose of objects for or from their collections? If not, what would you change?

- The powers to obtain, loan and dispose of objects for or from the National Collections should be as wide and have as much flexibility as possible. Items in the National Collections must be widely and frequently available on show throughout Scotland, particularly outwith the Central Belt. These powers must be both well and frequently used to ensure the National Collections are routinely exhibited throughout Scotland, and the national bodies should regularly tour their full company.
- We also believe that the Cultural bodies should be required to increase the diversity of people accessing collections.

Dealing in Tainted Cultural Objects

Q13) Do you agree that an offence similar to that in the 2003 Act should be introduced in Scotland?

- We believe it is important to protect cultural objects and strongly agree that an offence similar to that in the Dealing in Cultural Objects (Offences) 2003 Act should be introduced in Scotland. This would ensure that Scotland has the same protection in law as that applying to the rest of the UK.

Powers of Local Authorities to Broadcast Information

Q14) Do you agree local authorities should have a general power to broadcast information about their activities?

- We believe it is important that local authorities use modern media to broadcast information about their activities.

Q15) Do you think it necessary to give authorities this power in this Bill, or should local authorities be left to rely on the 'the power to advance well-being' in section 20 of the Local Government in Scotland Act 2003?

- The power to broadcast should be given with the Bill rather than Section 20 of the Local Government Scotland Act 2003 as this would give local authorities unambiguous clear powers to broadcast information about its activities.