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**From:** Arthur R (Rhona)  
**Sent:** 23 March 2007 10:59  
**To:** Cultural Bill Consultation  
**Subject:** Draft Culture (Scotland) Bill and Statutory Guidance

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I have much please in submitting the response from the Heads of Public Library Services in Scotland. Please contact me if you require further information.

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## **Draft Culture (Scotland) Bill and Guidance Consultation Documents**

### **A response by the Heads of Public Library Services in Scotland**

#### **Overview**

The Heads of Public Library Services (HoPLS) met on 1<sup>st</sup> February 2007. Following presentations about the draft Culture (Scotland) Bill from Elaine Fulton, Director of the Scottish Library and Information Council and by Sue Selwyn, Falkirk Council on the accompanying draft Guidance, a response was drafted.

We welcome the opportunity to participate in the Scottish Executive's consultation on the Draft Culture (Scotland) Bill and accompanying Statutory Guidance. The main concern was the potential problems for services if the Bill is diluted by any changes to the accompanying statutory guidance. The nature of this legislation is to be broadly enabling and for the specific detail to be held within the guidance. This enables minor changes to be made without alteration to the baseline legislation. However, it does mean that it is crucial that the draft Bill and Guidance are both approved for the draft Bill to achieve its intended outcomes. The cultural entitlements were welcomed and there were concerns about the changes to the 1887 base legislation for libraries and the impact of trusts.

We were disappointed that there was no specific question which related to the change in library legislation and the enablement of the transfer of library services to trusts. We are concerned about the current wording of the Bill. It is the statutory responsibility of local authorities to protect and sustain library services for the public, who regard them as safe, neutral public spaces. The explanatory notes (Section 6, 18) offer the potential for local authorities to transfer libraries to individuals or organisations, which could include those with vested commercial interests, or political or religious extremists. Almost all of us are concerned about the benefits of trust status, which many of us have already explored on behalf of our local authorities, coming to the view that there are variable financial benefits for libraries, significant set-up and on-going costs and no evidence of improved service provision. Colleagues in England have transferred a small number of library services to trusts, although some have now been returned to local authority control. There is very little information about trusts and their impact on library services. There is no guarantee that the financial gains by the local authority would be returned to library budgets. Whilst there is no definition of 'adequate' within the library legislation, most of us remain concerned about the library service which could be provided by a trust without the Statutory Guidance being fully implemented.

We welcome the introduction of the Public Library Improvement Matrix which we have been developing with the Scottish Library and Information Council. The self-evaluation approach is one with which we are familiar and comfortable. We recognise the flexibility of this particular tool which we can use as a management tool and to provide benchmarking information as well as improvement plans. The incentive Fund offers us an opportunity to implement the improvement plans and to continuously develop public library services so that they are fit for the public in the twenty first century. The over-arching Quality Assurance Framework for culture will help local authorities to report on the delivery of cultural entitlements and provide a high-level view across their cultural provision.

The phrase "culture" would appear to have varying interpretations throughout the Draft Bill and Guidance which could result in a lack of understanding about responsibilities. There is a need for

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greater definition in places and more information about the way in which the powers in the Bill and Statutory Guidance will be applied by the Scottish Executive.

#### General Comments

1. *Do you think that developing local cultural entitlements will help to increase participation in cultural activities?*

We look forward to working with our colleagues locally on the development of cultural entitlements appropriate and deliverable within each of our own local contexts. The identification of cultural entitlements must be based on the strategic priorities of our local authorities and an understanding of the local aspirations for the development of culture. The success of increased cultural participation depends on a complex mix, including local expertise, consultation, planning, access, marketing and investment and not a passive "local cultural offer". Local authorities, national agencies, funding bodies and other cultural providers need to work together if this is to be successful. The cultural experience depends on sound audience development strategies, facilities which are fit for purpose, commitment of trained staff and adequate and sustained investment in place. It is our view that cultural services can contribute broadly across policy areas including the anti-social behaviour, regeneration, health and wellbeing and wider lifelong learning agendas.

Public Entitlements to public library services already exist in basic form, a right to an 'adequate' public library service, including the free lending of books for reading and study. The term 'adequate' has never been defined and we welcome the fuller clarification of this can be determined through the Public Library Quality Improvement Matrix. Equally, the legislation could have been brought up to date with new technology and free access to the Internet included.

Additional entitlements should reflect consultation with local people and be based on the core services outlined in the Public Library Quality Improvement Matrix - information, reading, learning and community participation. The Public Library Quality Improvement Matrix will provide a mechanism to monitor the successful introduction of entitlement to library services and a robust and consistent method for defining 'adequate' services through the development of benchmarks across Scottish local authorities.

2. *If you believe further or alternative measures are necessary, what are they?*

Cultural entitlements can be developed locally, drawing in entitlements suggested by agencies such as the Scottish Library and Information Council's in the Public Library Quality Improvement Matrix and creating locally important entitlements. There needs to be an evaluation of the entitlement model. The emergent quality assurance frameworks should be used to measure and monitor the impact and effectiveness of the entitlements model. It is important that the Public Library Quality Improvement Matrix, the Scottish Museums Council's framework and the developing Arts quality assurance framework are seen as a 'family' which sit within the over-arching Quality Assurance framework for culture, providing evidence of cultural planning and the delivery of entitlements within Community Planning. Community planning could be strengthened by including a separate statement on culture, not to pursue an isolationist strategy but in some authorities it would be useful to raise the profile of culture within the broad range of competing policies.

3. *How do you think the Scottish Executive and local authorities can best utilise the influence and impact of cultural activity?*

The definition of culture has caused some of the difficulty. There is still confusion over the coverage of culture and an over-emphasis on the high arts and performance. The relationship with sport and leisure services further complicates the picture. This results in more of a focus on

literature rather than reading, for example. The creative and cultural block needs to have a strong and clear identity, which feeds into other corporate strategies and is embedded in Community Planning. Local authority and community involvement is vital to developing effective cultural policy and implementing it locally.

4. *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?*

It is clear that the draft Guidance document is essential to the successful implementation of the legislation. There is still some development work which is required, adding detail and definition but it is our view that this document provides a helpful tool to base discussion round and can usefully influence the next stage.

### **Creative Scotland**

5. *Do you agree that there should be a single national cultural development body?*

The HoPLS were concerned about the creation of a single body for cultural development. It was felt that the remit of the body needed more clarity. Cultural development requires a balanced partnership to avoid a centralist approach. This federated approach will strengthen the delivery of culture. Currently, local authorities are major providers of culture, yet find it difficult to contribute to policy development and secure adequate and sustained investment. The establishment of a National Cultural Forum would help bring together the agencies and local authorities, allowing for closer links to be formed by the cultural development body and key providers of cultural activities. The forum would further confirm the status of the current advisory bodies, such as SLIC and the Scottish Museums Council, in relation to their stakeholders. The forum would also allow exchanges of information relating to the delivery of cultural entitlements.

6. *Do you agree with the remit proposed for Creative Scotland? Has it the right powers and functions?*

The remit for the body needs more clarity, in relation to roles and responsibilities. The new body has to be more consultative and accountable than its predecessors. There is, as yet, no information as to how the change will affect the distribution of lottery funding. Investment allocation needs to be fairly and transparently distributed across all providers. Whilst funding for small local projects is accessible, it is increasingly difficult to secure funding for national projects such as our successful readership development network, which require support in excess of the limited funding strands currently available. We are also concerned about the broader cultural advisory role which Creative Scotland has been given. There are a number of specific agencies who advise on areas of cultural provision, such as the Scottish Museums Council and the Scottish Library and Information Council and we feel that it would be more helpful to state that bodies covered under the Culture Bill offer advice 'in relation to their own functions and expertise'. There is a potential conflict of interest in the Creative Scotland role in terms of providing both advice and guidance as well as funding which will require transparency.

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

Creative Scotland should be working with the Scottish Executive, local authorities and national agencies to ensure that there is appropriately funded and accessible cultural provision. We are unhappy about the proposed, closer relationship between Creative Scotland and the Scottish Executive. The previous arms-length body was criticised for not being transparent, accountable and consultative enough. However, there are concerns about the ways in which the lottery funding might then be directed to support particular agendas or cultural events to the detriment of other

providers. We have particular disquiet in relation to the powers of direction if Creative Scotland is not fulfilling their functions.

### **National Collections**

8. *Do you agree that the National Collections should remain as constitutionally separate centres of excellence?*

We support the retention of constitutionally separate centres of excellence but the National Collections need to consider shared services where they can add value. We feel there is a need for over-arching standards for the preservation and maintenance of collections which are of national importance, but held outwith the National Collections. This would help to ensure that local collections of national importance are secured for the nation, as some collections are not stored in appropriate conditions.

9. *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 welcome the advice and assistance from National Collections in their specialist areas, such as preservation and archival standards. There is potential for confusion over the scope of the advisory role mentioned for the National Collections and this would be made clear by the phrase suggested in (6) above.

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

We welcome the proposed changes to the governance of the National Library of Scotland but hold no particular view over the reserving of places for the Faculty of Advocates.

11. *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?*

Consideration should be given to the way in which local authorities might be helped to get access to items of local interest which are held nationally. For example, if items have been removed from local storage because of concerns about the standards of local storage, the authority cannot easily reclaim items should conditions change. It would be helpful for an exchange agreement, which appropriate safeguards for the long-term preservation of the items, to be established. The Scottish Arts Council has a collection of arts and cultural items, some of which is at Manor Place, which has been built up over the years including the archive of Scottish material which has received Scottish Arts Council funding. We would like to see protection for these collections and plans for public access put in place.

12. *What do you think of the name 'National Record of Scotland'?*

Whilst we accept that this is shorter title than the previous body's, we think it could easily be confused with the National Archives of Scotland and feel it does not adequately articulate the range of functions and expertise of the body. There is a lack of recognition in both the names 'Creative Scotland' and 'National Record of Scotland' that other partners contribute considerably to cultural provision and heritage.

### **Tainted Cultural Objects**

13. *Do you agree that an offence similar to that in the 2003 Act should be introduced in Scotland?*

The proposal would bring Scotland into line with the rest of the UK and that is good, however, the definition needs further explanation. There might need to be a period of grace to facilitate compliance.

## **Broadcasting**

14. *Do you agree local authorities should have a general power to broadcast information about their activities?*

We agree that it is helpful for local authorities to have powers to broadcast information relation to their functions and activities, across both the airwaves and the Internet. There are already broadcasting projects such as North Lanarkshire's iDTV (interactive digital television), which promotes lifelong learning, and Prime Space tv, which promotes local services.

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

Whilst the Local Government (Scotland) Act 2003 would offer enablement in legislation, we are of the view that it would be better to express the powers to broadcast explicitly in the Cultural legislation.