

Response to the Draft Culture Bill (Scotland) 2006.

From Bryan Beattie, Director, Creative Services Ltd

General

1. I welcome the opportunity offered by a Culture Bill for Scotland. It should be a key, but not sole, part of the approach to creating an environment of greater opportunity for citizens of this country to become more aware of, and involved in, cultural and creative activity.
2. The legislation's main constituent parts are a consequence (primarily) of a three-year development period: the First Minister's 2003 St Andrew's Day speech outlining the Executive's aspirations for culture; the subsequent consultation of the cultural community and deliberations on delivering these aspirations by the Cultural Commission; and the Scottish Executive's response to this (outlined in *Scotland's Culture*). There is potential for some slippage of the original aspirations in that 3-year journey, and I do not believe the draft Bill is as forceful as it needs to be to fully reflect those initial ambitions.
3. There are many clear and excellent examples of good working practice in the accompanying Draft Guidance for Local Authorities. In many cases the Bill would be greatly enhanced and strengthened by their direct inclusion in it.

Breadth of Approach

4. The legislation deals with the provision of cultural activity by the public sector. This sector makes a crucially important intervention in the creation of a healthy cultural environment. However, the nation's culture is practised and participated in, and provided and evolved daily, by a much broader spectrum of society – particularly the voluntary and private sectors. Developing the environment of opportunity for culture in Scotland requires all three sectors to be engaged, and encouraged to share an integrated approach. The draft Bill does not attend to this sufficiently.
5. The Draft Guidance accompanying the Bill is for Local Authorities. The guidance is good and encapsulates much of what was intended, and arose, from the discussions undertaken by the Cultural Commission. It should not, however, be limited to local authorities – it should be extended to all public bodies in Scotland. This would underline the First Minister's unequivocal resolution that culture should be seen as the responsibility of all Executive departments as well as a fully integrated element of public life¹. The Bill should include this extended requirement.

¹ A useful model for its implementation may be Bòrd na Gàidhlig's rolling programme requiring 8-10 specified public bodies per year to develop a strategic plan for Gaelic in line with national policy and with the Bòrd's support and guidance.

Cultural Planning

6. The emphasis on 'cultural planning' is very welcome, as is its aspiration to place cultural activity more centrally within the local authority's planning process generally. The term, however, does not yet have a commonly understood meaning, or shared interpretation. The Guidance offers a helpful explanation and the principles outlined in 1.14 should be included in the Bill itself to give clarity of direction to what is expected from the cultural planning process.

Entitlements, Standards and Monitoring

7. The introduction of cultural 'entitlements' is very welcome. The Bill should be clear about whose responsibility it is to ensure they are created (i.e. the local authority), but also who should be participant in their creation, this latter should be a broad coalition of local cultural interests and perspectives (including representation from the voluntary and private sectors) coordinated by the responsible local authority.
8. I welcome the proposed expectations of Ministers (Annex 2) in expecting Historic Scotland and the National Collections bodies to contribute towards developing entitlements. I believe this expectation should be a responsibility and should be referred to as such in the Bill.
9. The development of national standards to act as a guide for the creation of local entitlements is also welcome. The Bill should specify who has the responsibility for ensuring the standards are created and monitored (i.e. a relevant national agency such as SLIC or SMC), and also who should be participant in their creation – this latter should be a broader coalition of interests and perspectives (including representation from the voluntary and private sectors) coordinated by the responsible national agency.
10. Although public bodies should be expected to introduce their own system of evaluation and peer review, an independent body should have responsibility for periodically monitoring the creation and continuing relevance of standards and entitlements, and for the effectiveness of their implementation. This responsibility should be specified in the Bill and could lie with an existing body, rather than require the creation of a new one.

Creative Scotland

11. The creation of a new body to help stimulate and support cultural and creative activity in Scotland is very worthwhile – but only if it is likely to be demonstrably more effective than the current organisational infrastructure. Creative Scotland as it is currently proposed could well become more administratively efficient than the two bodies it replaces, however its emphasis on development rather than grant distribution is reflective of how the two organisations currently operate. It is therefore not easy to determine what added value the proposed new body will bring to the creation or cohesion of cultural opportunity that already exists in the country. To do so more effectively the new body should include responsibility for the two other major aspects of cultural activity in Scotland, Heritage and Libraries: at an organisational level the new body would then incorporate Historic

Scotland and the National Collections bodies, and should involve discussions with SLIC and SMC about their possible inclusion. The Bill should be amended to allow for the creation of this broader-based new body. If Creative Scotland is not broadened in this way then a new national forum should be created which does bring together the sectors and national bodies with responsibility for the range of culture outlined above, to develop and monitor national cultural strategy. The creation of this body should be specified in the Bill.

12. The governance of Creative Scotland should reflect, as far as possible, the range of constituencies of interest involved in its operation, including representation from the voluntary, private and academic/professional training sectors. This range of representation should be specified in the Bill.

National bodies

13. The commitment to review the criteria by which 'national' companies are assessed, and the 'national' title earned, is welcome – particularly the wish “...that national provision should literally mean national – not simply as excellent but remote assets, but as accessible resources which all Scotland can enjoy”. With that aspiration in mind I do not believe that the current national performance companies should be treated differently from other performing arts companies in Scotland. They should retain their connection with SAC or its proposed successor, and not be funded direct from the Scottish Executive. The Bill should be amended to reflect this.

Relevant to, but outwith the scope of, the Bill

14. I understand, although I do not share, the reasoning behind not including specific reference to cultural rights in the Bill. The rights were originally intended to be as much as a public affirmation of intent and commitment by the Executive towards cultural opportunity and activity, as a means of providing context for creating specific national standards and local entitlements. If the Bill is not to include reference to rights then the Parliament should consider introducing another means of publicly stating the country's acknowledgement of the centrality and importance of its cultural activity and creators.
15. Legislation alone will not be enough to effect the sea-change in cultural provision and attitudes to cultural activity that the First Minister, and many others, wishes to see. This will require, amongst other things, a gradual shift in resource allocation, appropriate delivery structures, independent advocacy and debate, and a fully engaged academic and professional training sector. Although the Scottish Executive may not have direct responsibility in all of these areas it does have the ability to shape and influence them, and that will be a valuable and necessary contribution requiring ongoing Ministerial commitment and civil service capacity.

Bryan has been the Director of Creative Services, a cultural consultancy practice based in Scotland, for 15 years. He has been an Arts Development Officer with local government, and an elected member of a local authority where he served as Chair of its Culture and Leisure Services. He has been chairman of Scottish Youth Theatre and Eden Court Theatre, and a board member of Scottish Screen. He has written and performed for stage, radio and TV for 25 years. He was Expert Adviser to the Minister of Culture from 2003-2005 and a member of the Cultural Commission's secretariat.