



## **Scottish Arts Council and Scottish Screen Response to the Consultation on the Draft Culture (Scotland) Bill 2006**

*The creativity of Scots – from the classroom to the boardroom – is the edge we need in a competitive world. Our duty as an Executive is to create the conditions that allow that creativity to flourish – whether in arts, sciences, commerce or industry...*

*Culture should be for the many not the few. And the few must not be the only ones to experience or create the most brilliant productions or the most outstanding works of art.*

**First Minister, Jack McConnell, 2003**

### **1. Introduction**

- 1.1 The publication of this Bill marks a significant moment in our nation's history. We have never had an opportunity to make a new law, placing creativity at the heart of our national life and well-being. Of course, we welcome it! If we get it right, it will create the vision, structures and the framework which will enable present and future generations of Scots to develop their innate creativity. Scotland will reap the benefits in the dawn of a new enlightenment of creative producers – artists, musicians, filmmakers, inventors, designers, architects, entrepreneurs amongst them – enriching the lives of the Scottish people, creating confidence, jobs and a new prosperity.
- 1.2 We share the Bill's ambition for a new body that provides leadership, authority and inspiration across the creative landscape. Creative Scotland can play this role by becoming the national development agency for the creative sector. It will do this through leadership and facilitation, by seeking influence and national impact through strategic partnerships and by becoming the authoritative voice on all aspects of creativity. It will nurture ambition, value risk and innovation, and aim to serve the whole country and all its communities.
- 1.3 To succeed in bringing this about we must first recognise that creativity is not an easily governable commodity, or even a service like health or education. At its heart are inspiration and imagination, and the mystery of the creative process. As a grown up democracy we must acknowledge the value of arts and culture, for the beauty, excitement and happiness they bring. We, by implication, must respect and celebrate the individuals who are at the heart of the creative process - the artists, producers, performers, entrepreneurs and visionaries who are our creative life blood.
- 1.4 The wider value and benefits of creativity to learning, enterprise, the economy, health and well-being, tourism and community renewal, are increasingly well documented. The time is right to take a more holistic approach – it is this we believe should be a key driver for the new body Creative Scotland.

1.5 The First Minister's St Andrew's Day speech in 2003 lit a touch paper to the aspirations of the cultural and creative community in Scotland, igniting hopes that culture and creativity would be integral to our developing national confidence and success, and a universal right. This Bill must not dampen those aspirations – it must deliver them.

## 2. Creative Scotland

2.1 Part 2 of the Bill makes provision for the establishment of a new body, Creative Scotland. Creative Scotland will be the national development agency for the cultural and creative sector in Scotland. We would **endorse** the functions identified for Creative Scotland in the Bill:

- 1 Promoting an understanding, appreciation and enjoyment of the arts and culture
- 2 Identifying and developing talent
- 3 Supporting and developing excellence
- 4 Realising the value and benefits (in particular the economic value and benefits) of the arts and culture
- 5 Increasing access and participation in the arts and culture

2.2 We also agree that Creative Scotland should fulfil an information and advisory role to Scottish Ministers, and the wider cultural community. We would argue, however, that to be fully effective, Creative Scotland needs to **go further** than the functions described above. It must be empowered to play the **lead** strategic role in the development and delivery of the vision for creativity and culture – in their widest definitions – across Scotland. It must become creativity and culture's champion, and provide a national and international overview and co-ordination of key initiatives.

### 2.3 Creative Scotland and the Creative Industries

2.3.1 Creative Scotland will have a new role in relation to the creative industries, encouraging the natural synergy between the public and commercial sectors to blossom. The creative industries have a value and a unique set of opportunities and needs not always fully recognised or supported by traditional economic development structures. We believe Creative Scotland **must** be the leading development agency for the creative industries in Scotland and that the Bill should reflect this.

2.3.2 The creative industries are those which have their origin in individual creativity, skill and talent, and which have a potential for wealth and job creation through the generation and exploitation of intellectual property. They include such activities as: film, music, publishing, literature, craft, designer fashion, computer and gaming software, television, advertising and radio. Due to the diversity and range of these industries their support through the Scottish Executive's present development agencies is fragmented – **Creative Scotland's leadership role will allow it to** rectify this situation based on the successful partnership working established between both Scottish Arts Council and Scottish Screen with Highlands and Islands Enterprise. This may offer a model of cooperation that could be the template for taking this forward across Scotland for the benefit of this important creative and economic sector.

2.3.4 *The creative industries in Scotland generate £5 billion each year, contributing 4% to Scottish GDP. They employ 100,000 people, up to 6.7% of all Scottish jobs, a greater proportion than anywhere else in the UK, outside of London. The creative industries sector is set to grow by nearly a third in the next three years, increasing Scottish exports by 15%.*

[Refs: <http://www.scotland.gov.uk/Topics/ArtsCulture/CreativeIndustries/FactsFigures>.]

## 2.4 Creative Scotland and the Scottish Executive

2.4.1 The proposed relationship between Creative Scotland and the Scottish Executive is crucial to delivering the nation's ambitions as outlined by the First Minister in 2003.

2.4.2 We believe that Creative Scotland should '**work in concert**' with the Scottish Executive to implement national cultural policy, but that **greater clarity is required** on how this will work in practice.

2.4.3 Present unease stems from **a lack of clarity** in the draft Bill about what difference new 'directions' would make in practice. Legislation needs to protect cultural and creative practitioners and organisations now and in the future from unwarranted political intervention, which might not always favour support for the arts and culture. We understand that the power to issue 'directions' is usual practice in establishing a new statutory body, but we are unclear what they might entail in practice. The Bill needs to be **explicit** in its intentions; we believe:

- Creative Scotland should take the strategic lead on creative and cultural policy for Scotland
- those matters of artistic, creative or cultural content should be exempt from directions.

## 2.5 Creative Scotland and Local Authorities

2.5.1 Part 1 of the Draft Culture (Scotland) Bill describes the intended functions of Scottish local authorities in relation to cultural provision.

2.5.2 We fully recognise the pivotal role of local authorities in supporting creative individuals and the creative sector. We have well established partnerships with local authorities both at a national level, through COSLA and VOCAL, and with individual local authorities through our funding relationships with key organisations and development programmes such as support for regional film screenings, Creative Links, Cultural Co-ordinators and the Youth Music Initiative.

2.5.3 Local authorities **will be crucial to enabling** creativity to flourish at local level throughout Scotland.

2.5.4 Creative Scotland will build constructive partnerships with Scottish local authorities, highlighting how, by working together, we can best serve the cultural and community planning agenda. The current consultation provides an invaluable opportunity for local authorities to clarify their expectations of Creative Scotland and **we would welcome that feedback**. The Bill makes reference to a new Scottish Executive power to collect information on cultural provision from local authorities. This is an area where the proposed role of Creative Scotland, as the intended information and advisory body, could again be helpfully more clearly articulated.

2.5.5 The reference to 'standards' also needs further clarification. Our view would be that the most effective role that Creative Scotland can play is an enabling and supportive role, building on our present work in quality and artistic evaluation. This approach does not prescribe detailed standards, but would try to address and promote standards in cultural planning. Key to this is the encouragement of high quality provision that is artistically ambitious for the people it serves. This emphasis on quality provision throughout the country is essential but we believe will present capacity issues for both the local authorities and Creative Scotland.

## **2.6 Creative Scotland and the National Performing Arts Companies**

2.6.1 *Scotland's Culture* outlines new arrangements for the future direct funding by the Scottish Executive of the national performing arts companies. Less clear are their proposed roles in relation to the wider arts community and the provision and development of entitlements.

2.6.2 It will be important, as the new cultural infrastructure of Scotland develops, to build partnerships and to avoid 'segmentation' of cultural bodies to ensure that all contribute to a richer creative landscape.

2.6.3 We therefore suggest:

- that the criteria and process planned for awarding and monitoring 'national' status be clarified
- the Bill provides an opportunity for the development of new memoranda of understanding between Creative Scotland and the national companies
- that Creative Scotland should act as broker for the establishment and development of a national cultural forum involving the national companies and the wider arts and cultural sector
- that Creative Scotland will be well placed to provide specialist advice in the field of artistic evaluation to the national the companies.

## **2.7 Creative Scotland and other national cultural organisations**

2.7.1 Creative Scotland will replace the Scottish Arts Council and Scottish Screen, however national cultural development bodies will continue to exist in the museum, gallery and library sectors. The Culture Bill **must express** Creative Scotland's relationship to other national cultural bodies. Creative Scotland's role should be developed in partnership with the other national cultural agencies, to articulate clearly remits for the:

- development of cultural policy in Scotland
- mapping of cultural provision nationally
- development of national standards.

## **2.8 Creative Scotland and UK-wide organisations with cultural and creative development responsibilities**

2.8.1 To support its leadership role Creative Scotland should build on or establish relationships with UK-wide organisations including: Ofcom, the UK Arts Councils, Visiting Arts, the UK Film Council, the BFI, UK Crafts Council, LOCOG, the British Council, NESTA and public service broadcasters (including the BBC and Channel 4). Creative Scotland's role should be to ensure that Scotland's creative profile is recognised and maximised in UK forums ensuring appropriate budget allocations and equitable treatment.

## **2.9 Creative Scotland's International role**

2.9.1 Scotland's international profile and future prosperity can be hugely enhanced by creative companies and artists working internationally. Creative Scotland should provide advocacy, advice and support services to ensure the best of Scotland's talent is able to build and act on international opportunities. This again should be delivered through key partnerships with the Scottish Executive, British Council and UK Film Council.

2.9.2 Creative Scotland should also act as a focus for attracting creative individuals and businesses to Scotland from abroad maximising opportunities for international partnership, performances and productions in Scotland.

## **3. Entitlements**

3.1 The Draft Culture (Scotland) Bill and its associated guidance break new ground in the opportunities presented to develop and deliver entitlements to culture. We perceive that the proposals, if properly legislated, could result in the following benefits:

- greater involvement of local communities in cultural and community planning
- better promotion of cultural activity, attuned to audiences, with the potential to increase participation
- a flexible delivery mechanism, which is responsive to local needs
- creation of a platform to raise the profile of culture in local authorities
- potential to map cultural provision across Scottish local authorities and to link to outcomes.

3.2 However, we share concern about the effectiveness of the proposed Bill and guidance. The Bill will replace the current legislation, which requires local authorities to make unspecified 'adequate cultural provision'. While local authorities are encouraged but not required to take account of the guidance, our concern would be that there remains a danger of inadequate and inconsistent application across different parts of Scotland. We share the feeling of much of the arts community that this aspect of the Bill does not go far enough to improve current inconsistencies in provision across Scotland and does not provide local authorities with any incentives to adopt the guidance or to enhance provision.

3.3 Further, concerns have been voiced in some quarters as to whether local authorities currently have the skills and capacity to adopt this new way of working. The guidance could helpfully be enhanced by training plans and other tool kit resources. The guidance should also be augmented to encourage and recognise partnership working between local authorities on joint cultural projects and provision.

- 3.4 The Bill will ask local authorities to report on the delivery of their services in a consistent way, using a new quality framework. Importantly, **the Bill needs to clarify exactly** where the responsibility for development of quality frameworks will lie: at present this appears to be seen as a shared role across a number of agencies and lacks a national overview.
- 3.5 We believe that an effective quality framework should also provide mechanisms for assessing the quality as well as the quantity of provision – recognising the contribution of those local authorities who support national and international working.
- 3.6 More specifically we fear, as do those affected, that the 'community based' sector may fall between the lines of national and local responsibility. This is a sector which has suffered from a lack of sustainable funding, yet they have been at the forefront of cultural rights and entitlements before these terms were adopted. *The Bill must tackle the inconsistency between local provision and national aspiration*, however, it may be impractical and inappropriate to support this directly through Creative Scotland, but already stretched local authority resources are similarly under pressure. We would **welcome guidance on where responsibilities lie**, and how the capacity issue will be tackled. Our vision is that Creative Scotland has a role in supporting such activity at a strategic level, for example in research and information gathering, while this type of work is also at the heart of the lottery ambitions in relation to public benefit.

#### 4. Conclusion

- 4.1 The joint board of Scottish Arts Council and Scottish Screen believe Creative Scotland should play a lead role in:
- 'Blue sky thinking', which informs and develops national cultural strategy
  - developing and delivering a vision for a 'creative Scotland'
  - enabling and facilitating creative individuals and creative businesses to fulfil their potential – from school through to international recognition
  - developing national frameworks, promoting and developing quality models that reflect the creative sector and monitoring the outputs
  - collating, piloting and disseminating information on good practice across all art forms, creative practices and the public's engagement in culture
  - providing a central source of expert knowledge on creative industries policy and development
  - enabling and facilitating cultural and community planning through supportive yet dynamic relationships with local authorities
  - coordinating and building beneficial relationships and partnerships between diverse stakeholders in the creative sector in Scotland, the UK and internationally.

**Scottish Arts Council and Scottish Screen**  
**31 March 2007**