

## CREATIVE SCOTLAND BILL

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The Creative Scotland Bill follows a lengthy process of consultation and consideration of the vision and governance structure for cultural policy in Scotland firstly through the work of the Cultural Commission and later through consultation on the previous administration's draft Culture (Scotland) Bill. This paper considers the findings of these previous exercises insofar as they relate to the Bill prior to considering the content of the Bill as introduced.

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## INTRODUCTION

The Creative Scotland Bill [hereafter the Bill] was introduced in the Scottish Parliament on 12 March 2008. The Education, Lifelong Learning and Culture Committee has been designated as the lead Committee on the Bill. The Bill seeks to establish a new cultural development body called 'Creative Scotland' which will take on the functions currently exercised by the Scottish Arts Council and Scottish Screen. In addition, the new organisation will be expected to "champion the benefits of creativity across the public sector, to business and to society as a whole" (Policy Memorandum, p.2). The Policy Memorandum, which accompanies the Bill, summarises the proposed general functions of Creative Scotland as being to:

- "Promote understanding, appreciation and enjoyment of the arts and culture in all sections of society
  - Identify, develop and support talent and excellence in the arts and culture
  - Work to make real and bring to fruition the value and benefits of the arts and culture, and
  - Support activities which involve the application of creative skills to the development of products and processes"
- (Source: Policy Memorandum, p.2)

The Bill and its accompanying documents can be accessed online at:

<http://www.scottish.parliament.uk/s3/bills/07-CreativeScotland/index.htm>

The Bill follows a lengthy process of consultation and consideration of the vision and governance structure for cultural policy in Scotland, firstly through the work of the Cultural Commission and later through consultation on the previous administration's draft Culture (Scotland) Bill. This paper considers the findings of these previous exercises insofar as they relate to the Bill prior to considering the content of the Bill as introduced.

## CULTURAL COMMISSION

The Cultural Commission was established by the Scottish Executive in April 2004 to conduct an independent review of cultural policy, with a wide ranging remit including the consideration of cultural rights and entitlements, the responsibilities of public sector agencies, guidance for the private and voluntary sectors and an assessment of the institutional infrastructure of the sector. Full details of the remit of the Cultural Commission (Scottish Executive, 2004) are available at: [http://www.culturalcommission.org.uk/cultural/cc\\_display\\_plainab7e.html](http://www.culturalcommission.org.uk/cultural/cc_display_plainab7e.html)

The Cultural Commission report (Cultural Commission, 2005) made an extensive range of recommendations in line with the extensive remit it had been given. In terms of the institutional infrastructure of the sector the report recommended:

"...the establishment of a new development agency 'Culture Scotland' to bring together all parts of the cultural sector and act as a strategic planning hub, and also a second body, 'Culture Fund', to operate a development fund and foster enterprise within the cultural sector" (Policy Memorandum, p.3).

The Scottish Executive response (2006) to the Cultural Commission, termed '*Scotland's Culture: Scottish Executive Response to the Cultural Review*', was published in January 2006 and is available online at:

<http://www.scotland.gov.uk/Publications/2006/01/18091052/0>

The Scottish Executive rejected the proposals of the Cultural Commission with regard to the institutional architecture of the cultural policy in the following terms:

“The Commission presented its preferred option in its report. Its remit was to consider how to achieve Best Value from existing resources; Ministers are determined that funding committed to culture should be focussed on delivery and not on unnecessary administration and bureaucracy. For those reasons, Ministers do not favour the Commission’s recommendation, noting also that few cultural bodies and commentators appear to support that model” (Scottish Executive, 2006, p.28).

The Scottish Executive response introduced the proposal to create a new body, to be named ‘Creative Scotland’, for the first time and outlined in some detail the proposed role for the organisation. This is reproduced in table one below.

<b>Table One – Proposed role for Creative Scotland</b>
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<p>The new agency, Creative Scotland, will have a pivotal role in developing talent and to link the 'life stages' of the escalator. The body will require Non-Departmental Public Body status - providing the appropriate relationship to the Executive to allow it to act as Arts, Screen and Awards for All Lottery distributor. It will have a remit that includes:</p>
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| <ul style="list-style-type: none"><li>• development of talent and excellence in all branches of the arts and screen industries;</li><li>• promoting effective sector networks of nationally-important bodies - to enhance the role and prominence of Scotland's literature and publishing, developing that sector's links into schools;</li><li>• supporting nationally-important arts bodies (see below);</li><li>• supporting the creative industries, developing a new strategy to guide that function (see below);</li><li>• offering business advice and investment services (such as soft loans for activities like publishing);</li><li>• drafting and dissemination of national advice on such matters as - national standards (produced in consultation with relevant sectors), building the voluntary sector, private sector sponsorship approaches, skills for arts organisations, promoting diversity, access and inclusive audience development practice (focused on all sections of the population, including older people), and the role of the arts in wider policy settings such as regeneration, communities, health, justice and development;</li><li>• links with education - other than administration of the schools' co-ordinator programmes which, once the new teams are established, will be the subject of discussion with the Convention of Scottish Local Authorities regarding a possible transfer of responsibility to local authorities;</li><li>• evaluation and monitoring;</li><li>• research;</li><li>• international engagement - liaising on strategy and programming with the Executive's cultural and international policy teams, the National Collections bodies, the national performing arts companies and organisations like the British Council-Scotland, in order to maximise impact;</li></ul> |
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- promoting national and international recognition of Scotland's talented artists; and
- development and administration of schemes to recognise/reward excellence, as mentioned above.

Creative bodies working in all art forms, and significant initiatives and events such as festivals, could continue to have their core costs, venues and qualifying projects supported from national funds at the discretion of the agency. The agency will exercise its judgement about whether organisations merit national funding, based on their record for delivering high quality artistic standards, developing talent and their national impact. That is compatible with the agency's responsibility for supporting and developing artistic excellence. The Scottish Arts Council's work to develop performance criteria for the sector, based on skills development and sustainability, should provide a good template for handling applications. The scope of the agency's funding role will therefore contribute towards ensuring that a network of centres of excellence is maintained as a pan-Scotland resource. Nationally-important arts bodies supported by the agency will be expected to provide outreach activity to demonstrate their national credentials.

The Executive agrees with the Commission's view that 'creative industries' is a broad and not always helpful term covering an enormously wide range of sectors and one which does not properly reflect the large proportion of self-employed individuals and micro-businesses in these sectors. The Commission recognised some of the recent work undertaken by the Enterprise Networks, the Scottish Arts Council, Scottish Screen and others to support the creative industries in Scotland, such as the roll-out of the Creative Enterprise Offices from Glasgow to Edinburgh, Dundee and Aberdeen. However, the Commission did not seem to be aware of the full range of existing activity, such as the work of Skillset - the sector skills council for the audio-visual sector - and Creative and Cultural Skills - the sector skills council for advertising, crafts, cultural heritage, design, music, performing, literary and visual arts.

By amalgamating relevant support functions delivered by the Scottish Arts Council and Scottish Screen, the new infrastructure is intended to strengthen national assistance to the creative industries sector. The Executive does not, however, think that some of the Commission's recommendations focusing on the creation of new organisations, such as a National Creative Industries Sectoral Council or a new body to provide financial advice and services, are necessary given the existing range of players. But we do agree that the Commission was right to highlight the current lack of clarity about the roles that central Government, Scottish Enterprise, Highlands and Islands Enterprise, the cultural organisations, local government, schools, the higher and further education sectors, the sector skills councils and industry bodies have, in relation to assisting the creative industries in Scotland to thrive.

Scotland's creative industries sector is a real success story - a tribute to the nation's long-established talent for innovation and entrepreneurial skill, which also contributes significantly to the economy. The Executive is determined to create the right conditions for the sector to maximise its potential. Building on the benefits of the new infrastructure, we will assess the extent to which there are gaps in the current enterprise support services for the creative industries - including contemporary music - which agencies should provide those services, and whether the services could be provided in a more cost-effective manner. This could include consideration of a transfer of functions and funding between Scottish Enterprise and the agency, or a specific new role for Scottish Enterprise in its services to the sector.

The new agency will operate within a national policy framework set by Ministers as a key delivery partner of the Executive. Clarity is essential regarding that strategic relationship, to address comments raised by sectoral interests when consulted during the Scottish Arts Council's last quinquennial review. Total discretion, however, would vest in the agency

regarding its artistic, professional judgements and funding decisions.

Scottish Executive (2006) p.33-35

The Policy Memorandum contains the following rationale for the Scottish Government's decision not to adopt the approach suggested by the Cultural Commission, but rather to establish a single cultural development body:

“Such an approach appears to the Government to be feasible, but undesirable. Ministers in general wish to avoid a further proliferation of new public bodies. They also believe that a single body will be well placed to fulfil each of the functions intended for Creative Scotland, and that it would be desirable for these objectives to be pursued in an integrated fashion. Further, they believe that Creative Scotland, with its broad responsibility for the arts and culture in Scotland, will be well placed to act as focal point for the development of cultural policy and strategy, while recognising – of course – that there are a range of other public, private and voluntary bodies that will also have a role to play in developing thinking and proposals. Ministers therefore propose to task Creative Scotland, as a single body, to carry out all of the functions of a national cultural development body” (Policy Memorandum, p.3).

## **DRAFT CULTURE SCOTLAND BILL CONSULTATION**

A consultation on the *Draft Culture (Scotland) Bill* was launched on 14 December 2006 (Scottish Executive, 2006). A copy of the consultation document can be accessed at:

<http://www.scotland.gov.uk/Publications/2006/12/14095224/0>

The consultation focused on a broader range of issues than is contained in the current Bill, including the following:

- Whether to reform legislation regarding local provision of culture in order to encourage local authorities to develop 'local cultural entitlements' as a part of cultural planning
- Whether to change the governing legislation of the National Collections in order to update their functions and encourage joint working
- Proposed changes to legislation in relation to 'tainted' cultural objects
- Provide local authorities with a power to broadcast, as well as publish, information about their functions

Of most relevance to the Creative Scotland Bill is the proposal within the consultation document to establish a new public body, Creative Scotland, to be Scotland's national cultural development body. The previous Scottish Executive considered that it would be more efficient to have one public body to cover all aspects of the arts, screen industries and creative industries. The consultation highlighted the main responsibilities of the proposed body as being to:

- “Promote understanding, appreciation and enjoyment of the arts and culture to people in Scotland, and will in particular seek to increase the number and diversity of people accessing and enjoying them
- Identify, support and develop talent and excellence in the arts and culture
- Seek to realise the benefits of the arts and culture, and
- Help to support the success of the creative industries”  
(Scottish Executive, 2006, p.6)

With regard to the relationship between Creative Scotland and Scottish Ministers the consultation document commented that:

“Because of its strategic role in delivering cultural policy, Creative Scotland will have a close relationship with Ministers. Ministers will look to Creative Scotland to provide them with advice about cultural policy and its impact. It will play an important role in helping Ministers to guide local authorities in providing local cultural entitlements, and by contributing to the guidance and quality assurance framework that Ministers will give to authorities. The organisations and projects that Creative Scotland will support will also be able to contribute to local entitlements and cultural planning activity.

The draft Bill also includes a power for the Scottish Ministers to give directions to Creative Scotland which they must follow. The purpose of this proposal is to ensure that Ministers and Creative Scotland pursue a consistent strategy. It is not designed and Ministers will not use such powers to intervene in the decisions of Creative Scotland that are essentially about artistic judgement, like which theatre companies or films are considered good enough to be awarded funding. Ministers remain strongly committed to the principle that decisions of this kind should not be taken by them. (Scottish Executive, 2006, p.7).

In addition it was proposed that Creative Scotland would:

- Consist of a minimum of 8 and a maximum of 15 members appointed by Scottish Ministers (one of whom was to be appointed by Scottish Ministers as Chair)
- Be required to appoint a chief executive on terms and conditions approved by Scottish Ministers
- Have a range of powers to pursue its remit, including the power to make grants and loans, offer guarantees and publish information and advice
- Work in concert with the national collections, national performing companies, other national bodies, local authorities and other Scottish and UK bodies with responsibilities in this area
- Distribute National Lottery funds

## **CONSULTATION RESPONSE**

A report of responses on the Scottish Executive’s consultation (Scottish Executive, 2007) was published in August 2007. In total there were 212 responses to the Bill. With regard to the questions specifically relating to establishing Creative Scotland, the responses to the quantitative questions asked are set out in Table 2.

<b>Table Two – Responses to the Consultation Questions on Creative Scotland</b>	
<b>Do you agree that there should be a single national cultural development body?</b>	
Agreed	87 (63%)
Disagreed	15 (11%)
No strong views expressed either way or did not answer the question	35 (26%)
Total Number of respondents	137 (65% of all respondents to the consultation)
<b>Do you agree with the remit proposed for Creative Scotland? Has it the right powers and functions?</b>	
Agreed	27 (27%)
Disagreed	3 (3%)
Other comments	71 (70%)
Total Number of respondents	101 (48% of all respondents to the consultation)
<b>Do you agree that Creative Scotland should work in concert with the Scottish Executive to implement national cultural policy?</b>	
Agreed	78 (76%)
Other comments	24 (24%)
Total Number of respondents	102 (48% of all respondents to the consultation)
Scottish Government (2007)	

In terms of the qualitative responses, the main messages to emerge from the consultation are summarised in Table Three.

<b>Table three – Draft Culture (Scotland) Bill consultation: main findings</b>
<p>The guiding principles for local cultural planning and entitlements attracted support; some strengthening of the proposals was sought by consultees, to encourage greater impact and ambition. Respondents from the cultural community and their representatives, in particular, commented that the draft Bill failed to capitalise on the vision which they believed had inspired it.</p> <p>A range of commentators were pleased that culture was attracting prominence, but also looked for the kind of policy framework proposed by the Cultural Commission, focused on cultural rights or headline objectives/national entitlements, to guide implementation and fix a prominent position for culture at national level.</p> <p>The local authorities generally gave a warm welcome to the package - they believed the legislation could serve to increase the profile of local delivery and the ability of culture to meet a wide range of key objectives. They also welcomed proposals for a strategic Quality Assurance Framework.</p> <p>A strong view from the local authority sector sought effective measures to ensure tangible commitment by community planning partners to cultural planning and entitlements.</p> <p>Consultees believed that new resources were required to support arrangements for implementation and delivery of cultural planning and entitlements.</p> <p>Some respondents looked for a more strategic approach to partnerships between the national and local levels (embracing all culture sectors) and questioned whether the existing local infrastructure was equipped to deliver this agenda.</p> <p>Consultees were predominantly in favour of establishing Creative Scotland, though a significant number wanted clarification of its remit and role within the sector.</p> <p>A strong view from respondents was that the Ministerial power of direction should not interfere</p>

with the 'artistic judgement' of the new body, and that the so called 'arms length' principle should not be diminished.

Consultees were also concerned about the proposal for Creative Scotland to have a particular responsibility to pursue the economic benefits of the arts and culture. A considerable number believed that this would diminish the importance of 'art for arts sake'.

Clarification was sought on how Creative Scotland would work with existing advisory cultural bodies and avoid duplication of work.

A number of respondents argued that particular groups and types of person should enjoy allocated places on the board of Creative Scotland.

Respondents sought reference to 'artists' and a definition of 'culture' in the draft Bill.

Respondents were mostly in favour of the national collections remaining as constitutionally separate centres of excellence.

Respondents largely agreed that the powers and functions proposed for the collections were broadly correct.

There was a majority in favour of the Faculty of Advocates having a place on the board of the National Library of Scotland.

The majority of consultees agreed that the collections have the appropriate powers to obtain, loan and dispose of objects for or from their collections, although there were a number of detailed comments and suggestions about these proposals might be further improved.

A significant number of consultees felt the name 'National Record of Scotland' was confusing and did not adequately describe the activities of the body.

A considerable majority of respondents agreed that an offence similar to that in the Dealing in Cultural Objects (Offences) Act 2003 should be introduced in Scotland.

Respondents were generally in favour of local authorities having general powers to broadcast about their activities, and felt generally that explicit provision should be made on this issue.

Source: Scottish Government (2007) p. 3-4

## **CREATIVE SCOTLAND BILL**

### **BACKGROUND TO THE BILL**

In November 2007 the Minister for Europe, External Affairs and Culture, Linda Fabiani MSP, made a statement to the Parliament on the Scottish Government's legislative intentions with regard to cultural policy. In the statement the Minister stated that the only area, at this stage, in which legislation would be brought forward would be with regard to the establishment of Creative Scotland. The remainder of the issues which had been consulted upon would not be contained in the Bill for the following reasons:

“I now turn to the remainder of the previous draft culture (Scotland) bill. I thank those who took part in the consultation on it. The draft bill proposed to reform the governance of our national cultural collections. There is merit in keeping the legislation up to date with modern practice, but I prefer first to assess how the present structures work.

The draft bill included proposals to give local authorities a power to broadcast information. I can see an argument for adding to the powers of local authorities, but there is already scope for local television to be licensed by the Office of Communications—Ofcom—so, at the moment, we do not see that as a priority.

Likewise, I do not propose to change legislation on local museums and libraries. Although it is old, I am content that it still provides for a strong local service. I do not propose to legislate now to extend the Dealing in Cultural Objects (Offences) Act 2003 to Scotland. The Government is sympathetic to the purposes of that legislation, but I am aware that the United Kingdom Government is considering improvements, and it would be prudent to take account of that work. Should a suitable opportunity arise in our legislative programme, we will consider progressing that”.

Source: Scottish Parliament Official Report, 7 November 2007, Col. 3075:  
<http://www.scottish.parliament.uk/business/officialReports/meetingsParliament/or-07/sor1107-02.htm#Col3072>

The Minister outlined two main changes to the functions of Creative Scotland in the statement as compared to that detailed in the consultation document. Firstly, the power of ministerial direction would be amended, as a result of concerns raised during the consultation, to provide Creative Scotland with complete autonomy when providing support, including financial support, to those working in the creative sector. Secondly, the Minister noted that a proportion of consultees had been concerned that the previous draft bill had overly emphasised economic benefit and that the proposed bill would, in contrast, give due weight to all the benefits that the arts and culture can offer.

In November 2006 the Scottish Executive established a Joint Board<sup>1</sup> to oversee increased joint working between the Scottish Arts Council and Scottish Screen (Scottish Arts Council, 2006). The Joint Board subsequently delegated responsibility for the ongoing management of the transition project to a taskforce<sup>2</sup> with the following remit:

- “To shape the new organisation, Creative Scotland
- To produce a plan for Creative Scotland, and
- To design and implement a plan for change including the transition from the current organisation to the future creation of Creative Scotland”.

Source: Creative Scotland transition project website:  
<http://transition.creativescotland.org.uk/index.php/what/>

## THE BILL

The Bill is in two main parts with Sections 1 to 5 setting out the role, establishing and setting out the functions and powers of Creative Scotland. Sections 6 to 10 deal primarily with the dissolution of the Royal Charter which established the Scottish Arts Council and with provisions regarding the transfer of Scottish Arts Council staff. Legislation is not required to dissolve Scottish Screen and therefore this is not dealt with on the face of the Bill. Schedule One to the Bill sets out in more detail a range of provisions including the constitution, membership,

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<sup>1</sup> The Joint Board of the Scottish Arts Council and Scottish Screen is chaired by Richard Holloway. Details of the full membership of the joint board can be accessed at:

<http://www.scottisharts.org.uk/1/contactus/whoswho/jointboard/jointboardmembers.aspx>

<sup>2</sup> Details of the Creative Scotland transition project can be accessed at:

<http://transition.creativescotland.org.uk/index.php/>

procedures, powers and location of Creative Scotland. Schedule Two lists modifications to previous legislation which results from the Bill.

The remainder of this paper considers the Creative Scotland Bill in the context of the earlier consultation undertaken by the Scottish Executive on the Draft Culture (Scotland) Bill and in the context of evidence received by the Education, Lifelong Learning and Culture Committee's [hereafter the Committee] call for written evidence<sup>3</sup>.

### ***Establishment of Creative Scotland***

Section 1 of the Bill establishes a body called Creative Scotland. As noted earlier, the consultation on the draft Bill indicated that the majority of consultees were in favour of the proposed new organisation on the grounds of "minimising bureaucracy, being more efficient and encouraging greater partnership working than the existing situation" (Scottish Government, 2007, p.9). However, support for the new body was qualified, during the consultation, on the basis that its role and responsibilities be more clearly defined and that Creative Scotland would be obliged to work closely with cultural agencies, local authorities and other cultural partners. Those who disagreed with the proposed approach considered that there would be a risk of confusion of roles between the new body, local authorities, existing advisory / development bodies and the Scottish Government.

The Policy Memorandum to the Bill (p.2) provides the following rationale on the need for reorganisation, stating that the objectives of Creative Scotland are to:

"inspire and support a culturally ambitious Scotland, where our creative practitioners excel and their enterprises prosper, and one which attracts and retains increasing numbers of gifted people. To do this, the Government seeks to renew the national approach to supporting creativity; so that it is not only about support for the arts or film in its traditional sense, but is also about realising the potential of creativity in each part of society and the economy, and also about projecting to the world at large the excellence and ambition of a contemporary, outward looking nation".

A range of written evidence received by the Committee also highlights similar concerns to those raised in response to the Draft Bill, as the quotes below indicate:

### ***Scottish Storytelling Centre***

"The draft Creative Scotland Bill expresses many good intentions in so vague a way as to be ineffective, both as legislation and as a basis for distinguishing clear purposes or functions. Behind such vagueness may also lie the intention to force a quart of policy outcomes into a financial and institutional pint, to the detriment of Scotland's artistic achievements in the future.

The imprecise drafting and confusion of terms is in danger of miscommunicating an artistically unfocussed rather than a creative, Scotland – or at least a nation detached from its own artistic heritage and achievements. We do not believe that this is the intention of government or The Culture Minister, nor is it the legacy that Parliament should establish in statute".

(Scottish Storytelling Centre, 2008, p.4)

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<sup>3</sup> Details of the Committee's scrutiny of the Bill and the written evidence which has been received can be accessed at: <http://www.scottish.parliament.uk/s3/committees/ellc/CreativeScotlandBill.htm>

### **Literature Forum for Scotland**

“We are concerned that the Bill does not attempt to define or describe ‘culture’ despite the existence of useful definitions presented and utilised by organisations such as UNESCO and the United States Congress.

The open use then made of the term throughout the Bill seems to us to lack sufficient guarantee of the central importance to culture of the specific and enduring arts forms of Scotland including dance, drama, film, literature, music, and the visual arts (including architecture) which have for centuries contributed to Scotland’s rich cultural inheritance.

While accepting the case for recognition of new areas of artistic innovation, we feel strongly that the richness of this inheritance must solidly underpin future development in all areas of cultural expansion. We also feel that the international dimension and importance of Scottish cultural achievement is insufficiently emphasised”.

(Literature Forum for Scotland, p.1)

### **Functions of Creative Scotland**

Section 2 of the Bill sets out the functions of Creative Scotland. These are:

1. Promote understanding, appreciation and enjoyment of the arts and culture. In doing so Creative Scotland must encourage participation, assist others to encourage participation and seek to increase the diversity of people who access and participate in the arts and culture
2. Identify, support and develop talent and excellence in the arts and culture
3. Realise, as far as reasonably practicable to do so, the value and benefits of the arts and culture, and
4. Support activities which involve the application of creative skills to the development of products and processes

In addition Section 2 provides for Creative Scotland to encourage and support such persons, as it considers appropriate, in order to achieve the functions above.

The Explanatory Notes provided with the Bill suggest that the first function (above) tasks Creative Scotland with promoting ‘arts for art’s sake’, the second function provides for nurturing the highest standards in the arts and culture in Scotland. The third function requires Creative Scotland to “make real and bring to fruition” the value and benefits of the arts and culture in Scotland. The Explanatory Notes (p.3) comment:

“The value and benefits referred to in the Bill include not only personal enjoyment of aesthetic quality and enjoyment involved in cultural participation, but also benefits in terms of unlocking creative and entrepreneurial potential and enhancing well-being and community pride. Creative Scotland might do this, for example, by encouraging commercial banks to better understand the economic potential of the arts and culture”.

Finally, the fourth function is intended to allow Creative Scotland to support activity in relation to the application of creative skills. The Explanatory Notes suggest that, while this function would be applicable generally, it is considered to be particularly relevant to creative industries.

Support for the functions set out in the Bill tended to be drawn from local authority respondents. For example, Renfrewshire Council (2008, p.1) commented on the functions proposed in the Bill as follows:

“...the council welcomes the balance identified in section 2 subsection 1 paragraph (a) between the integral value of "art for art's sake" and the ancillary social and economic value of culture. The council also welcomes the commitment to widening access to enjoying the benefits of the arts in section 2 subsection 2, and promoting excellence and encouraging talent at section 2 subsection 1 paragraph (b)”.

However, a broad range of respondents questioned the functions proposed for Creative Scotland on the grounds of a lack of definitions of key terms such as ‘art’, ‘culture’ and ‘creativity’. In addition, a further group of respondents considered either that the remit proposed was potentially too wide ranging or too similar to that currently exercised by the Scottish Arts Council. Alternatively, some respondents wished to see a particular area of cultural activity recognised on the face of the Bill, such as support for Gaelic arts and for local television. The quotes below provide an indication of the responses questioning the functions proposed for Creative Scotland:

### **RSAMD**

“The use of expressions like ‘support’, ‘champion’, ‘encourage’, ‘work together’, ‘advise’, ‘promote’ are used to describe how Creative Scotland will function – especially in relation to other organisations. More specific details are required as to how this will be implemented in practice in terms of finance, personnel etc”. (RSAMD, 2008, p.1)

### **Royal Society of Edinburgh**

“We have concerns over the way in which clause 2 (1) of the Bill is framed. The proposed remit is wide-ranging and it will be a challenge for Creative Scotland to develop a coherent approach in fulfilling all of its functions. The Society considers that the prime function should be the support and development of excellence and talent in the arts, and that issues related to economic gains, wider access and other incidental benefits will naturally flow from this approach. Therefore, we strongly recommend that clause 2 (1) (b) identifying, supporting and developing talent and excellence is put before 2 (1) (a) promoting understanding, appreciation and enjoyment of the arts and culture”. (Royal Society of Edinburgh, 2008, p.1)

The Scottish Book Trust (2008, p.1) commented on the lack of a definition of the term culture, as follows:

“...unless the Bill defines what it means by culture as it relates to artistic form, activity, and language, Creative Scotland will be dealing with a moving target open to infinite interpretation and argument. The imprecision in defining core functions increases the chance of ad hoc stances, especially since the intention is to exclude matters of cultural judgement from ministerial direction (5.(2) of the Bill), leaving the door open to personalised judgements”.

In contrast, the Scottish Media and Communications Association (2008, p.1) considered the proposed remit too narrow to meet the vision set for Creative Scotland:

“We have concern that the use of the term ‘the arts and culture’ throughout sounds too close to the SAC remit and fails to capture the breadth and inclusive nature of the new body as it engages across Scotland’s creative industries and economy”.

The issue of definitions was raised during the previous consultation exercise and the Policy Memorandum (p.6) comments on the rationale for not defining key terms such as the arts, culture and creativity. In relation to a definition of culture, the Policy Memorandum states:

“...the Government sees no advantage in a statutory definition of “culture”. Any such definition might end up unnecessarily constraining or confusing the actions of Creative Scotland and possibly other public bodies. It could have the perverse effect of ruling out support for certain types or combinations of creative activity. It also appears to Ministers that a definition would be opposed to the principles of artistic and creative freedom, which demand that funding bodies must be able to evolve their interpretations on the basis of their own views. Indeed, even if it were possible to agree a definition of “culture” in the Parliament, it seems inevitable that it would very quickly become redundant. Ministers therefore consider a statutory definition of the “arts and culture” inappropriate and generally undesirable”.

Some respondents took issue with the difficulties suggested by the Scottish Government in defining key terms. For example, the Scottish Book Trust (p.1) highlighted existing definitions which are used in multi-national environments as follows:

“The arguments expressed against making a definition of the term (Point 23, Memorandum) is contradictory in a Bill of this kind, which seeks to legislate what it declines to define. UNESCO has created a definition of culture which works across multiple countries and histories. This is not ‘constraining’ or ‘confusing’, and certainly not ‘quickly redundant’. In fact the definition is of incalculable importance to peoples and nations across the world as a statement of democratic rights and common understanding. To claim that a definition would be ‘opposed to the principles of artistic and creative freedom’ is contradictory, as is the implication that culture can and does evolve quicker than we can recognise, understand or provide for it”.

### ***Balancing competing priorities***

The proposed functions of Creative Scotland represent a new set of activities from compared to those previously exercised by the Scottish Arts Council and Scottish Screen, through the inclusion of the application of creative skills to the functions of the new organisation. The inclusion of functions in relation to creativity and the creative industries led to concerns during the consultation on the draft Bill that there was too much emphasis upon economic benefits. The Policy Memorandum (p.4) comments on this issue as follows:

“There was also concern among respondents that Creative Scotland’s functions placed too much emphasis on realising the “economic benefits” of arts and culture (in section 8(2)(c) of the draft Culture (Scotland) Bill). The Government has reflected on these concerns. Ministers believe that the arts and culture certainly have many economic benefits for Scotland. They also believe, however, that Creative Scotland should be at liberty to act and give support purely on the basis of its view of creative merit, and – on occasions - without any regard to the “knock-on” benefits (even if it is likely that almost all activity supported will in fact involve other benefits, including economic benefits). It should not be subject to a general responsibility to pursue economic benefits in preference to, for example, “art for art’s sake” or wider community benefits. Accordingly, Ministers intend the Bill to give Creative Scotland scope to take a balanced approach to its functions and to the benefits of the arts and culture, and to have discretion in these matters. This policy is reflected in section 2(1)(c) of the Bill”.

Nevertheless, concerns that the Bill either gave too much credence or paid insufficient attention to commercial opportunities continued to be raised in responses to the Committee’s call for evidence. The quotes below provide a flavour of the responses received:

## **Scottish Artists Union**

“The Bill’s authors appear to be wary of creating an agency headed by a board divided. Instead, they invite a war at Creative Scotland’s doorstep as any and all practitioners from every imaginable “creative industry” vie for their attention. Who will prove the best equipped to play this game? Career artists or career entrepreneurs? Worse still, the lack of definition at this early stage could result in such elasticity in the interpretation of Creative Scotland’s remit as to allow its transformation into a “none of the above” funding body, obliged to entertain petitions from any sector that can be couched in the same woolly cultural-industrial jargon enshrined in the Bill”. (Scottish Artists Union, 2008, p.2).

## **Skillset**

“As an organisation supported by Government policy at both a UK and Scottish level (Skills for Scotland – A lifelong skills strategy, Sept 2007), and with a clearly defined sectoral “footprint”, Skillset would welcome from the Scottish Government a clarification of its definition of the arts, culture and creative industries sectors in order that the scope of Creative Scotland’s remit is clearly and unambiguously defined, and that synergies between Skillset’s areas of responsibility and Creative Scotland’s would be clearly evident. In relation to this, we are concerned at the repeated use of the phrase “arts and culture” throughout the bill, which we feel excludes by definition many of the sectors within our footprint which are resolutely commercial in nature and are better served by the term Creative Media Industries. It is valuable therefore to highlight that the name “Creative Scotland” rather than “Cultural Scotland” has been chosen for the new body in order that it is established to **serve equally** the widest possible range of creative, artistic and cultural activities, endeavours and industries”. (Skillset, 2008, p.2)

## **RELATIONSHIP WITH OTHER ORGANISATIONS**

Section 3 of the Bill requires that Creative Scotland provide Ministers with such advice, information and assistance as may be required by them in relation to arts and culture and the exercise of any of Creative Scotland’s functions, and with any other information and advice which Creative Scotland considers appropriate. In addition, Creative Scotland can provide other persons and organisations with advice, information and assistance in relation to the arts and culture and the application of creative skills. The Policy Memorandum (p.5) comments on the relationship of Creative Scotland to the wider policy environment as follows:

“Within the diversity of public bodies concerned with culture and creativity, the Scottish Government will look to Creative Scotland to play a strategic, leadership role. This does not mean, of course, that it will have any statutory or other authority over other national public bodies, and still less in relation to local authorities and private or membership organisations. But the Government does think there is merit in Creative Scotland acting as a focal point for the development of cultural strategies and policy, and for Creative Scotland to provoke debate on issues of general interest. Indeed, Ministers look to the body – in part through its advisory and information functions – to be provocative in its exploration of new issues, as well as being experimental and bold in its support for existing and new forms of creativity”.

The relationship of Creative Scotland to the wider cultural and creative policy sphere was an area that received a significant number of comment from respondents to the Committee. In particular, there were comments on the relationship between Creative Scotland and local authorities, enterprise agencies, higher education institutions and education policy more generally. There were also comments on whether Creative Scotland would fulfil an international

dimension in its work. The quotes below provide a flavour of the issues raised by consultation respondents.

### **Scottish Enterprise**

“Given the range of enterprise, innovation and investment support provided to companies by SE, Creative Scotland’s role in ‘supporting’ activities for product and process development is open to interpretation, and we would recommend that the Committee considers how this could be clarified. It is not clear whether Creative Scotland is intended to act in an advisory capacity or to provide direct support. If direct support is intended, consideration would need to be given as to how support could be delivered in such a way that it did not lead to confusion with the roles of SE, Business Gateway and Skills Development Scotland. In addition to the discussions we are having with the Creative Scotland Transition Team, we would be pleased to provide further input to the Committee over existing roles and support products should this be considered beneficial”. (Scottish Enterprise, 2008, p.3).

### **Scottish Book Trust**

“This is perhaps the most serious weakness of the Bill. As the government itself recognises, it is very difficult to deliver uniform strategic development through individualised approaches to thirty two local authorities, each of which acts and is organised in different ways, with different budgets and priorities – even if local authorities are now in the process of agreeing new specific outcomes with government. As a national organisation Scottish Book Trust also recognises this, and has considerable day to day experience of the difficulties in delivering significant national development through this route. We strongly submit therefore that Creative Scotland will be handed an intractable, if not impossible, task in providing strategic leadership if it is not given some statutory power to deal at the proper level with local government and other significant bodies. But, given that the granting of these powers is very unlikely, there should at least be expressed within section 3 of the Bill a clearly stated duty for Creative Scotland to advise and work in partnership with local authorities; as there should equally be in relation to other bodies which have the recognition of excellence and the fostering of democratic access to the arts as central to their duties”. (Scottish Book Trust, 2008, p.3)

### **South Lanarkshire Council**

“The Bill’s provision encourages Creative Scotland to work in partnership with local authority as it deems appropriate without imposing any additional burden or responsibility on local authorities. However, we feel that potential contradiction and conflict may arise unless this relationship is duly formalised with COSLA and / or VOCAL to ensure clear guidance, working practices and relationships are established and provided which would thus enable both Creative Scotland and local authority to work together to achieve common objectives and ultimately Scottish Government targets. We feel that to leave this element of the Bill as reading “encourage” is not sufficiently strong or formal enough to achieve an impact or lasting result and should be reconsidered”. (South Lanarkshire Council, 2008, p.2-3).

### **Scottish Poetry Library**

There is no specific recognition of the international dimension of Scottish achievement in the arts, nor of a more general advocacy role for Creative Scotland apart from the weak remit of ‘advice and information’. The SPL had already commented on this in its submission to the draft Culture (Scotland) Bill.

We submit that an additional function should be introduced:

- (2) (1) (e) advocating, by promoting Scotland’s arts and artists locally, nationally and internationally

*providing research and information services to the Scottish Parliament*

This is a signal function that is lacking in the current structure and which the new Bill at last has the opportunity to address. (Scottish Poetry Library, 2008, p.2)

### **Scottish Media and Communications Association**

“While there is reference to a range of interests/bodies whose functions are related to or may be impacted on by Creative Scotland we find it surprising that there is no reference to the role played by HIEs in fostering the creative industries through formal programmes of learning that produce many of the graduates who work across the creative industries sector in Scotland, the UK and also globally. And in addition the key role played by HIEs in supporting the creative industries through practice based and ‘conventional’ research in the arts as well as curatorial, scholarly and other cultural engagement work. This appears to us a significant omission”. (Scottish Media and Communications Association, 2008, p.1).

## **FINANCING OF CREATIVE SCOTLAND**

Section 4 of the Bill sets out how Creative Scotland will be financed. It provides that Scottish Ministers can make grants to Creative Scotland and that some grants can be made to Creative Scotland with particular purposes for the monies concerned being set by Scottish Ministers. Section 4 (4) enables Creative Scotland to make grants and loans to persons and organisations in order to fulfil their functions under the Bill. The funding which will be provided by the Scottish Government to Creative Scotland is proposed to be a combination of the existing budgets for the Scottish Arts Council and Scottish Screen. Over the period 2008-11 the combined budget is planned to be £50m, £50.88m and £48.04m respectively in cash terms. In real terms, this represents funding of £50m, £49.52m and £45.5m over the Spending Review period.

In addition, Creative Scotland will also distribute national lottery funding. The Financial Memorandum (p.9) states that the Scottish Arts Council and Scottish Screen distributed £20m in lottery funding in 2006-07, although historically this source of funding has been in decline. With regard to the financial implications of merging the Scottish Arts Council and Scottish Screen, the Financial Memorandum (p.9) makes the following remarks:

“There are one off costs that fall on the existing bodies and, potentially, the Scottish Government. Work is under way at present to prepare proposals for the amalgamation of the operations of the two organisations. This work is at an early stage and a detailed estimate of one-off costs is not yet available. It is expected that expenditure will include professional fees, costs associated with harmonising office systems, staff costs connected to developing new ways of working and, possibly, costs connected to the relocation of office premises. This activity is undertaken to better deliver the objectives of the existing organisations, but will also be relevant to the operations of Creative Scotland, once established. Costs associated with amalgamating the Scottish Arts Council and Scottish Screen and the development of new ways of working relevant to Creative Scotland (and the margins of uncertainty in relation to those costs) are therefore hard to predict given the ongoing work mentioned above, but are not presently expected to exceed £700,000 per annum in the coming 2 financial years (2008-09 and 2009-10). These costs will be met from savings from the two organisations’ grant in aid which is required by the Scottish Government”.

In relation to local authorities, the Financial Memorandum states that, whilst the Bill provides for Creative Scotland to provide advice to local authorities on issues relating to arts and culture. This is not expected to have any financial implications for local authorities. The financing of Creative Scotland elicited recurring responses from respondents to the Committee consultation.

In particular, respondents tended to note that the remit of Creative Scotland was wider than that currently fulfilled by the Scottish Arts Council and Scottish Screen and presumably this would have to be reflected in the funding allocation to the new organisation. In addition, respondents also raised concerns with regard to the lack of funding for local authorities and that diminishing lottery funding receipts may impact upon the finances of Creative Scotland. The quotes below provide a sense of the issues raised in response to the Committee consultation:

### **Centre for Cultural Policy Research, Glasgow University**

“We are disappointed that the new body is being launched on the basis of a cash standstill or even worse in real terms, looking ahead. If, for instance, 10% additional contestable funding were added to the pot to enable Creative Scotland to reward clear innovation in creative practices, this would enable the organisation to make a much more dramatic and effective start. The present position is both niggardly and unimaginative for a new body that carries so many high expectations” (Centre for Cultural Policy Research, 2008, p.2).

### **Scottish Artists Union**

“Certainly the Bill’s addenda suggest that Creative Scotland’s inaugural board can expect to be funded to a lesser extent than the Scottish Arts Council and Scottish Screen combined, while being tasked with considerably more:

Explanatory Notes page 9 p.65- “Costs associated with amalgamating the Scottish Arts Council and Scottish Screen and the development of new ways of working relevant to Creative Scotland... will be met from savings from the two organisations’ grant in aid which is required by the Scottish Government.”

The Scottish Artists Union understands these required savings to be equivalent to 2% per organisation per year. Such required cuts have, in the last session, resulted in the Scottish Arts Council making a below the rate of inflation increase on their foundation level funding and freezing their partial funding of arts organisations. What further reductions may Scotland’s artists expect next year as the pot steadily shrinks and the number of organisations and projects eligible for grants grows exponentially?” (Scottish Artists Union, 2008, p.1)

### **South Lanarkshire Council**

“Based on current press speculation, it is suggested that Creative Scotland may inherit additional functions from the creative sector (e.g. video gaming). Should this be the case, assurances are sought that these “acquisitions” will be allocated additional monies on top of the proposed grant aid and not at the expense of any other cultural body. Similarly, given that there appears to be diminishing Lottery Funds due to London 2012 and Glasgow 2014, assurances are sought that this will not be at the expense of or to the detriment of both Creative Scotland and other culture bodies. Finally, in determining the level of grant aid for the period 2008-2011, clarification is sought whether this will be allocated based on a Single Outcome Agreement with Creative Scotland as being applied in many other public sector areas? If not, it is suggested that this would be good practice, would ensure consistency in approach and enable those operating outside the sphere of Creative Scotland to understand how they are contributing to overall Scottish Government targets”. (South Lanarkshire Council, 2008, p.8).

Written evidence received by the Finance Committee on the Bill has also highlighted concerns regarding the proposed funding of Creative Scotland and the estimates which have been made regarding the transition costs of merging the two organisations. A submission from the Creative

Scotland transition project, Scottish Arts Council and Scottish Screen highlighted that significant work remains to be done regarding the cost of establishing Creative Scotland. The submission states:

“The financial memorandum reflects the extensive preparations under way in the Scottish Arts Council and Scottish Screen to bring about close working, in anticipation of Creative Scotland’s establishment. As the financial memorandum notes, there are other costs that it is not yet possible to determine – in particular in relation to pensions and potential premises relocation. An initial review of Scottish Arts Council and Scottish Screen’s pension arrangements was undertaken in 2006, by the Government’s Actuary’s Department in London, this initial work is to be progressed. The review will examine a number of options and their associated cost implications, which could potentially result in a liability arising. This is a matter that we have been working on with the Scottish Government and which we will continue to work on to seek the best value solution” (Creative Scotland Transition Project, 2008, p.1).

Trade unions representing staff in the Scottish Arts Council and Scottish Screen raised concerns regarding the proposals in the Bill’s Financial Memorandum.. In relation to the transition costs, the trade union UNITE, on behalf of Scottish Arts Council members of the Union, commented that:

“We infer from the document that additional transfer costs would need to be covered from our grant funding which is problematic in the context of a 2% efficiency savings. Our union is concerned that the lack of provision for transition costs will lead to cuts to our grant budget which will have a knock on effect on arts organisations which will in turn lead to redundancies in organisations supported by Scottish Arts Council and Creative Scotland. Our current operating overheads are very low and it is not clear how Creative Scotland would be able to fulfil its remit if no additional funding was made for additional transitional costs”. (UNITE, 2008, p.1).

The Public and Commercial Services (PCS) Union, on behalf of members within Scottish Screen, commented that as the proposed budget would simply combine the budgets of the two existing organisations, this suggests to their members that:

“by giving the new body exactly the same grant in aid that the two existing bodies receive, Creative Scotland would not have any greater financial power or significance that the two existing bodies have already. The responsibility is therefore left to an increasingly demoralised workforce to create something new and radical” (PCS, 2008, p.1).

## **MINISTERIAL DIRECTION**

As noted above, the issue of the extent of ministerial direction elicited considerable a significant number of comments during the consultation on the draft version of the Culture (Scotland) Bill. The Scottish Government had committed to ensuring that Scottish Ministers would not intervene in matters of artistic or cultural judgement. Section 5 sets out the role of Scottish Ministers in this respect. Section 5 (1) enables Scottish Ministers to give Creative Scotland directions of either a general or specific nature. However, Section 5 (2) qualifies this by requiring that Scottish Ministers do not give directions relating to artistic or cultural judgement in the exercise of Creative Scotland’s functions in line with the commitment previously made by the Minister for Europe, External Affairs and Culture. Creative Scotland is required to comply with any directions made by Scottish Ministers and to have regard to any guidance issued by Scottish Ministers relating to the exercise of its functions. This provision has been welcomed by respondents to

the Committee's call for evidence. The response from Feisean nan Gaidheal provides an indication of the support for the approach contained in the Bill:

"It is indeed refreshing that, on this occasion, previous consultation has been taken into account and it has been judged that there is no need for further consultation at this time, which would only serve to delay the passage of the Bill. What is especially welcome is that some elements of the Bill, particularly in relation to the powers of direction that Ministers will have over Creative Scotland, seem to have been amended as a direct response to the views expressed in earlier consultation". (Feisean nan Gaidheal, 2008, p.4).

## **MISCELLANEOUS AND GENERAL**

Sections 6 to 10 of the Bill deal with a range of provisions relating primarily to the dissolution of the Scottish Arts Council. Section 6 dissolves the Royal Charter which established the Scottish Arts Council. Section 7 deals with the transfer of Scottish Arts Council staff to Creative Scotland. Although not stated in the Bill, or its accompanying documents, it is understood that the Scottish Government does not intend there to be any compulsory redundancies as a consequence of establishing Creative Scotland. The Explanatory Notes (p.4-5) provide the following commentary on the effect of Section 7:

"The transfer of Scottish Arts Council employees does not terminate their contracts of employment and has effect as if their contracts of employment were originally made with Creative Scotland. All rights, obligations and acts surrounding a transferred person's contract of employment transfer to Creative Scotland (see subsections (2) and (3)). For example, an Employment Tribunal claim actionable against the Scottish Arts Council by an employee of the Council would transfer with the employee and become actionable against Creative Scotland (subject to the time limits and other rules for bringing such claims). A transferred person's right to terminate their contract of employment, where there is a substantially detrimental change to the person's contract of employment, is not affected by the provisions of subsections (1) to (3). Further, the mere change of the identity of a person's employer from the Scottish Arts Council to Creative Scotland is not to be treated as a substantially detrimental change to the person's contract of employment (see subsection (4))".

However, as noted above, trade union submissions on costings for the transition to the new organisation have raised concerns regarding potential impact of the funding proposed in the Bill upon the workforce of Creative Scotland, particularly within the context of an expanded remit for Creative Scotland in comparison to that of its predecessor organisations. The submission from the Creative Scotland Transition Project (2008, p.2) to the Finance Committee, makes the following comments on the financial costs associated with the Bill:

"Based on the information we have at this stage, the budget available is not unreasonable. Due to the early stage of the project the cost implications of the Bill at this time cannot be accurately quantified in terms of range of costs to be incurred. If other costs arise, such as in relation to relocation or pensions etc, we will discuss these matters with the Scottish Government and seek their assistance in seeking a best value solution".

Section 9 outlines the procedures to be used for subordinate legislation emanating from the Bill. Sub-section 9 (1) provides Scottish Ministers with the power to make secondary legislation in relation to any of the provisions of the Bill via the negative procedure. However any subordinate

legislation which will change the face of any primary legislation will be required to follow the affirmative procedure (Sub-section 9 (4)).

## **GOVERNANCE OF CREATIVE SCOTLAND**

Schedule 1 of the Bill sets out the internal governance structure of Creative Scotland. The Schedule provides that Creative Scotland will be a body corporate, the membership of which will consist of a chairing member and no fewer than 8, or more than 14, other members. All members of Creative Scotland will be appointed by Scottish Ministers. The term of membership is to be determined by Scottish Ministers. Scottish Ministers are provided with the power to remove a member of Creative Scotland if satisfied that the member concerned is insolvent, has been absent from meetings without permission, or is otherwise unfit or unable to discharge his or her functions. Elected members of the Scottish Parliament, House of Commons and the European Parliament are disqualified from being appointed as members of Creative Scotland. Schedule 1 enables Creative Scotland to employ a Chief Executive (who cannot be a member of the Board) who will be responsible for Executive functions within Creative Scotland. Scottish Ministers will, under Paragraph 5 of Schedule 1, give directions to Creative Scotland regarding the appointment of employees and their terms and conditions of employment. Paragraph 12 of Schedule 1 requires Creative Scotland to obtain the approval of Scottish Ministers before determining the location of its office premises.

The consultation on the previous Administration's draft Culture (Scotland) Bill resulted in suggestions for a number of different types of groups and persons being allocated specific representation on the Board of Creative Scotland. This was replicated in responses to the Committee's call for evidence. For example, Feisean nan Gaidheal sought that the ability to speak Gaelic be included as a desirable criterion in the person specification used for appointments to the Board. The Royal Society of Edinburgh sought appointments to the Board to be for a fixed time period rather than at the discretion of Scottish Ministers. The Centre for Cultural Policy Research (CCPR) suggested that the powers of Scottish Ministers to give directions regarding appointments and terms and conditions was an extension of powers, as previously, this had been limited to the Chief Executive of an organisation, and questioned the need for this. CCPR also queried why members of the House of Lords were not disqualified from membership of the Board of Creative Scotland. Lastly, South Lanarkshire Council (2008, p.2) made the following remarks in relation to the appointments process to the Creative Scotland Board:

“...whilst acknowledging that appointments to the Board of Creative Scotland will be at the discretion of the Scottish Government and Creative Scotland it should be duly acknowledged that these appointments should be open, transparent, public and provide direct evidence of benefit not just for Creative Scotland but also the national culture sector as a whole”.

The Policy Memorandum (p.4-5) provides the following rationale for not allocating places on the board of Creative Scotland to specific communities of interest:

A number of different respondents to the consultation proposed that the board of Creative Scotland include a representative from their creative sector or section of the community. Proposals included recommendations for members to represent various types of creative practitioners, local authorities, persons with a disability and Gaelic speakers. The Scottish Government has considered these representations carefully. It agrees that Creative Scotland should be led by a diverse group of individuals, who between them should certainly have knowledge and experience of creative practices, be alive to the diversity of individuals and organisations that play important roles in the success of

Scotland's culture and who in their membership reflect the diversity of Scotland. Ministers believe that the present joint board of the Scottish Arts Council and Scottish Screen provide a good example, with its mix of experienced practitioners, those with a business background and a number with experience of overseeing significant national organisations. Such a mix is desirable if the board is to fulfil its principal purpose of overseeing the running of the body and to provide a challenge function to the executive team. Ministers consider that the best way to achieve this balance among the members is to give them discretion in the selection of members, rather than reserving places for the many important sectors and sections of the community.

## **PARLIAMENTARY SCRUTINY**

The Parliament has agreed that the Education, Lifelong Learning and Culture Committee is the lead committee on the Creative Scotland Bill. It is due to start taking oral evidence on the Bill on 30 April 2008. The Finance Committee took evidence on the Bill on 22 April 2008.

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