



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

EDUCATION, LIFELONG LEARNING AND CULTURE COMMITTEE

Wednesday 15 December 2010

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Printed and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by
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EDUCATION, LIFELONG LEARNING AND CULTURE COMMITTEE
34th Meeting 2010, Session 3

CONVENER

*Karen Whitefield (Airdrie and Shotts) (Lab)

DEPUTY CONVENER

*Kenneth Gibson (Cunninghame North) (SNP)

COMMITTEE MEMBERS

*Alasdair Allan (Western Isles) (SNP)

*Claire Baker (Mid Scotland and Fife) (Lab)

*Ken Macintosh (Eastwood) (Lab)

*Christina McKelvie (Central Scotland) (SNP)

*Elizabeth Smith (Mid Scotland and Fife) (Con)

*Margaret Smith (Edinburgh West) (LD)

COMMITTEE SUBSTITUTES

Ted Brocklebank (Mid Scotland and Fife) (Con)

Hugh O'Donnell (Central Scotland) (LD)

Cathy Peattie (Falkirk East) (Lab)

Dave Thompson (Highlands and Islands) (SNP)

*attended

THE FOLLOWING ALSO ATTENDED:

Fiona Hyslop (Minister for Culture and External Affairs)

THE FOLLOWING GAVE EVIDENCE:

Andrew Dixon (Creative Scotland)

CLERK TO THE COMMITTEE

Eugene Windsor

LOCATION

Committee Room 6

Scottish Parliament

Education, Lifelong Learning and Culture Committee

Wednesday 15 December 2010

[The Convener opened the meeting at 09:32]

Creative Scotland

The Convener (Karen Whitefield): I open the 34th meeting in 2010 of the Education, Lifelong Learning and Culture Committee, and remind everyone present that mobile phones and BlackBerrys should be switched off for the duration of the meeting.

As yet, we have received no apologies from committee members. It appears that one or two of them might have forgotten that we were to start at half past 9, and for that I apologise.

The first item on our agenda is to hear evidence on Creative Scotland. I am pleased to welcome Andrew Dixon, who is the organisation's chief executive. I invite him to make an opening statement.

Andrew Dixon (Creative Scotland): Good morning. Thank you very much for the invitation. I was due to come on a previous occasion and it was postponed, but it is better that I am here today, as I can tell you about some real progress.

I started full time at Creative Scotland on 1 May. As you know, Creative Scotland came into being on 1 July, so we are just five and a half months old, but a huge amount of progress has been made. Our board met for the first time in August and has now met three times for more than 12 hours. We have completed the merger of Scottish Screen and the Scottish Arts Council, and have delivered four sets of audited accounts to March and to June. That tying up of the legacy business is not an insignificant piece of work. Perhaps most significant, we have reduced the organisation's head count from 149 staff to below our target of 110, and we have nearly completed the internal recruitment process that puts people into posts and enables us to fill gaps.

Creative Scotland inherited two organisations and their commitments. We also inherited, it is fair to say, two organisations that had waited a long time for Creative Scotland to arrive and had probably not done many new things immediately prior to our arrival. When I arrived, I was slightly surprised to find that our entire film budget for the current year had been spent, and that the SAC had made commitments totalling £26 million to foundation organisations and regularly funded

flexible organisations. The fact that a further £4 million had already been committed meant that, out of a £35 million budget, on 1 July the new organisation had less than £5 million to work with.

That said, we have made some very significant progress. I made it a priority to get out and meet a lot of people, from artists and cultural organisations to local authorities. I have spoken to more than 3,500 people at different events, to more than 100 cultural organisations and to many, many artists. Although there had been a massive amount of consultation on what Creative Scotland should do, which is embodied in the act that the Parliament passed to set up the organisation, I wanted to get a sense of what really mattered and what we could make a difference on.

I have talked about Creative Scotland being not just a funding body—which has been slightly misinterpreted at times—but a champion and an advocate for the arts. Creative Scotland is a strong brand, which we will promote, not to talk about ourselves as an institution, but to shine a spotlight on the cultural activity across Scotland. We talk about Creative Scotland being a rallying call—it is about getting every artist and cultural organisation, as well as anyone who is engaged with the arts, the media and others, to realise the quality and strength of what exists, and to work together to promote, collectively, a creative nation.

We have moved from being more of a cash machine in Edinburgh that hands out grants to being a cash machine in Edinburgh that hands out grants but then gets behind the projects to package and promote them, and to ensure that the whole of Scotland knows what is happening. You will see more of our work as an advocate in the new year.

I want to give you a few examples of that. As I went out around Scotland, I kept finding fantastic artist residencies in places such as the Isle of Skye, Orkney and Dumfries, through which artists were doing marvellous work locally, as a result of having quality time to work in interesting environments doing projects with communities, but no one saw that in the rest of Scotland. I came back to the office and asked how many artist residencies we had, but no one knew. I asked for that to be found out, and we discovered that 57 artist residencies were taking place in different places across Scotland. A few more came out of the woodwork, and it turned out that we had 68 of them.

One new thing that we have done—which is an example of how Creative Scotland will work and add value—is to put additional resources into supporting artist residencies and awards. In the new year, we will fully launch a programme called creative futures, which we think will be the biggest artist residencies programme in Europe. It will

involve 200 artist residencies and awards, and will be devolved to a series of hosts, including universities, colleges, cultural organisations and communities. We will bring those artists together as a network, will promote what they do and will ensure that we tell the story of the fantastic work that is done across Scotland.

In addition, we have had a number of quite important pieces of policy to work on, perhaps the most important of which has been the Scottish creative industries partnership. I chair that group, which brings together the enterprise agencies, the Scottish Further and Higher Education Funding Council, the Government and the Convention of Scottish Local Authorities. SCIP is due to report in the new year, when a number of work streams will come together. Significant progress has been made on skills, investment models and who does what in the creative industries sector.

We have been extremely active with Learning and Teaching Scotland on "Education and the Arts, Culture and Creativity: An Action Plan", which requires Creative Scotland to take forward two out of four major recommendations, one of which is the delivery of a youth arts strategy for Scotland. The brief for that will be ready in March.

Although our film funds were spent, through our savings we have been able to release some new money for film, and we are just about to pilot some new investments in film that try to develop the film economy in Scotland. In addition, we have prioritised doing work with broadcasters, so we have set up partnerships with the BBC, Channel 4, STV and MG Alba. That is quite important. Rather than seeing those just as bodies to lobby, as we might have done in the past, we see them as genuine partners to work with. We are interested in the opportunities that the Scottish digital network will provide for the film and TV sector in Scotland.

We have also developed our work with local government. For those who do not know, I have a background in local government, where I worked for five years. I have probably worked with more than 50 local authorities in my time. I am keen that we have some in-depth partnerships with local authorities. We have a good relationship with COSLA and the Government, but we have introduced some place partnerships, in which we will work in depth with a number of local authorities to address local issues and support their contribution to a creative Scotland.

Finally, I turn to the internal bits. We will be moving our office to Waverley Gate at the end of January, weather permitting. The first draft of our corporate plan went to our board last week and it will be ready in March. We produced the plan entirely internally, with no consultants involved; the new team pulled it together. The plan mentions

investing in talent; investing in quality production; investing in audience access and participation; investing in the cultural economy; and investing in place. That is the simple language that we are trying to develop for how Creative Scotland will work.

I hope that that gives you an overview and a flavour of what we have been doing. I am very proud to have had so soon in Creative Scotland's life such a body of support from the cultural sector for some of the new language and what we are doing. There is a real sense that some momentum is building. However, I also know that there is huge expectation on Creative Scotland and that everybody wants it to do everything tomorrow. We will not be able to do that. It will take two or three years to introduce new policies and change. Our commitments in some cases are for two years hence, so turning the ship will be a slower process than we might like. However, we are certainly pleased with the settlement from the Government, which gives us a sound platform and foundation to build on.

The Convener: Thank you for that opening statement. I am sure that members will have a number of questions for you. I would appreciate an indication of members who would like to ask questions.

I will start by asking you about the head count. You said that you have been pretty successful in reducing the numbers. When Creative Scotland was established, concerns were expressed about the potential for job losses. In meeting your target, or exceeding it, are the people who are going those who have chosen to go? If you have exceeded the target, will you have to recruit extra people? Your people are obviously central to the organisation, but another factor is that the organisations that have been brought together operated in different locations. What has that meant for your property portfolio? What will happen to the buildings and what savings are likely to result from your no longer needing some of those properties?

Andrew Dixon: I will start with the numbers. We had 149 staff. As you will be aware, there is a policy of no compulsory redundancies in non-departmental public bodies in Scotland. That is hard for an incoming chief executive who is looking to produce a sensible new structure. I inherited a situation where we can offer only voluntary severance, and most of the requests for that were made before I arrived, although we have had a few more since I have been in post. It is sometimes necessary to accept people's requests to go in order to create the space and to get the numbers down so that we can then build back.

We are now in a healthy situation in that our permanent establishment numbers are well below

our final head count number. We have to go through all the internal recruitments first, because we had post freezes for some time and we recruited several people on temporary contracts. Some of those people have been with us for almost three years now, on fixed-term or temporary contracts. We have a legal requirement at least to go through the processes of seeing whether we can find employment for anybody who has been with us for more than a year, and we are close to completing that. I have the numbers: our permanent establishment head count is down to 87 as of today, so we will need to recruit back in some key areas. We need to recruit back in the area of theatre and we have some film expertise to recruit back. I also need a personal assistant, and we need to fill one or two other key posts. We are in the good position of not having to try to squeeze the numbers down. If anything, we are now able to make efficiency savings for the next three years earlier than we might have expected.

09:45

I will say something on locations and buildings. I am delighted by the move to Waverley Gate. I had not been to the Scottish Arts Council's offices, but I ran an organisation in Newcastle, the premises of which had exactly the same issues. The SAC building was not fit for purpose and we had access and health and safety issues. It was going to cost us a lot of money but, thanks to the support of the City of Edinburgh Council, which has agreed to take on the lease of the building, and thanks to the Government and the good negotiations with the developers of Waverley Gate, we have a business case for a move to premises that will take up less space; that, over a long period, will cost us less; and that are fit for purpose.

Waverley Gate will be more than just an office for Creative Scotland; it will be a base where cultural organisations can meet, saving them money. It is very well located and will have hot-desk facilities for organisations that are based outside Edinburgh to use when they are in Edinburgh. There is also a small showcase space within the building that will enable us to promote things from elsewhere in Scotland. We are very excited by the opportunities of Waverley Gate.

We rent premises in West George Street in Glasgow, which were the Scottish Screen offices. They are quite efficient premises and are open plan on two floors. However, apart from the main meeting rooms, we have contracted our use of the premises into one floor and we are subletting the floor below to creative businesses and cultural organisations. Three organisations are already based with us.

To complete the picture, we are leaseholders of another building in Glasgow, the Centre for

Contemporary Arts. In the long term, we will look to find a different owner for that building.

That is the position regarding our property portfolio.

Elizabeth Smith (Mid Scotland and Fife) (Con): You talked about Creative Scotland not just being the provider of grants, but getting involved in marketing and so on. Can you expand on how that will happen?

Andrew Dixon: Once we have made the decision that something is worth supporting, we need to support it. We have used the word "invest". Some people have queried the use of that word, as it can be thought of as just giving money back. However, the dictionary definition says that it is about something that is worth devoting time, energy and effort to. So, once we give something a grant, we want to find ways in which our communications team can promote it and help it. Some of what we do is support quite small festivals and organisations, but the quality of the work is so high that we want to ensure that they are known about.

I will give you an example. I worked for a festivals and events organisation, NewcastleGateshead, which is based an hour across the border, and I knew of about eight festivals in Scotland. I visited the VisitScotland website and it listed eight or nine festivals—understandably, the bigger ones. However, when I got to Scotland, I asked for a list of the festivals that we supported and discovered that there were 38. I now know that there are 181 festivals in Scotland, some of which are absolutely world class. They do very well, but in promoting the collective story of Scotland as a festival nation, it is possible to take something such as the Hebridean Celtic festival or the St Magnus festival and promote it as one of the gems of Scotland if we can find a way of pulling everything together. That involves our working in partnership with VisitScotland and other agencies, but we need do only some simple things. For example, we have developed a partnership with *The List* magazine, which publishes listings of what is on, and it is going to produce the first Scotland festivals guide, which will seek to build into a comprehensive festivals guide. That is the kind of thing that we can do.

We have this wonderful bird's-eye overview of what is happening. It is about trying to join up things like the residencies and festivals, telling the story of our theatre production and telling the story of the international export from Scotland. I am absolutely amazed by really quite small theatre companies, such as Dogstar from Inverness, which is performing all over the world, for example in Belarus and Iran, and Catherine Wheels, which performed at the fringe with a beautiful children's

show called "White" and which is playing in Hong Kong and Australia. We need collectively to tell that story about the strength of Scotland's cultural assets and how they are being valued across the world.

Elizabeth Smith: I want to press you a bit further on that. You will be aware that, in the early stages of the debate, there was some concern about the arm's-length side of the story and whether support could come from communities and businesses. Are you confident that the new structure takes on board a lot of local opinion about how best to promote that?

Andrew Dixon: There are two things to say about that. We are very committed to devolution, particularly where we can devolve decisions to external cultural partners who can do things for us. They are sometimes better placed than we are to make decisions about grants for local projects. The same goes for community-based projects.

The truth is that we do not have a huge amount of flexible budget to devolve, but we have mechanisms whereby we can work with local authorities and put partnerships together that really reflect what needs to be done locally. One example of that, through the Government's innovation fund, has been the Highland strategic partnership, which is an agreed partnership between Highlands and Islands Enterprise, Highland Council and Creative Scotland. There is a whole series of projects, and we have not determined what they should be; they have been determined in the Highlands and we have worked out how we can support them.

Place partnerships are a route to doing that. We are having a conversation with Fife about the unique contributions that it makes to a creative Scotland. For example, what is the role of the Byre theatre; what is the context of other things that are happening in Fife, such as the Arts and Theatres Trust Fife, the visual arts agency and the fantastic niche festivals that happen in Pittenweem in the east neuk; and what can Creative Scotland help Fife to promote beyond Fife in our overall work? That is the approach that we will take. We will try to find the local gems that we should be polishing for people.

Ken Macintosh (Eastwood) (Lab): It is good to see you in post, Mr Dixon. I wish you well with your job with Creative Scotland, although clearly it is a difficult time to be taking up your post, given the settlement and so on.

I noted that in your introductory remarks you suggested that you were pleased with the settlement, but you have had a 12 per cent cut. What exactly are you pleased about?

Andrew Dixon: We are pleased with the standstill on our core Treasury grant. Our funding

for the innovation fund has been reduced, but the Government has maintained support for the youth music initiative of £10 million, the expo fund for the Edinburgh festivals and some of our other specific funds for arts and business. So, overall, I think that it is a fair settlement, given the current challenges that the Government faces. It is an important vote of confidence in the work that Creative Scotland is developing.

Ideally, I would have wanted to come into this job saying, "These are the opportunities. These are the gaps. This is the demand for culture in Scotland. I need another £10 million or £15 million."

In relation to film, we have inherited a situation in which £2.5 million is spent on film production in Scotland. You might have seen press cuttings about Irvine Welsh choosing to do a film in Canada. He did not actually come to ask us for money, because there was not much point. We do not have the resources to compete with the likes of Canada.

There are areas where, in the longer term, we need to build the arguments for further investment, but in the current context it would be churlish of me not to say that the settlement is fair and gives us a strong foundation on which to build.

Ken Macintosh: I want to put the funding in context. Your core grant remains static, and you have been told that certain areas are being protected, but your overall settlement has gone down by 11.8 per cent. That compares with an average budget cut across the Scottish Government of 6.7 per cent. Creative Scotland and the arts are losing 12 per cent, and on average the rest of Scotland is losing 6.7 per cent. I do not see why you are pleased with that or why it is fair.

Andrew Dixon: I would want to do the calculations to check the percentages, and I do not have a calculator with me. The main part of our settlement has to be considered to be the core grant from Government, and you cannot ignore the fact that £10 million of protected support for youth music is good news. We are also in a context in which Arts Council England has taken a cut of more than 30 per cent in its budget, admittedly over a three-year period.

Ken Macintosh: The comparison is not really with England; the comparison is across the Scottish Government. The budget decisions that this Government is making are averaging a cut of 6.7 per cent. Areas such as health are protected and there is some protection for local government with police numbers and the council tax freeze. Other areas have to pay the penalty for those choices and, according to the figures that we have been given, one of them is Creative Scotland,

which gets an 11.8 per cent cut. Leaving aside the core areas, what areas will be affected by that cut? I agree that the youth music initiative is protected, but what will lose out? Where will you have to cut back?

Andrew Dixon: The main area in which Creative Scotland has taken a cut is in the innovation fund. Technically, the Government provided two years' worth of funding for the innovation fund during the period of Creative Scotland 2009 Ltd, to enable that interim agency to start to develop a series of programmes in the creative industries. It was always envisaged that, in time, that work would be embedded and we would work so that other partners became the main investment agencies in creative industries.

Obviously, we are still waiting for the final Government sign-off of the budget and the fine detail, but in the settlement the innovation fund has been cut to £1.25 million. That is a 50 per cent cut to the fund, and it will affect the overall percentage. However, if we look at the situation more positively, which is my tendency, we see that that provides a further year for us to continue to embed creative industries into what we do. Yes, I would have dearly liked to have the full £2.5 million, but we can still do a lot with the creative industries moving forward.

There is another aspect that is important to report to you so that you have an overview. The other significant contribution to our budget is the national lottery. Creative Scotland inherits two funding streams: the proportion of the UK film budget and the arts lottery budget. We have had a reduction in lottery funding in recent years because of the Olympics, but our share of the national lottery funding is due to go up, in terms of both earned income from the lottery and the Olympic money coming back into the arts.

You will be aware that the UK Government has taken some decisions to reinstate the original proportions of lottery spend to the arts and heritage good causes. Over the next three years, we are projecting some areas in which our budget will grow. Admittedly, however, that is through lottery funding, which does not help us with permanent revenue funding of cultural organisations. That takes us to your question on the areas that will be hit.

We have taken the strategy of protecting our 52 foundation organisations. They have been on standstill funding for a number of years, and we think that it would be damaging to cut them. We will review them from 2012, which is the point at which the five-year commitment to them finishes, and we will take some decisions on whether we continue to support all of them, add new ones or subtract certain ones, and on whether some of them have been so successful that we ought to

invest more in them. Looking ahead, if we had a further cut in our budget, we certainly would not be able to sustain all our foundation commitments beyond 2012.

10:00

Ken Macintosh: Who exactly is losing out? There is clearly a major cut to be handled. Is the money predominantly to be passed on in the form of grants to arts organisations? If so, which arts organisations will lose out? Will it be the non-foundation companies that lose out? Is it short-term funding that will be reduced? Will you expand on which companies are involved? Dance? The arts? Which areas?

Andrew Dixon: We have three levels of support. Our predecessors made a commitment to the 52 foundation organisations for five years—up to 2012. Our flexibly funded organisations get a commitment for two years—our predecessors made those commitments in June for the two years from April 2011 to 2013. Those are fairly heavy commitments, coming to £26 million in total out of our budget.

The next area is our project investment in events, festivals, artists, the residencies programme and other areas. At Creative Scotland, we are trying to build as much flexibility into that area as we can, using lottery funding where possible to add value. We cannot provide on-going revenue funding using lottery funding, nor can it replace cuts in Government funding, so we have to be quite careful about where we apply our resources.

At the moment, I would not say that any particular strand or organisations will lose out. However, lots of people have had commitments in the past, and we cannot sustain the full range of organisations in Scotland; we would rather invest in strength and in maintaining a good base.

Creative Scotland tries to take a holistic look at the cultural ecology. We want to consider the career ladders of artists moving up and through different organisations. How many theatre companies do we need? Where are the gaps? Do we have a theatre company that deals with Scots and Gaelic? Do we have enough theatre companies that work with children and young people? We will take a series of reviews, looking at particular sectors, and they will inform how we make our decisions in the future.

Ken Macintosh: You might not have these figures to hand, but can you tell us how much the predecessor bodies and the transition body gave out by way of grants over the past three years? How much do you intend to give out in grants over the next year or two?

Andrew Dixon: I will have to come back to you with details in relation to the past but, looking to the future, we are developing a corporate plan that will be delivered in March 2011. It will identify exactly how much we put into our different strands and whether we can have a lottery capital programme. That, in turn, will have an effect on the numbers.

At the moment, I cannot predict what the number of grants will be. I can say that since Creative Scotland came into being on 1 July we have agreed 400 grants and we have passed out about £26 million. We have continued to pick up the commitments of our predecessors and nothing has been stopped—we have continued to deliver the work.

Ken Macintosh: If there is a 12 per cent cut coming, people want to know who it will affect and exactly when it will affect them. From what you are saying, it will affect the grant-making ability of Creative Scotland and it will directly affect individual companies that have previously relied on grants. Is that what I should take from what you have said?

Andrew Dixon: I disagree with that. You must bear it in mind that we have already saved £720,000 a year on our operating costs.

Ken Macintosh: Your cut is £7 million, as far as I can see.

Andrew Dixon: No, we have not had £7 million-worth of cuts.

Ken Macintosh: How much is your cut exactly, then?

Andrew Dixon: The key area of reduction in our budget is the innovation fund. Previously we received £2.5 million for that, whereas we now receive £1.25 million.

Ken Macintosh: The “Creative Scotland and Other Arts” line in the budget table shows £59 million, which is going down to either £53 million or £52 million, depending on whether we use real terms. How much of that is your money?

Andrew Dixon: I assume that you are talking only about 2011-12.

Ken Macintosh: Yes.

Andrew Dixon: According to the letter that we received from the minister, our core grant is being maintained next year.

Ken Macintosh: It has already been said that your core grant is being maintained, but is there not a big cut in the other money that goes through Creative Scotland? Do you disagree? I am not trying to give you a hard time; I am simply trying to establish clarity. According to our budget figures,

there is a 12 per cent cut. Perhaps not all of that will go through Creative Scotland, but it is clear that it will have an effect on the creative arts in Scotland. Who is responsible and what will the impact be? I am sure that everybody involved, particularly those who receive and rely on grants from central Government, will be extremely anxious about the amount of money that they will lose. If the cut is 12 per cent, will it be spread evenly across the board or will certain areas be protected? You suggested that the foundation companies will be protected and that others will lose out.

Andrew Dixon: I did not say that others will lose out. Perhaps I could see the figures that you have and respond later, once I have reflected on them. You may be describing a broader overall cut. Creative Scotland's money is only 30 per cent of the Government's investment in culture. There is funding for the national companies, the National Galleries of Scotland, National Museums Scotland and the Museums Association. Creative Scotland is a small but significant part of the picture.

The key area in our budget that has been affected is the innovation fund, through which investment has been made in the creative industries, business start-ups and cultural enterprise offices. However, I maintain that that is an extra year of resource that the Government has given us which enables us to transition into a new budget for Creative Scotland.

The Convener: It would be helpful to receive from you the information that you mentioned, Mr Dixon. Thank you for offering to write to the committee.

Christina McKelvie (Central Scotland) (SNP): Will you give us a wee bit of detail about the Scottish creative industries partnership and the work that you are doing in that, especially on skills development and how that will have an impact on economic recovery?

Andrew Dixon: SCIP was set up well over a year ago. It brings together Creative Scotland, the Government, COSLA, Scottish Enterprise, Highlands and Islands Enterprise, the Scottish Further and Higher Education Funding Council and the skills agencies. It was based on a piece of work that identified those agencies' roles. Creative Scotland's role is to co-ordinate the leadership of the group, and it takes a co-ordinating role in considering the needs of the creative industries in Scotland. It is not our role to be a major financial investor in the creative industries, although we are, obviously, investing in aspects of theatre, music and film.

SCIP has had a series of reference groups that have considered the needs of particular sectors. There has been a film reference group and there

has been a television and broadcasting report. There is a performing arts reference group and a design reference group. Each group reports to SCIP meetings, which I chair and the minister attends. We aim to conclude the work of those reference groups by early in the new year. At that point, we will have a series of recommendations that Creative Scotland, the funding council, Scottish Enterprise and others can look at. They can consider where they can intervene in the sector.

Useful specific pieces of work have been carried out. There is a draft learning and skills action plan, which the skills agency is currently considering, and we have identified particular partnerships to do with film and TV. An extra piece of work is being done in which the possibility of a TV production incentive fund is being considered. Scottish Enterprise has done work in which the feasibility of a film studio space has been considered. There is a big gap in Scotland in that respect if we want to attract people to film here. The lack of major studio space makes us less competitive. A piece of work has therefore been done in which four or five studio space options have been considered.

A number of programmes of work will conclude early in the new year. We will then all take stock of the progress that has been made and the future programmes that we will put into place.

Christina McKelvie: Last year, Skillset Scotland put together some qualifications in its academy model. You said that there is a draft learning and skills action plan. Have the lessons and positives from the academy model been used in the learning and skills draft plan, or are there new, innovative ways of doing things?

Andrew Dixon: All the previous models have been taken into account. We have a successful film academy at Edinburgh Napier University and consideration has been given to the roles that different agencies can play. Universities are important to the development of the creative industries in Scotland. The success of the spin-off companies that are coming out of the universities in Dundee shows that there is something that needs to be captured, nurtured and moved forward.

Part of our work in the creative industries is to understand the dynamics of how businesses are set up and the support structures that they need. SCIP is looking at that. Earlier I spoke about career ladders. In Scotland, we are good at supporting incubation and the first stage, and our enterprise agencies are good at investing in high-growth companies. However, the territory in the middle—turning small operators into slightly bigger businesses, but not businesses that will be world exporters—needs support and thought. That is

one of the areas that Creative Scotland will want to look at.

Christina McKelvie: A couple of years ago, I had the privilege of going to Film City in Glasgow, where I saw what was being done in the old Govan town hall and the small units that were being put together at Pacific Quay to build up businesses. What progress has been made in that area in the couple of years since I saw it? What has your involvement been? We want to attract the film industry to Scotland and keep it here, because it creates jobs and boosts the economy.

Andrew Dixon: One of the other aspects of Creative Scotland's work is that we have inherited the Scottish Screen locations agency from Scottish Screen. Scottish Screen locations helps to attract films, adverts and TV to film in Scotland. However, the trick is not just filming in Scotland but the post-production work that film makers do. That is why we need studio facilities, which Govan town hall provides. I, too, have been on the tour.

In Govan town hall, there are a couple of companies that provide post-production facilities. One of Creative Scotland's early moves was to add a bit of money to our locations service, to incentivise post-production work. When we attract to Scotland films such as "The Decoy Bride", the latest David Tennant film, the initial push is to attract people to Scotland to film in a beautiful location—in this case, in Dumfries. However, some of the economic value comes out of the film makers spending money on technicians and other people who do work after the film has been shot. Much of that work is lost to London and other places, but we have the makings of an industry in Govan town hall and at the hub in Glasgow. We have put a small amount of resource into looking at how we can incentivise people to do post-production work here. I hope that that will support agencies such as those in Govan town hall.

Christina McKelvie: There are a lot of jobs in post-production work. I know that many colleges, especially in Lanarkshire—the committee visited Cumbernauld College, which has a great production training unit—are involved in that area. What kind of work are you doing with colleges to build up the skills base in young people?

Andrew Dixon: I hope that there will be an overview of the issue as part of the work of the education and the arts action plan. In the past, the Scottish Arts Council and Scottish Screen have not prioritised work with colleges, other than on projects such as the Edinburgh Napier University screen academy. I see universities and colleges as really important partners for Creative Scotland. We must find how we can work with them, build incubation spaces, get the right training for the industries that are required and take people out of

universities and colleges and get them on to the culture career ladders in Scotland.

10:15

Prior to coming up here, I was on the board of a college and quite heavily involved with the two universities in Newcastle, so I understand the sector quite well. Returning to Elizabeth Smith's point, I think that we need to ask who collectively is promoting the cultural strengths of Scottish colleges and universities. Creative Scotland can play a role by, for example, telling the story of the real cultural strengths that we have in the Glasgow School of Art, Sabhal Mòr Ostaig, the Royal Scottish Academy of Music and Drama and the University of Abertay Dundee. Indeed, I noted for a lecture that I was giving the other week that in China something like 400 art schools are being built for 10,000 pupils. We have only four, but we can tell the world about the success that they have had and the quality that they produce.

Our engagement with colleges and universities must be about not only telling the story but positioning them in the cultural ecology. We have taken a very small step in that respect by announcing as part of our residencies programme support for a Gaelic drama residency with Sabhal Mòr Ostaig and RSAMD. At the moment, there is not much professional Gaelic drama in Scotland and that kind of small step might well support career ladders in future.

Claire Baker (Mid Scotland and Fife) (Lab):

My question follows on from Ken Macintosh's line of questioning. With regard to Fife, which you mentioned earlier, you will be aware that the Byre Theatre of St Andrews, which was previously supported by the Scottish Arts Council, has been refused continued support from Creative Scotland. I do not want to focus specifically on Fife, but what are the reasons for the decision on the Byre and what might be the consequences? Is that decision an indicator of the pressures that other institutions or organisations are likely to face over the next few years?

Andrew Dixon: First I should say that just over two weeks ago I met the Byre's chair and chief executive in Dunfermline to look at one of the most exciting projects that I have seen in Scotland, the eco-city project, in which young people in six primary schools redesigned the town, set out their ideas and vision for its future and produced a fully worked-up model of Dunfermline that is the size of this room. I very much hope that the model will be exhibited in the Scottish Parliament but, if not, we would certainly like to exhibit it in our new offices. It shows that the Byre is doing some very interesting and innovative community work outside the theatre.

If I can explain the Byre's funding situation, it might help to explain a lot more. The theatre applied to the Scottish Arts Council for flexible funding, £160,000 of which it had received in the previous two years. Its application for £280,000 for each of the next two years, or almost double what it had previously asked for, was primarily to carry out theatre production in what is a quite small theatre with a small catchment and difficulties with regard to the scale of its audience base. Although the Byre has done some very good work, it was one of 130 organisations that applied for funding. The Scottish Arts Council was able to support only 51 organisations, so a total of 79 organisations were turned down. When you see that the Byre was turned down, you should bear in mind the 78 other organisations that we could have put money into if we had had another £10 million, £12 million or £14 million. We just did not have that sort of resource and the Byre's application was not successful.

We are in conversation with the Byre about its future role. It needs to design a sustainable business model and build on its strengths and we are having discussions with it directly, and indirectly through Fife Council, with which we are having what we call a place partnership. That partnership is about the role that not just the Byre itself but the region's festivals, Arts and Theatre Trust Fife and so on can play and how we can establish a sustainable and coherent set of organisations in Fife. I am very optimistic. The Byre will have to change its model and the way it operates, but that is for its board and trustees to decide. I would like to capture the Byre's strengths; some things, like that Dunfermline project, could be done on a much broader geography than Fife. It was absolutely terrific.

Claire Baker: You said that you received 130 applications for flexible funding and supported about 50 of them. Are there figures for the number of applications for flexible funding made in previous years? Is there a reduction in the number of companies that can be supported by that funding?

Andrew Dixon: I will have to come back to you with the figure. There were more applications than we had had previously, which probably builds on the strengths of the programme and the fact that organisations were growing in different parts of Scotland.

I defend the flexible funding robustly. I was not involved in the decisions, but I sat in on one of the meetings. It was a robust process with special advisers and teams of people who were looking at all the applications fairly. Lynsey McLeod will correct me if I am wrong, but I think that we have had three or four appeals against our decisions. They were discussed by independent appeal

panels that were nothing to do with us and the decisions on the Byre and others were upheld.

There was a large number of applicants, and we had to compare things like theatre companies, community art centres, visual arts agencies, festivals and so on. In future, Creative Scotland will take a different approach.

Margaret Smith (Edinburgh West) (LD): I wish you well in your new role.

You talked about working with universities and colleges. I must declare an interest that is already known to my colleagues. I have two sons who have graduated from university in the past year, one in media and one in graphic design. They are both looking for jobs, so if anyone is interested, they can just get in touch with me.

My take on what happens echoes what you have said. Some absolutely fantastic work is going on in our art schools, universities and colleges, but when young people in the creative industries and arts graduate, there does not seem to be a sense of structure. We spend a lot of our time debating the issues around probationer teachers, for example, and there is a sense there of the next step out of university. Although those next steps are clear in some professions, my impression is that they are not particularly clear in the creative industries in Scotland. That impression might be right or wrong, but it seems to be mirrored by what you said about working more with universities and colleges and enterprise organisations.

How would you describe what happens at the moment? If you accept, as you seem to, that the situation needs to be improved, what ideas do you have for that?

Andrew Dixon: I will explain by means of another anecdote. I went to see a really good piece of work at the Fringe by plan B theatre company from the Highlands. In the programme, instead of having the actors' CVs and saying, "He has worked six times on 'Taggart'" or "He has been on the BBC", there was a London underground-style map, showing the stations on the careers of the musician, Michael Marra, the choreographer Frank McConnell, and the designer and director. It showed them coming out of college, moving into a first job in a small theatre company, then perhaps working at the Traverse theatre, going to Dundee Rep, coming back and working at RSAMD, and it was absolutely fascinating. We are going to put it into our corporate plan because it sums up the job that we have to do. We have to get people out of university and on to the first train, and we have to keep them in Scotland when they are at the peak of their careers. We do not want them disappearing off the map. We need to keep their strengths and skills in Scotland.

When we talk about the cultural ecology, we recognise that colleges and universities are important to that—not just at the start, when people get their training, but as places to return to, to be alumni of and to stay committed to. RSAMD does really well at keeping in touch with its alumni and gets them back to do things for it. J K Rowling got a grant from the Arts Council many years ago, but there was no clause asking her to come back in the future and help the next generation. We need to find a way of buying a commitment, which is why things such as the residencies programme are important in making people feel part of something. This year, there will be 200 artists residencies, but there will be 400 next year and 1,000 in five years' time. We build an understanding of where artists are going around that underground-style map.

Margaret Smith: In a general sense, that is fine. On the specifics, my concern is that we need to establish a real sense of ownership early on. A lot of what you said is about people coming back later in their career, when they link back to their university, college or whatever. To what extent is there currently a drift away from the creative industries by those who are at the beginning of their careers compared to other career paths in which people are more likely to say, "That's what I'm trained in; that's what I'm going to continue with"? Has there been any evidence over the past few years that people studying creative subjects at universities and colleges in Scotland are drifting away from what they have studied and going into other careers as a result of a lack of opportunities or because of financial problems in the sector?

Andrew Dixon: I am not aware of any statistics on that. I would need to go away and check whether any research has been done by the universities.

It is not just down to the universities and colleges; our cultural organisations can play an important role in that, too. This is another anecdote, but it is interesting. There is a woman called Fiona Dalgety in the Highlands who was a young musician in the fèis movement. She became a workshop leader, then an apprentice and then a full-time worker. She is now the chief executive of one of our foundation organisations. I do not know how old she is, but she is probably under 30. Our foundation organisations are clearly providing a career path to enable people to move from school, through their first job, to being the chief executive of a cultural organisation. We need to find out what is good about that and make sure that it happens everywhere. The cultural organisations are key to bringing people through. The Traverse theatre does a lot of good work in supporting young and new companies, as does the Tron theatre in Glasgow. We need to capture that and find ways of accelerating it.

Margaret Smith: Let us shift slightly, picking up on something that the minister mentioned when we took evidence from her recently on the budget. There is a sense that, despite the difficulties out there at the moment, there is still an appetite among people to attend cultural events. Audiences seem to be holding up fairly well in quite difficult situations. You have been out and about, talking to lots of organisations and creative artists in Scotland over the past year. Is that the general feeling in the sector across Scotland, or is that more obvious in relation to the larger companies?

Andrew Dixon: There is still a buoyancy in the cultural sector. The Edinburgh festivals had their best year yet, with one exception. There has been terrific growth in visitor numbers and many of the other festivals have done extremely well this year. The recent weather will, however, have had an impact on the year as a whole—there is no doubt that it has affected music, theatre and film audiences for the past two weeks.

Margaret Smith: At an important time of the year for a lot of theatres.

Andrew Dixon: Earlier this week, however, I was reading that, despite what you might have read in the press, there have been buoyant figures for the hogmanay bookings in Edinburgh, and we are also seeing good box office figures for some of our theatres' Christmas shows.

10:30

Ken Macintosh: A key issue was raised about the independence of your post and of Creative Scotland. In your submission on the budget process, you say that you are concerned about the cuts to the local government budget and you also comment on the overall cuts to the culture budget, which run at 11.6 per cent, in comparison to cuts of 6.5 per cent across Scotland.

It is a worrying time, is it not? There are budgetary constraints, and we must all cut our cloth accordingly. However, I am particularly worried about the fact that cultural organisations tend to get more than their fair share of cuts, which adds to the misery and the gloom. I think that it is part of the Scottish psyche to see such things as fripperies even though, actually, they are core to who we are and, at a time of difficulty, should be protected.

Are you disappointed by the level of cuts to the creative industries and to cultural Scotland in general?

Andrew Dixon: The Scottish Arts Council successfully built a programme called resilience. For the past two years, it has been working with a lot of cultural organisations to help them to become more sustainable, operate on stand-still

funding, bring in new sources of earned income, compensate for challenges to local authority funding and consider mergers and collaborations, which a number of cultural organisations are doing at the moment. We are committed to continuing that work. At times of recession, cultural organisations and artists become even more creative.

That said, I stand by what we said in that submission. One of the biggest concerns is that we do not know what the level of cuts will be for local authorities and, therefore, the degree to which they will be able to maintain their support for the arts and culture. They are far bigger spenders than Creative Scotland is. They support a lot of our galleries, museums and receiving theatres. Some of the larger-scale local authorities are major providers.

We work with COSLA and with the larger authorities in which we have clients. For example, we are conducting coherent conversations with Glasgow, Edinburgh, Highland Council and Highlands and Islands Enterprise about the range of organisations that are supported collectively. We want to ensure that we bring organisations through this period in a way that ensures that they are stronger, rather than weaker.

Undoubtedly, there are challenges ahead. You will have read in the press about Moray Council possibly cutting its relatively small arts budget. You cannot envisage a whole area not having any arts and culture. That is what defines a place and makes it different from other places. It is critical to community development and economic development. We have to make convincing arguments in that regard.

The Convener: That concludes our questions. Thank you for your attendance and for your willingness to answer our questions.

10:34

Meeting suspended.

10:37

On resuming—

Historic Environment (Amendment) (Scotland) Bill: Stage 2

The Convener: Item 2 is stage 2 of the Historic Environment (Amendment) (Scotland) Bill. I am pleased to welcome to the meeting the Minister for Culture and External Affairs, Fiona Hyslop, and her supporting officials.

Sections 1 to 5 agreed to.

Section 6—Works affecting scheduled monuments: enforcement

The Convener: Amendment 1, in the name of the minister, is grouped with amendments 2 to 4, 9 and 11 to 13.

The Minister for Culture and External Affairs (Fiona Hyslop): Amendments 1 to 4, 9 and 11 to 13 are all technical. Amendments 1 to 4 will amend text that section 6 of the bill will insert into the Ancient Monuments and Archaeological Areas Act 1979 that relates to procedural aspects of certain rights of entry to display various enforcement notices. Amendments 9 and 11 to 13 will amend similar text that section 23 of the bill will insert into the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Both sets of amendments do the same thing—they set out in full certain provisions so that it is easier to understand what is being referred to. The current text is technically sufficient, but we thought it preferable to lodge the minor redrafting amendments to bring out the purpose of the relevant right of entry provisions in a more direct and easily understood manner.

I move amendment 1.

Amendment 1 agreed to.

Amendments 2 to 4 moved—[Fiona Hyslop]—and agreed to.

Section 6, as amended, agreed to.

Sections 7 to 14 agreed to.

Section 15—Scheduled monument consent: regulations as respects applications, etc

The Convener: Amendment 5, in the name of the minister, is grouped with amendments 6 to 8.

Fiona Hyslop: Amendments 5 to 8 are technical and respond to a comment that the Subordinate Legislation Committee made in its consideration of the bill. That committee did not go

as far as recommending a change, but I concluded that it was preferable to adjust section 15 to take account of its remarks. For members who have served on that committee, it is helpful to know that we sometimes respond positively to its remarks.

The Subordinate Legislation Committee drew attention to the creation of a power, which section 15(3) will insert, to allow for regulations to introduce the principle that a refusal to entertain an application for scheduled monument consent could be given when the application was not accompanied by an appropriate certificate. The amendments will set out that principle in the bill and ensure that the regulation-making power is confined to administrative detail.

I move amendment 5.

Amendment 5 agreed to.

Amendments 6 to 8 moved—[Fiona Hyslop]—and agreed to.

Section 15, as amended, agreed to.

Sections 16 to 22 agreed to.

Section 23—Stop notices and temporary stop notices

Amendment 9 moved—[Fiona Hyslop]—and agreed to.

The Convener: Amendment 10, in the name of the minister, is in a group on its own.

Fiona Hyslop: Amendment 10 is a minor technical amendment that will ensure that section 66(3) of the 1997 act includes a reference to new sections 41A to 41I of that act, which section 23 of the bill will insert. That will enable stop notices and temporary stop notices to be available as enforcement tools in relation to unlisted buildings in conservation areas. That is consistent with other protection that is afforded to such buildings by virtue of section 66(3) of the 1997 act.

Due to a numbering sequence in the 1997 act, the provisions were not included when they ought to have been caught. What is involved is therefore a technical redraft.

I move amendment 10.

Amendment 10 agreed to.

Amendments 11 to 13 moved—[Fiona Hyslop]—and agreed to.

Section 23, as amended, agreed to.

Section 24 agreed to.

After section 24

10:45

The Convener: Amendment 14, in my name, is in a group on its own.

As members will know, I do not usually lodge amendments, because it is difficult to chair the committee at stage 2 and make arguments for amendments. However, I wanted to do so on this occasion because, as the minister will be aware—although members might not be—we have been in correspondence about an historic monument in my constituency that has generated some casework for me. It is an historic doocot that causes considerable concern to local residents, not because they do not want it but because it is not maintained as well as they think it could be. Concerns were expressed by nearby residents and the local authority has attempted to reach a resolution. However, despite the fact that minor works would help to ensure the long-term maintenance and future of the historic doocot, because it is not in a state of danger the local authority is unable to take any action or to work with the owner to positively encourage them to think about maintenance work that would enhance it.

For that reason, I began to correspond with the minister on the issue and sought advice from the Built Environment Forum Scotland, which kindly helped me with amendment 14. The forum suggested that the amendment would not place an unnecessarily costly burden on local authorities but would enhance their powers and the options that are open to them to engage with owners of uninhabited historic monuments to allow them to take preventive measures. As Archaeology Scotland said in its submission to the committee, it is a bit like a stitch in time—work that is done now prevents much more costly work from being required in future. I am pleased that Archaeology Scotland and the Built Environment Forum support amendment 14. I seek the support of committee members and, I hope, the minister.

I move amendment 14.

Ken Macintosh: I have a question for the minister. The convener raises a clear example from her constituency that highlights a potential problem with the law. Have any other examples been brought to the minister's attention? It sounds as though such situations could be relatively common. I am aware of disputes over the maintenance of listed buildings and scheduled monuments and of discussion in each case about the powers of local authorities to intervene. I am interested in the minister's comments on whether the problem that the convener has highlighted illuminates a wider range of problems that we need to address.

Margaret Smith: I have a comment and a question. I have had similar experiences in relation to dangerous trees and such things. The commonsense approach would be that a council should be able to deal with things that are deteriorating and are likely to have an impact on residents or the environment. However, surprisingly, on a number of occasions, we find that local authorities do not have the powers that one thinks they have. In fact, sometimes, they do not have the powers that local authorities elsewhere in the United Kingdom have. Therefore, I have sympathy with where the convener is coming from.

My major point is that we should be sure that amendment 14 gives local authorities powers to take action that they decide is required, rather than in any way meaning that they have to take action. At stage 1, we were cognisant of the fact that we do not want to put extra burdens on local authorities at present and that putting extra financial burdens on local authorities could have an impact on the financial memorandum. I seek clarification that the power could be used at the councils' discretion, rather than imposing a burden on them by requiring that they take action.

Fiona Hyslop: Amendment 14 might come to be known as the Airdrie doocot amendment. I have tried to explain in my correspondence with Karen Whitefield that powers already exist for local authorities in that regard. The amendment adds words to section 49(3) of the 1997 act. It provides an additional example of the type of urgent works that local authorities can carry out on unoccupied listed buildings under section 49(1) of the act.

As I mentioned in my letter of 31 October to Karen Whitefield on her constituency case regarding the Airdrie doocot, section 49(1) of the 1997 act enables local authorities to undertake any works that they believe are

"urgently necessary for the preservation of a listed building".

The powers are not limited to the point at which extensive problems emerge or the structure is deemed to be dangerous. They can be used by local authorities—and have been, which addresses Ken Macintosh's question about other examples—to undertake relatively minor works such as cleaning gutters to help to prevent serious damage from occurring in the first place.

However, I recognise that the provisions that exist in section 49(1) of the 1997 act have been interpreted in different ways. That is perhaps why members perceive that local authorities somehow do not think that they have the powers to take action where remedial work is needed to help to preserve a listed building.

I am happy to give the committee an assurance that my officials in Historic Scotland will ensure that examples of the type of work that may be carried out under section 49 are included in future guidance. The powers are there, but local authorities are not necessarily cognisant of the fact that they can use those powers to do exactly the type of work that is needed on the Airdrie doocot. I would be happy to write to North Lanarkshire Council about the Airdrie doocot, to bring to its attention the powers that it has under the existing legislation to carry out the works that Karen Whitefield suggests might be needed. The committee may also wish to know that COSLA opposes amendment 14.

As the suggested initial wording is already covered by the general wording in section 49(1) of the 1997 act, the Scottish Government believes that amendment 14 is unnecessary in law, because what it seeks to do is covered by existing legislation. Given our assurance that we will produce further guidance to ensure that local authorities are aware of their existing powers, I urge the convener to withdraw amendment 14.

The Convener: I have mixed views on the issue. I do not doubt in any way the sincerity of your comments, but your letter to me of 31 October has been passed to North Lanarkshire Council, and the council's planning officers do not believe that the law is sufficient to allow them to have the dialogue that is required to allow some initial work to be undertaken.

The work would be of a preventive nature; it would involve cleaning out gutters and taking steps to cut back tree branches that are coming through the historic wall from the open ground on the other side. Those things are not being done.

I am slightly perplexed by COSLA's view on the issue. It objects to amendment 14 on the basis that it does not believe that the amendment is necessary, but local authorities, and my local council in particular, think that it is. The Built Environment Forum and Archaeology Scotland think that it is a welcome amendment that provides clarity. I recognise that I may be defeated and am grateful to the minister for the commitment that she has given on guidance, but I will press the amendment.

The question is, that amendment 14 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
Macintosh, Ken (Eastwood) (Lab)
Smith, Margaret (Edinburgh West) (LD)
Whitefield, Karen (Airdrie and Shotts) (Lab)

Against

Allan, Alasdair (Western Isles) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
McKelvie, Christina (Central Scotland) (SNP)

Abstentions

Smith, Elizabeth (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 4, Against 3, Abstentions 1.

Amendment 14 agreed to.

Elizabeth Smith: On a point of order, convener. Could you provide me with some clarification on the issue? I abstained because, when the minister refers to an interpretation of the law, it is not clear whether there is a problem with the way in which the existing law is written. If that is the case, perhaps we can examine the question further down the line, because it is part of the difficulty. The minister has made clear that existing legislation is available and that ministers ought to have the powers that the convener would like them to have. I suggest that we seek clarification of whether the existing law is badly written or whether there is something about it that places its interpretation in question.

The Convener: We can write to the minister on the issue, and she can respond. Ultimately, it will be for the courts to determine the interpretation of the law. We are likely to return to the issue at stage 3. I hope that there can be dialogue between us and the minister in advance of that.

Sections 25 to 29 agreed to.

After section 29

The Convener: Amendment 15, in the name of Ken Macintosh, is in a group on its own.

Ken Macintosh: The purpose of amendment 15 is to place a duty on Scottish ministers to

"give guidance to relevant bodies on how such bodies ... can contribute to the preservation of the historic environment."

As members know, the bill is primarily an amending bill and deals with legislation governing listed buildings, scheduled monuments and so on. However, as we heard in stage 1 evidence, in particular, the majority of the historic environment is not covered by legislation. Many who work in the area—the Built Environment Forum Scotland spoke on behalf of many such organisations and individuals—thought that the bill offered an opportunity to underpin in legislation our attitudes and policy towards the historic environment.

At stage 1, the Built Environment Forum proposed placing a duty on local authorities and other public bodies. However, in these times, all members are especially conscious of the fact that placing additional duties and, potentially, extra

costs on local government is probably inadvisable and would certainly be difficult and burdensome for them, given that they are having to manage cuts.

Amendment 15 is the product of several attempts at an amendment to address the issue. The bill offers us an opportunity. Currently, there is not only a lack of legislation or statutory backing for policy for the whole of the historic environment but concern about the nature of staff in the area and the consistency of implementation of policy towards the built environment and the historic environment across Scotland. In other words, there is a patchy response from local authorities on the issue of whether they should protect, preserve or give priority to their heritage; some do so more than others.

Amendment 15 would result in no additional costs; it has been drafted specifically to ensure that it would have no financial consequences. However, what it proposes would send out a strong message. It would allow the minister to select which authorities and bodies should have regard to the guidance and to draw that guidance up after consultation. The amendment would give statutory backing to the existing policy for the historic Scottish environment and allow the minister and others to bring all local authorities or other bodies up to the same standard and ensure that, in their decision-making processes for planning or otherwise, they have regard to their duties to protect the environment, which is very important for our sense of place and our sense of culture and belonging.

I move amendment 15.

11:00

The Convener: As it appears that no other member wishes to speak on the amendment, I invite the minister to respond to Mr Macintosh's points.

Fiona Hyslop: Amendment 15 would place a new statutory duty on Scottish ministers to

"give guidance to relevant bodies on how such bodies, in exercising their functions, can contribute to the preservation of the historic environment."

It would also place a new statutory duty on relevant bodies to have regard to such guidance and would provide for ministers to specify, as Ken Macintosh said, the relevant bodies by statutory instrument.

Some may ask why we oppose the amendment if it does no more than put the Government's policy on a statutory footing, as I think the mover of the amendment explained. However, the amendment does not reflect the varied and multifaceted approach that our policy framework

sets out in aiming to deliver the best outcomes for the historic environment. I do not believe that a flexible policy framework would be enhanced by a rigid and very narrow statutory duty.

Ken Macintosh suggested that the existing guidance and policy statements, which he is trying to back up by putting them on a statutory footing, cover only designated aspects of the historic environment and apply only to Government bodies. However, that is not true, because the undesignated aspects of the historic environment are covered and the policy framework, which is the main framework for policy and guidance in the Scottish historic environment policy, addresses all aspects of the historic environment, and all bodies with responsibility for any aspect of the historic environment are targeted by SHEP. There is therefore a danger that amendment 15 would place an unnecessary new duty on public bodies and introduce more red tape and bureaucracy into the bill, which I acknowledge is not what Ken Macintosh is trying to achieve.

The committee may be interested to note that Scottish ministers currently provide a range of guidance and advice on the management, care, protection and conservation of heritage assets—far broader than just "preservation", to which the amendment refers—from strategic policy advice to practical technical notes on the management, care and maintenance of different aspects of the historic environment. The extensive guidance that is provided is supplemented in the case of local authorities, for example, by joint-working agreements with Historic Scotland and other agreements with public bodies. There is a suite of measures to ensure that public bodies actively engage in regular discussion and review of their relationship with the historic environment. However, crucially, they also enable public bodies to tailor effective solutions for their circumstances.

The problem with the amendment is that it would encourage a one-size-fits-all approach to the historic environment and encourage public bodies to match their engagement at a lower level than currently exists in many circumstances. I am sure that that was not Ken Macintosh's intention with the amendment. He spoke about bringing everybody up to a standard. However, there is a danger in the amendment's approach that our current flexible and effective measures would be hampered by what we regard as a one-dimensional approach.

The amendment would also introduce a regulation culture where none exists. In doing so, it would introduce a limited and narrow view of the relationship that public bodies have with the historic environment. It risks relegating some of the current guidance, good practice and agreements that I have just talked about to a lower

level of importance if they are not issued or agreed under the very narrow framework that the amendment proposes. It also risks hampering progress in areas where public bodies need to engage more with the historic environment.

One of the significant concerns about the drafting of the amendment is that it limits the purpose of the guidance to the preservation of the historic environment. I draw your attention to the wording of the amendment, which clearly mentions both in the title of the new section that it would insert and in subsection (1)

“the preservation of the historic environment”.

So much of the care and management that I talked about earlier is to do with more than just preservation. The big challenges that public bodies face are not just about preserving the historic environment but about managing change within it. The amendment is limited because it mentions preservation only. There is more to the relationship with the historic environment than that.

There is a danger that, rather than encouraging better care and management of our historic environment, which I know is Ken Macintosh's intention, the amendment could set back the progress that has been made in recent years. There is a danger that the repositioning of the historic environment could result in its being seen more as a burden. We are trying hard to ensure that people see it as part and parcel of the economy in the modern day through tourism and other areas. If it is seen as a burden and the duty is just about preservation, that could get in the way of further, more positive activity.

There is also a danger that the relationship with public bodies would become a narrow one that focused on compliance. They might think that, if they comply with the duty, they have done their job. That would be a levelling down rather than bringing everybody up to the same standard. Members might be aware that COSLA is opposed to any duty that could be perceived as a repositioning of the priorities.

I hope that I have explained why we oppose the amendment. I completely understand why Ken Macintosh lodged it and what he is trying to achieve. I just think that it could have unintended consequences and inadvertently cause more of a problem than he might realise.

The Convener: Mr Macintosh, will you wind up the debate on the group and say whether you wish to press or withdraw your amendment?

Ken Macintosh: I thank the minister for her comments. It is clear that there is not huge disagreement, in that we all believe that it is desirable for all public bodies in Scotland and all of

us to act in a manner that helps to protect and enhance our historic environment.

I will talk first about the terminology. The reason why I used the term “preservation” as opposed to “protect and enhance” was to reflect the existing legislation. People who work with the historic environment are trying to move away from the term “preservation” because it has the wrong connotations, but the term is used in existing legislation, and I used it to ensure that I was not out of keeping with that.

However, the important point is not the term “preservation” but the guidance that will be introduced. In that sense, I do not think that the term is a drawback. Not only that, managing change is the key to sensitively protecting our historic environment while maintaining its use, or in other words keeping the key aspects of it that are of value and importance to us but continuing to use the buildings or the area that is of concern to local people.

There is a range of Government policy in the area. I agree that, when we aim to have national standards, there is always a danger that we could lower standards rather than increase them. I recognise that danger, but it is a matter for the drafting and the consultation on the guidance. Currently, there are differences across Scotland. There are those who have a keen regard for the historic environment and others who do not. Some people believe that either an old building is of use or it is redundant and should be demolished to make way for the future. That approach of modernism at all costs is still prevalent in many parts of Scotland.

Statutory guidance would not only promote the importance of the historic environment but enable us, through parliamentary scrutiny, to express our views. There are a number of advantages in having statutory guidance that will not exist if it is just a matter of policy. The dangers that the minister mentioned in her comments about a one-size-fits-all approach and national standards already exist with policy guidance on other matters. It is clear that there is a diversity of standards out there, and the amendment is a method of raising them rather than lowering them.

On that basis, I will press amendment 15 and at least test opinion on the matter.

The Convener: The question is, that amendment 15 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)

Macintosh, Ken (Eastwood) (Lab)

Whitefield, Karen (Airdrie and Shotts) (Lab)

Against

Allan, Alasdair (Western Isles) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 McKelvie, Christina (Central Scotland) (SNP) Smith,
 Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Margaret (Edinburgh West) (LD)

The Convener: The result of the division is: For 3, Against 5, Abstentions 0.

Amendment 15 disagreed to.

The Convener: Amendment 16 is also in the name of Ken Macintosh and is in a group on its own.

Ken Macintosh: Amendment 16 is on a similar issue to amendment 15. It is particularly relevant at the moment, as it refers to a planning authority's "knowledge and expertise on the preservation of the historic environment."

At the moment—particularly at this time of cuts and cutbacks—there is great anxiety among people who work in the area not just about the security of individual direct jobs but about the ability of many local authorities to maintain a certain level of knowledge and expertise that is of benefit not just for planning decisions but for the local community—for education, for the enjoyment of local history and so on.

Amendment 16 has been through various drafts. After discussion, we ruled out the idea of placing any duties on individual local authorities to maintain or recruit staff who have knowledge and expertise. We recognise that many local authorities have already gone down the route of working in partnership with voluntary sector organisations such as Archaeology Scotland, and pooling their resources.

The amendment is worded in such a way as to further that approach, although it also provides a backstop whereby local authorities cannot continue to the point where they have no expertise or access to expertise or knowledge about their own historic environment.

A number of surveys have been done that show that at most a handful of staff with expertise are directly or indirectly employed—and that is only in the largest local authorities.

A survey has been done since the committee heard evidence at stage 1, by the Scotland branch of the Institute of Historic Building Conservation, which is the professional body for building and area conservation specialists. It concludes that services are

"perilously close to meltdown if cutbacks continue."

The organisation also says:

"Although at least the equivalent of two full-time IHBC-level conservation staff is generally recommended by the IHBC for an average planning authority, the Institute's

survey identified an average of less than 2 across Scotland's local authorities. In addition some authorities are already managing local heritage under specially delegated powers even though the IHBC's scoping survey could not identify skilled conservation practitioners in these locations."

In other words, the situation is already difficult.

All that amendment 16 would do is ensure that local authorities take account of their duty to the historic environment, in particular by employing, or having access to, staff with specialist and skilled knowledge. The amendment would not impose any extra costs on local authorities. I hope that the committee will approve it.

I move amendment 16.

Fiona Hyslop: I suggest to the committee that there are two perspectives and two arguments to consider with respect to amendment 16. One relates to the actual content of the amendment; I will go into that later.

Secondly, there is an issue around whether legislation should be used to tackle problems that are to do with local authority budgets and personnel issues. Ken Macintosh used an argument about protecting jobs and the need to maintain and recruit staff. I might agree with him on that, but there is an issue as to whether legislation should be used—in relation to the historic environment, health or other areas—to provide "a backstop", to use Mr Macintosh's term, on what are ostensibly employer-employee relations in the context of budgets and personnel.

11:15

I am also not sure that securing access to knowledge and expertise, even of itself, within the context of the amendment, would necessarily mean that that access would have to be through staff who were employed by that local authority. Amendment 16 could be interpreted to mean a centralised source, but I think that Ken Macintosh is trying to promote protection of people's jobs, which I understand, although I am not sure that legislation is the right way to do it. That is one of the arguments that the committee might want to consider.

On amendment 16's content, the committee's stage 1 report called on the Government to give further consideration to the issue of expertise in relation to interpretation of information on the historic environment. That was an important part of the report. In my response to the committee of 7 December, I said that

"while the Scottish Government acknowledges that this is an important issue it does not agree that the right way to deal with the matter is through placing a new legal duty on local authorities".

I also said that

“the most appropriate and proportionate way to deal with matters that relate to non-designated local historic environment assets is by providing a policy framework that promulgates and promotes best practice whilst allowing each local authority the flexibility to make the decisions best for them in relation to the management of the local historic environment.”

In commenting on the issue of expertise, I also invited the committee to note that Historic Scotland has established a reference group to examine the related issue of historic environment records. The report on historic environment records, to which I referred in my letter to the committee of 7 December, will shortly be with ministers for consideration.

Two of the reasons why I do not agree with amendment 16 are similar to reasons that relate to amendment 15. First, the amendment risks allowing planning authorities to settle for a lower level of engagement than is currently delivered by joint working arrangements, which are backed up by the strong ministerial policy framework. That is not to say that amendment 16 could be improved by making it a more onerous statutory duty, and I can see that Ken Macintosh has tried not to do that. The policy framework is the most suitable way to ensure progress.

There is a similar argument around the use of the term

“preservation of the historic environment”.

I have rehearsed the argument that one of the biggest challenges, particularly for planning authorities, is not about preservation but about how to manage changes in the historic environment to make sure that we care for it within a modern context.

A new legislative duty is not the right way to achieve the outcome of provision of expertise. COSLA shares that view because it can see that it would distort the priorities of our local authorities, and would probably also superimpose the arguments that I made earlier. Local development control through the planning system and ensuring access to suitable expertise is the appropriate mechanism for managing assets, but not necessarily on a nationally designated basis.

I understand where Ken Macintosh is coming from with amendment 16, and that he has tried to ensure that it has a light touch. However, there are complex issues involved about whether law should be used on personnel and jobs issues. I understand that this is a difficult time for many people, but I ask the committee to reflect on whether that is a principle that it wants to establish as a precedent that could be used in other legislation, not necessarily by this committee but by others.

Ken Macintosh: Again, I thank the minister for her remarks. She said that amendment 16 is about jobs: it is about jobs, but not about individual jobs, important though they are and vulnerable though people will be. It is about the posts and the knowledge that goes with them. In that sense, the amendment is not about individuals but about the idea that local authorities need to pay sufficient attention to the historic environment in their staffing policies or, at least, in their policy planning through access to information. If the local authority does not have the posts in-house, it must ensure that it has access to the knowledge and expertise through voluntary organisations, pooled resources or whatever else.

There is a real danger that the lack of priority or attention given to the area could inadvertently—I am not saying that local authorities will deliberately or consciously turn their backs on the historic environment—allow the historic environment to slip lower down their list of priorities, and the result will be that we will be left with a void in certain areas, which might lose local historic knowledge and expertise that has been built up over many years. That would be a sad thing, and it would have a lot of implications as we develop policy in that area, particularly for any policy on building on the historic environment.

Amendment 16 could be interpreted in a number of ways as being for a centralised resource, but that would not necessarily be the case. In some cases, centralised expertise is a good resource on which to call but, for the most part, the issue is about planning authorities carrying out local duties and having access to local knowledge.

I do not accept the argument about settling for lower levels of engagement. I understand that that might be the case when specific, detailed policy statements are made at national level, but I do not accept that it would be the case under a general duty. Amendment 16 is a way of stressing the importance of the historic environment. I can understand why COSLA might not like it, but it is important that we say, at national level, that the historic environment across the whole of Scotland is a matter of which all local authorities must take account. We impose many other duties on local authorities and we give them many other priorities to which they must have regard. The historic environment should feature on that list, otherwise there is a chance—it has already happened in some places—that it will slip down the list of priorities. I will press amendment 16, not least to test committee opinion.

The Convener: The question is, that amendment 16 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)

Macintosh, Ken (Eastwood) (Lab)

Whitefield, Karen (Airdrie and Shotts) (Lab)

Against

Allan, Alasdair (Western Isles) (SNP)

Gibson, Kenneth (Cunninghame North) (SNP)

McKelvie, Christina (Central Scotland) (SNP)

Smith, Margaret (Edinburgh West) (LD)

Abstentions

Smith, Elizabeth (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 3, Against 4, Abstentions 1.

Amendment 16 disagreed to.

Sections 30 to 32 agreed to

Long title agreed to.

The Convener: That ends stage 2 consideration of the bill. That was relatively quick and painless, minister.

11:22

Meeting continued in private until 13:28.

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