



Consultation response from SOLACE Wales to the National Assembly for Wales proposal for a Legislative Competence Order on Culture and other fields

The Society of Local Authority Chief Executives and Senior Managers (SOLACE) in Wales welcomes the opportunity to respond to the above consultation.

- 1. What are your views on the general principle that legislative competence in the areas identified in Matters 2.1, 3.1 and 16.4 be conferred on the Assembly?*

SOLACE Wales is supportive of the general principle of the proposed LCO and of the broad aims of widening participation in cultural activities and improving the delivery of high quality cultural experiences across Wales. The Society recognises and supports the emphasis in the Memorandum on the vital role of culture in our national identity; in community regeneration; and in improving well-being and quality of life.

However, the Society is concerned that in the context of the current economic climate and impending financial crisis facing public services, the proposal to create and fund a new duty is extremely unrealistic. Any new duty would have to be fully funded and there is a need for clarification of how it would be resourced and sustained.

A cultural duty would be in danger of becoming an additional burden at a time of significant funding pressures for local government. Local authorities will struggle to meet existing statutory requirements in the coming years. Rather than contemplating new duties and requirements local authorities are reviewing the value and viability of all their services and making painful decisions about which areas they may be forced to cut back.

As the Memorandum acknowledges in paragraph 12 local authorities already have 'extensive powers to provide cultural services and activities.' The power of well-being enables local authorities to do anything to promote or improve the economic, social and environmental well-being of their area or the persons in it. This wide-ranging power empowers local authorities to respond to the priorities of their local areas and communities and is in-keeping with the principles of local autonomy and flexibility.

The Memorandum also acknowledges the importance of preserving local flexibility and the SOLACE Wales fully endorses this. Culture is highly linked to particular places and localities, therefore local variation is to be expected, and should be encouraged as part of a local authority's role in community planning and the 'place-shaping' agenda. Local authorities must be able to adapt to local circumstances and meet the needs in their communities through their Community Strategies and Local Service Boards. The autonomy to do this must be a key part to any legislation or policy that is introduced.

The ongoing development of a framework for outcome agreements, which focus on the outcomes delivered for citizens and communities as the critical success factor, may be a better mechanism than legislation to encourage improvements in cultural services and activities. Indeed, the Scottish Parliament decided to take this approach rather than introduce legislation. SOLACE Wales would like the Assembly Government to consider an alternative outcome-based approach incorporating this agenda within the wider policy context of outcome agreements and the emerging new understanding between the Assembly Government and local government.

SOLACE Wales believes that a new cultural duty would not confer any statutory enabling powers that local authorities do not already have. Further legislation in the current economic situation would be inappropriate at the present time and disproportionate, in terms of costs and additional pressure on existing resources, to the benefits it would achieve.

2. *What are your views on the terms of the proposed Order? For example, are they too narrowly or too broadly drawn?*

Local authorities and other organisations deliver a broad range of cultural activities and services, many of them complex and cross-cutting. It is important to ensure the full breadth of cultural activity and the benefits it can bring is covered. The current proposal appears to have greater focus on the historic aspects of culture without including areas such as theatres and contemporary arts.

Some aspects of the proposed LCO currently fall outside the core services, competencies and resources of local authorities such as archaeological remains, ancient monuments, buildings and places of historical or architectural interest and historic wrecks. The Society would like clarification about any new responsibilities or transfer of responsibility from other organisations such as Cymal, CADW and the four Welsh Archaeological Trusts to local authorities and how these will be adequately resourced.

3. *What are your views on the specific exclusions to Matter 2.1 and Matter 3.1, and the exceptions contained in Article 3?*

We have no specific comments in this area.

4. *Do you have any additional comments relating to the proposed Order?*

Whilst the Society recognises that the detailed implementation of any legislation is not being considered at this stage, it must be noted that the interpretation and application will determine its impact. For example, the proposed LCO relates to local authority functions in 'supporting, improving and promoting' culture, but the detail of how this is interpreted, resourced, measured and scrutinised will give a better indication of whether a new duty will achieve its aims. The Society would be interested in further clarity, in due course about these details.