

## **The Art Fund submission on the proposed National Assembly for Wales (Legislative Competence) (Culture and other Fields) Order 2009**

### **Introduction**

The Art Fund is the UK's leading independent art charity. We receive no government or Lottery money and are funded entirely through our 80,000 members. Since 1903 we have saved over 860,000 artefacts for UK public collections, and in 2001 we spearheaded the successful campaign to extend free admission to all national museums and galleries. We are currently enabling ARTIST ROOMS, a significant international collection of 725 post-war and contemporary artworks we helped to secure for the nation, to be shown around the UK, including recently an exhibition of Diane Arbus photography at the National Museum Cardiff.

We will restrict our comments to the most relevant consultation questions.

- 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?**
  - 1.1 The Art Fund supports the general principle of transferring specific powers on culture to the National Assembly for Wales from the UK Parliament.
  - 1.2 We recognise the importance of local authorities in delivering cultural provision for local communities and are supportive of the One Wales commitment to raise the quality of cultural provision and remove income barriers to increase public participation as widely as possible.
- 2. What are your views on the terms of the proposed Order? For example, are they too narrowly or too broadly drawn?**
  - 2.1 On the whole, The Art Fund believes the terms of the proposed Order are adequately drawn, but we would like to see Article 2(3) amended to include an explicit commitment for local authorities to protect museums, galleries and libraries and their collections. We are concerned some local authorities may use the new powers to unnecessarily rationalise and restructure cultural institutions under their control, which may result in more communities missing out on convenient, direct access to local cultural services.
  - 2.2 In line with Article 2(2), we would also like Article 2(3) to be amended to include a reference to the 'promotion of the appreciation by the public' to reemphasise the importance of the visitor experience in local authorities' decision-making regarding cultural provision.
  - 2.3 The purpose of the Order, as set out on page 35 of the One Wales agreement, is to enable the Assembly to implement its commitment to place a 'statutory obligation on local authorities to promote culture and encourage partnership to deliver high-quality cultural experiences for their communities'. However, the draft Order does not contain an explicit reference to encourage partnership working among local authorities. We recognise the importance of partnership working and recommend the terms of the Order are redrawn to make this commitment clearer.

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

- 4.1 At a local level, culture is currently a discretionary service that local authorities can – and all too often do – opt out of delivering. The Art Fund believes that placing a statutory duty on local authorities to provide cultural provision could help to raise the level of the lowest performing local authorities, but we remain concerned it may lead to a ‘tick-box approach’ being adopted by some, and act as a deterrent to the pursuit of excellence more generally – as the mixed experience of library provision in England and Wales shows. Point 16 of the accompanying Memorandum recognises this, but does not state how these concerns will be addressed. We therefore recommend the Assembly gives further consideration to these matters before pressing ahead with legislative competence order.

The Art Fund would welcome the opportunity to give oral evidence to the Committee on any of the points raised in this submission.

**The Art Fund**  
**4 September 2009**