Finance Committee  
Public Services Reform (Scotland) Bill  
Submission from the National Trust for Scotland  
(submitted to the RAE Committee, copied to the Finance Committee)

Introduction

This submission by the National Trust for Scotland (The Trust) follows the call for written evidence from the Clerk of the Education, Lifelong Learning and Culture Committee sent to the Trust’s Chairman on 25 June 2009 and covers areas of the above Bill on which we wish to comment. This evidence will be submitted to the other Bill scrutiny committees of Finance, Health & Sport and Rural Affairs & Environment.

Evidence

PART 1 SIMPLIFICATION OF PUBLIC BODIES (Bill section references)

Transfer of Function

1. Transfer to Scottish Natural Heritage the functions of the Deer Commission Scotland
The Trust made its views known through Scottish Environment LINK in its letter of 12 February 2008 and asked for continuity of the best attributes of DCS and the work of its staff - which we understand has by and large been the case.¹

Dissolution of Bodies

6. Dissolution of Historic Environment Advisory Council for Scotland (HEACS)
Following the Scottish Government announcement on the dissolution of HEACS in January 2008 the Trust voiced its concerns in a press release on the subject.

“With no HEACS to deliver such long-term and wide-ranging thinking and advice direct to Scottish Ministers in the future, the wealth of riches that makes up Scotland’s historic environment may now remain less accessible, less well understood or appreciated and less invested in than it should be. So how will such important independent work and thinking now be done?”²

The Trust still does not believe that adequate justification has been offered for its abolition and perceives shortcomings in the reasons given for this course of action and in the way the process was managed. We consider the two most crucial aspects to the work of HEACS were its abilities to undertake non-partisan longterm strategic analysis and the ability to give robust independent advice to Ministers.

¹ http://www.scotlink.org/pdf/LINKDeerTFResponse-MergerDCSSNHConsultationFeb08.pdf
² NTS Press Release 31/01/08 http://www.nts.org.uk/News/Archive/2008/#
The memorandum to the Bill expresses the view that Historic Scotland will offer independent advice. As an agency working to Government and Government Ministers with manifesto commitments to address, we question the extent to which the breadth of thinking and independence or impartiality of advice can genuinely be realised. Whilst Historic Scotland has received additional resources, HEACS provided a focus for expertise and new audiences in ways which may not be open to agencies of government. In May 2009 the Chief Executive of Historic Scotland paid considerable tribute to HEACS at its last conference.

The key driver cited by the Scottish Government for dissolution is the ‘perceived duplication with Historic Scotland’ (Policy Memorandum para 57, p.12)\(^3\). Circumstances would now appear to be changing. Historic Scotland has held various meetings recently to investigate the remit for a replacement body. At the final HEACS conference the Minister recognised that there may be gaps to be filled and that Historic Scotland should work with the historic environment sector to identify the work and functions required, the type of appropriate replacement body and level of funding that is necessary. This will also have implications for the Financial Assumptions as set out in the Financial Memorandum in the Explanatory Notes, Table 1, and elsewhere\(^4\). This currently indicates zero costs between 2008 and 2014 and significant savings of £210500 p.a. from 2010 onwards. Should the proposal, which the Trust supports, for a replacement body succeed the savings might then be less than predicted.

Whilst acknowledging the retrospective nature of this consideration, there is concern about the manner in which the decision to abolish HEACS has come about especially in relation to that employed by the Government for the Deer Commission Scotland (DCS). For DCS the intention to merge it with Scottish Natural Heritage, a more logical move than the abolition of HEACS in the view of the Trust, was flagged up in advance and accompanied by a 12 week consultation period. Yet in the consideration of the future of HEACS no consultation period was offered and thus no opportunity has been afforded to address the much more serious concerns the sector has. The Trust would wish to see that Scotland’s historic environment sector receives equal, if not greater, resources as that made available to HEACS.

PART 3 CREATIVE SCOTLAND

28 Advisory and Other Functions – Dealing in Cultural Objects
The Trust previously responded to the Scottish Government’s consultation on the Draft Culture Scotland Bill in March 2007. One of the key points made in our response was the strong support given to the proposed legislation to introduce an offence of dealing in tainted cultural objects to cover Scotland. The Trust was concerned that the successor to that Bill, the Creative Scotland Bill, did not address this issue, particularly as it is not clear when another opportunity to resolve the current anomaly will arise. At the end of stage one of the Creative Scotland Bill, the Education, Lifelong Learning and Culture Committee raised this

\(^3\) [http://www.scottish.parliament.uk/s3/bills/26-PubSerRef/b26s3-introd-pm.pdf](http://www.scottish.parliament.uk/s3/bills/26-PubSerRef/b26s3-introd-pm.pdf)

point in their final report (Stage 1 Report, SP paper 105, 2nd June 2008, paras 15 and 16) and asked the Scottish Government to respond to it. We are not aware that this has ever happened.

The issue of tainted objects is not addressed by this Bill and the Trust is still of the view that the current situation whereby Scotland is the only part of the UK not covered by the Dealing in Cultural Objects (Offences) Act 2003 must be addressed urgently.

PART 7 MISCELLANEOUS AND GENERAL

99 Charity trustee’s indemnity insurance
The Trust is supportive of the proposals to permit charities to offer protection by paying for indemnity insurance on behalf of their trustees

National Trust for Scotland
August 2009

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http://www.scottish.parliament.uk/s3/committees/ellc/reports-08/edr08-03-01.htm