

# Agenda – Communities, Equality and Local Government Committee

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Meeting Venue:	For further information contact:
<b>Committee Room 2 – Senedd</b>	<b>Sarah Beasley</b>
Meeting date: Thursday, 22 October 2015	Committee Clerk 0300 200 6565
Meeting time: 09.00	<a href="mailto:SeneddCELG@Assembly.Wales">SeneddCELG@Assembly.Wales</a>

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- 1 Introductions, apologies, substitutions and declarations of interest**
- 2 Papers to note**

(Pages 1 – 72)
- 3 Motion under Standing Order 17.42 to resolve to exclude the public from the remainder of the meeting**
- 4 Inquiry into the BBC Charter Review – discussion of future work**

(09.05 – 09.35)
- 5 Inquiry into Poverty in Wales: Poverty and Place – discussion on approach**

(09.35 – 09.55) (Pages 73 – 76)
- 6 Correspondence from the Business Committee – Fourth Assembly Legacy**

(09.55 – 10.10) (Pages 77 – 81)
- 7 Draft Wales Bill – discussion of approach**

(10.10 – 10.20) (Pages 82 – 83)



## **8 Forward Work Programme**

(10.20 – 10.30)

(Pages 84 – 88)

# Agenda Item 2

## 22 October – Papers to note cover sheet

Paper No:	Issue	From	Action Point
<b>Public papers to note</b>			
1	Renting Homes (Wales) Bill	Minister for Communities and Tackling Poverty	Additional information following the meeting on 30 September 2015
2	Historic Environment (Wales) Bill	Deputy Minister for Culture, Sport and Tourism	Letter from Deputy Minister for Culture, Sport and Tourism to the Welsh Language Commissioner on the Historic Environment Records in Wales.
3	Fourth Assembly Legacy	Deputy Minister for Culture, Sport and Tourism	Letter from the Deputy Minister for Culture, Sport and Tourism, 7 October 2015

Lesley Griffiths AC / AM  
Y Gweinidog Cymunedau a Threchu Tlodi  
Minister for Communities and Tackling Poverty  
Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol  
Communities, Equality and Local Government Committee  
CELG(4)-26-15 Papur 1 / Paper 1

Ein cyf/Our ref: MA-L-LG-00231-15  
Christine Chapman AM  
Chair  
Communities, Equality and Local Government Committee  
National Assembly for Wales  
Cardiff  
CF99 1NA



Llywodraeth Cymru  
Welsh Government

7 October 2015

Dear Christine

### **Renting Homes (Wales) Bill**

During my appearance at the Committee on 30 September, I agreed to set out my intention for the regulations to be made setting out matters in connection with fitness for human habitation. I have listened very carefully to the concerns expressed by Members. I want to assure the Committee I am fully committed to raising standards and to addressing the poor quality of some rented housing, notably in the private rented sector.

Whilst the Welsh Housing Quality Standard already applies to social housing, there is no equivalent arrangement applying in relation to the private rented sector. Therefore, whilst the regulations to be made under the Renting Homes Bill will apply to all landlords, I would expect the greatest impact and thus greatest benefits to tenants, to be in the private rented sector where some of the worst conditions are to be found. This complements the action we are taking as a Government to improve the practices of private landlords and lettings agents through Part 1 of the Housing (Wales) Act 2014.

My ambition is to achieve, within the private rented sector the type of improvements we have seen in social housing as a result of the Welsh Housing Quality Standard. However, it would not be appropriate to apply the Standard arbitrarily, as some requirements will not be relevant, such as those relating to roads, street lighting and other elements of the wider community. The regulation-based approach under section 94 of the Bill will enable action to be targeted to best effect.

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

English Enquiry Line 0300 0603300  
Llinell Ymholiadau Cymraeg 0300 0604400  
Correspondence.Lesley.Griffiths@wales.gsi.gov.uk

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Pack Page 2

The Bill requires landlords to ensure properties they rent out are fit for human habitation at the start of an occupation contract and throughout its duration. In the Bill as introduced, the focus of the regulations was to set out matters and circumstances to which regard must be had in determining fitness, in particular, by reference to the matters which are addressed by the Housing Health and Safety Rating System. These are considered by Local Authorities when assessing whether a property contains any Category 1 or 2 hazards, and which can result in an Improvement Notice being issued to the landlord. It was felt this approach captures the range of issues which determine whether or not a property is fit for human habitation. However, in response to the concerns raised by Members during Stage 1, I tabled amendment 21. This amendment, which was passed at the Committee's meeting on 30 September, broadens the scope of the regulations which can be made under section 94.

Amendment 21 ensures any matter arising due to a failure by a landlord to comply with the landlord's repairing obligation under section 92 (the requirement to keep dwellings in repair) may be taken into account in determining fitness for human habitation. Furthermore, the amendment ensures requirements can be imposed to prevent a dwelling being unfit for human habitation. The amendment also provides for a dwelling to be deemed unfit if the requirements imposed are not complied with.

This regulation-making power, as amended, will enable the Welsh Ministers to progressively raise the standard which constitutes fitness for human habitation. It will also enable those matters constituting fitness to be updated to reflect experience of the new legislation in practice, changing technology or other circumstances or matters which may arise.

As indicated above, in making regulations under section 94, the Welsh Ministers may prescribe matters and circumstances by reference to any regulations made under section 2 of the Housing Act 2004. The current regulations under this section relate to the 29 hazards listed under the Housing Health and Safety Rating System. The 29 hazards, grouped according to the type of health requirement, are set out for information in Appendix 1.

For each of the 29 hazards, the current guidance includes a section on preventative measures, which can reduce the risk of the hazard materialising. These measures, together with reference to other sources such as relevant British Standards and Building Regulations, will provide the starting point for drafting regulations setting out matters to be taken into account to determine fitness for human habitation.

In some cases, there will be a need to provide for additional requirements. For example, the preventative measures relating to fire (hazard 24) include having the electrical installation regularly checked and tested. However, in line with the commitment given to the Committee, the broader scope of the regulations made under section 94, as amended, will enable the regulations to go further. The Government's intention is they will stipulate how frequently electrical testing must be carried out, for example every five years, as well the qualification of the person carrying out the test. It is envisaged other relevant guidance, such as the LACORS (Local Authorities Coordinators of Regulatory Services) Fire Safety Guidance, which addresses the installation of smoke detectors and other fire safety measures, would also inform the development of the regulations.

Similarly, the preventative measures in the current guidance relating to carbon monoxide and fuel combustion products refer to there being "properly sited and maintained carbon monoxide detectors of a suitable type". It is envisaged the regulations would go further by stating the number and nature of detectors which should be fitted according to the type of appliances in the dwelling, as well as the requirements for testing.

Whilst the initial objective of the regulations will be to tackle the most serious issues affecting people's health, my policy intention is to progressively raise the requirements and extend their application to achieve a much wider reach.

As I know the Committee would expect, I intend to consult fully on the regulations. I attach great importance to stakeholder engagement, and input to inform the regulations will be essential to an efficient and effective approach to achieving our desired goals. The final detail of the regulations will, of course, be subject to the outcome of consultation with stakeholders. However, I hope the indication of the matters to be addressed within the regulations is helpful and demonstrates the Government's commitment to improving standards across the rental sector.

Subject to the Assembly passing the Bill, work will begin early next year on drafting the regulations. I anticipate the regulations will be brought forward by the Government early in the next term for the Assembly to consider. This will ensure the regulations are in place in advance of the new legislation being implemented. As indicated in Committee on 30 September, I am content for the making of the regulations to be subject to the affirmative procedure and I will bring forward a suitable amendment to this effect at Stage 3.

I trust this provides the Committee with a clear indication as to how I see the regulations determining fitness for human habitation being developed. The approach will be progressive, responding first to the most pressing concerns and subsequently being updated, and updated, as requirements and expectations evolve.

Regards  
Lesley

**Lesley Griffiths AC / AM**

Y Gweinidog Cymunedau a Threchu Tlodi

Minister for Communities and Tackling Poverty

## Appendix 1 – The 29 hazards under the Housing Health and Safety Rating System

### PHYSIOLOGICAL REQUIREMENTS

#### Hygrothermal Conditions

1. Damp and mould growth
2. Excess cold
3. Excess heat

#### Pollutants (non-microbial)

4. Asbestos; manufactured mineral fibres
5. Biocides (chemicals used to treat timber and/or mould growth)
6. Carbon monoxide and fuel combustion products
7. Lead
8. Radiation
9. Uncombusted fuel gas
10. Volatile organic compounds

### PSYCHOLOGICAL REQUIREMENTS

#### (Space, Security, Light and Noise)

11. Crowding and space
12. Entry by intruders
13. Lighting (including natural)
14. Noise

### PROTECTION AGAINST INFECTION

#### Hygiene, Sanitation and Water Supply

15. Domestic hygiene, Pests and Refuse
16. Food safety
17. Personal hygiene, Sanitation and Drainage
18. Water supply

### PROTECTION AGAINST ACCIDENTS

#### Falls

19. Falls associated with baths etc.
20. Falling on level surfaces
21. Falling on stairs etc.
22. Falling between levels

#### Electric Shocks, Fires, Burns and Scalds

23. Electrical hazards
24. Fire
25. Flames, hot surfaces etc.

#### Collisions, Cuts and Strains

26. Collision and entrapment
27. Explosions
28. Position and operability of amenities
29. Structural collapse and falling elements



Eich cyf/Your ref  
Ein cyf/Our ref  
Meri Huws  
Welsh Language Commissioner  
Market Chambers  
5-7 St Mary Street  
Cardiff  
CF10 1AT

post@comisiynyddygybraeg.org

15 October 2015

Dear Meri,

### Historic Environment Records

I am very grateful for your contribution to the recent call for evidence by the CELG committee, which is responsible for the scrutiny of the Historic Environment (Wales) Bill. I note that on the 1<sup>st</sup> October you replied to a request from the Committee specifically enquiring about the language requirements for the historic environment records (HERs). You will be aware that the Committee has now published its report and I note that one of their recommendations is: 'to clarify whether the requirements on local authorities to comply with standards under the Welsh Language Measure 2011 will apply to the provision of HERs'. I understand that my officials have been endeavouring to arrange a meeting with your office in recent months to discuss this matter and that a meeting date has now been set for the 29<sup>th</sup> of October. I don't wish to pre-empt the outcome of that meeting, but I thought it might be helpful if I made a number of observations relating to the nature of the HERs and the intended purpose of the provisions.

The HERs are a critical source of historic and archival information to support the management of the historic environment, in particular through the planning process, and also to raise public awareness, participation and enjoyment of Wales' outstanding heritage. Further details of what the HERs are and the intention of the provisions is provided in the annex to this letter. The current estimate is that there are over 150,000 historic records that have been generated over the last 40 years. This information exists in a combination of digital, map-based and archival form and includes location and descriptive text and signposts to other sources of information. These are effectively historical records and archives.

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

English Enquiry Line 0300 0603300  
Llinell Ymholiadau Cymraeg 0300 0604400  
Correspondence.Ken.Skates@wales.gsi.gov.uk

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

In recent years the Archaeological Trusts have developed online access to key elements of the HER data through a web-presence, *Archwilio*. Much of the information that has been collected historically has been presented through this website. The on-line provision of this information includes some searchable fields that are relatively brief – just a few words. But the entries also contain descriptive information that has been collected over many years and can be of considerable length.

Throughout the United Kingdom there have been calls to provide a more secure future for historic environment records, especially in the current climate of financial pressures on local authorities. A number of organisations (for example the Council for British Archaeology and the Chartered Institute for Archaeologists) have commended Wales for taking a major lead in moving towards the provision of statutory status for these records. I believe that this initiative, along with other provisions in the Bill, will place Wales at the forefront of the protection and management of the historic environment.

I am also aware of the importance of complying with the Welsh Standards Regulations (No. 1) 2015 unless a specific exemption has been agreed with your office. With this in mind I am aware that the standards, that you draw attention to in your letter, relating to the public display of information (standards 38-39) and to websites and services online (Standards 52-57) could apply, at least in part, to the HERs.

We recognise the importance of providing a bilingual HER service and I have asked my officials to discuss with your office how this might best be achieved. For example, a critical element of the HERs is the provision of assistance and advice with retrieving and understanding information contained in the record. If the Local Authorities chose to discharge their responsibilities through the Archaeological Trusts, I have been informed that the Trusts are confident that they can all deliver this service bilingually. However, we are also keen to discuss what is proportionate and achievable in relation to the historic and archival material contained with the HERs, and made available through *Archwilio*, both those already in existence and those that will be created in the future.

I note that your letter to the Committee also makes reference to the inclusion within the HERs of information on place names in Wales – using, where relevant, both their Welsh and English forms. A similar recommendation was made by the Committee, and I have instructed my officials to consider how such a requirement could be incorporated as an amendment to the relevant section of the Bill and how information on historic place names can be accessed through the HERs.

I am sending a copy of this letter to Christine Chapman, AM, the Chair of the Communities, Equality and Local Government Committee.

Yours sincerely



**Ken Skates AC / AM**

Y Dirprwy Weinidog Diwylliant, Chwaraeon a Thwristiaeth  
Deputy Minister for Culture, Sport and Tourism

## Annex

### Historic environment records in Wales

#### Background

1. Historic environment records ('HERs') store and provide access to systematically organised information about the historic environment and specific historic assets in a given area. They are critical sources of information for those making decisions about the sustainable management of the historic environment. The information they contain is an important starting point for management processes, conservation, fieldwork and research, and public engagement and outreach relating to the historic environment. They form the basis on which archaeological and other heritage management advice is provided to local planning authorities. Without this information, the essential advice that informs, for example, the assessment of the impact on the historic environment of development proposals will be brought into question.

#### Current position

2. There are currently four HERs in Wales, which had their origins in the Sites and Monuments Records established by the four Welsh archaeological trusts ('WATs') in the 1970s. Their creation was primarily prompted by a lack of archaeological information and the consequent loss of archaeological remains following development. Between them, the four HERs provide comprehensive coverage of the whole of Wales.
3. They are used to:
  - support strategic and local policies for conserving the historic environment;
  - provide information about historic assets that might be affected by planning applications and other development proposals;
  - inform heritage-led regeneration;
  - contribute to educational and lifelong learning activities;
  - support research; and
  - support and promote public participation and enjoyment of the historic environment.
4. The HERs complement the permanent archives held by local authorities and the RCAHMMW by pulling together information about the historic environment and signposting in-depth resources elsewhere.
5. Over the last four decades the HERs have grown and collectively they now include over 150,000 historic and archive entries. They continue to grow with information on new sites and investigations being added and existing entries being expanded and enhanced. Each historic record entry includes locational and descriptive text and signposts to other sources of information and can take the form of paper documents, photographs, map and GIS based information as well as digital data.
6. At present, the four HERs in Wales are owned and managed by charitable HER trusts and they have no statutory status. The WATs, which are registered charities, maintain and provide public access to the HERs on behalf of the associated charitable trusts. The WATs provide development control advice on the impact of

planning proposals on the historic environment to the LPAs in their regions based on the information contained within the HERs. Members of the public may access the HERs in person, at the offices of the WATs, or through an online access system (*Archwilio*) and associated mobile phone App.

7. The principal funding for the management and enhancement of the HERs and the provision of public access is provided as grant aid to the WATs from the Welsh Ministers, either directly or via the RCAHMMW. Other contributions are received from the local authorities, commercially funded work, or the WATs' own charitable resources.
8. Elsewhere in the United Kingdom, the majority of HERs are owned and managed directly by the relevant local authority. However, in the absence of a statutory role or status for the HERs, many are vulnerable to local authority cuts. In Wales, local authorities obtain their archaeological advice from the WATs or, in a small number of cases, from their own officers. However, formal recognition of the HERs as the source of this advice by local authorities is, at best, patchy and the status of existing service level agreements between LPAs and the WATs is variable. This has led to calls for local authorities to be obliged to take formal 'ownership' of an HER that meets a recognised standard for the purposes of informing archaeological and other heritage management advice.

#### Purpose of the provisions

9. The provisions require every LPA in Wales to create and keep up to date an HER and to make arrangements for information on the historic environment to be recorded, stored and made publicly available. The provisions detail the range of information to be contained in each HER. This includes information on designated and registered historic assets, historic assets that are considered to be of local interest and details of any relevant investigations that have been carried out in the authority's area.
10. Each LPA is obliged to make its HER a publicly available resource, free of charge and supported by professional advice and assistance to interpret the information that it contains. However, the authority may impose reasonable charges to recover the costs of certain services associated with the HERs.
11. The provisions permit an LPA to delegate the creation and maintenance of its HER to another 'person' or provider. The expectation is that authorities are likely to wish to continue the current arrangements whereby the WATs and the associated HER charitable trusts discharge those functions. Grant aid for this arrangement will continue to be provided by the Welsh Ministers, either directly or indirectly. The authorities will be free to make alternative arrangements should they wish to do so. However, the Welsh Ministers will have to be satisfied that any such arrangements are appropriate and meet the standard required of an HER.
12. The provisions also allow for the Welsh Ministers to issue guidance, following consultation, on the creation and maintenance of HERs, arrangements for the discharge of those functions, the publication of HERs and the setting of fees.

#### Intended effect of the provisions

13. The provisions seek to secure the future of HERs in Wales so that authoritative information on the historic environment is recorded and stored in an effective way

and will be publicly available at a local level with appropriate professional interpretation and assistance for future reference, research and educational purposes. Henceforth, LPAs and other land managers will be able to base decisions that affect the historic environment of their area — strategic planning and development control decisions, for instance — on authoritative advice, information and evidence furnished by the HERs.

Ken Skates AC / AM  
Y Dirprwy Weinidog Diwylliant, Chwaraeon a Thwristiaeth  
Deputy Minister for Culture, Sport and Tourism




Llywodraeth Cymru  
Welsh Government

Christine Chapman AM  
Chair  
Communities, Equalities and Local Government Committee

committeebusiness@wales.gsi.gov.uk

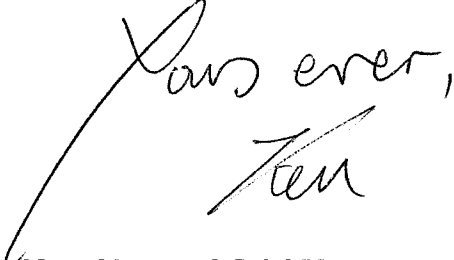
Dear Christine

 October 2015

Thank you for your letter of 18 September following the evidence session 16 September, requesting additional information. I've attached a number of annexes providing notes and additional information as requested:

- Annex 1 – Note on Memorandum of Understanding on BBC Charter review
- Annex 2 – Copy of Memorandum of Understanding on BBC Charter review
- Annex 3 – Copy of Scottish Memorandum of Understanding on BBC Charter review
- Annex 4 – Responses to Ofcom consultation on Channel 3 licence for Wales
- Annex 5 – Note on funding for arts
- Annex 6 – Details of listed chapels, churches, cemeteries and burial sites
- Annex 7 – Further information on Barcelona example
- Annex 8 – Note on Historic Environment Group / Advisory Board / Wales Heritage Group
- Annex 9 – Note on libraries

I have asked the Arts Council of Wales for a briefing paper for Members and will forward that on as soon as possible. I will also forward a copy of the Arts Council of Wales' review of Arts & Business Cymru, which is still ongoing, as soon as possible after its publication.

  
Yours ever,  
Ken

**Ken Skates AC / AM**  
Y Dirprwy Weinidog Diwylliant, Chwaraeon a Thwristiaeth  
Deputy Minister for Culture, Sport and Tourism

## Annex 1

### **MEMORANDUM OF UNDERSTANDING - REVIEW OF THE BBC ROYAL CHARTER**

A Memorandum of Understanding was agreed between the Department for Culture, Media and Sport (DCMS), the BBC Executive, the BBC Trust, the Scottish Government and the Scottish Parliament in June this year, on the process of reviewing the BBC's Charter and the BBC's ongoing accountability.

DCMS sought to achieve agreement in Scotland in the first instance as there was a specific commitment to this effect in the January 2015 command paper "*Scotland in the United Kingdom: An enduring settlement*". The model that was developed, which formalises the role of devolved governments in this (and future Charter) reviews and the role of devolved parliaments or assemblies in the ongoing scrutiny of the BBC, is equally applicable to each of the devolved nations. A similar agreement for Wales will build positively on the UK Government's commitments in the command paper "*Powers for a Purpose: Towards a Lasting devolution Settlement for Wales*".

Given the early engagement between the UK Government, Scottish Government and Scottish Parliament on developing the first Memorandum of Understanding, sufficient time was available for Scottish Ministers to agree the aspects of their Memorandum which relate to the Scottish Government's formal, consultative role in the review of the BBC's Charter, and also for the Scottish Parliament's Devolution (Future Powers) Committee to consider the aspects of the Memorandum which relate to the Parliament's role in holding the BBC to account on an ongoing basis and for the Scottish Parliament to consider and agree the Committee's recommendation that the Memorandum was acceptable.

Since June, Welsh Government officials have engaged closely with DCMS to formalise a comparable Memorandum of Understanding for Wales that enshrines an equal place at the table for the Welsh Government in the Charter review. It was vital to achieve this agreement as soon as possible, given that the Charter review process, including public consultations, commenced in July.

However, given summer recess it would not have been possible to allow the National Assembly the time needed to properly scrutinise and agree elements relating to the Assembly's role in holding the BBC to account, which would come into practical effect when the BBC publishes its next annual report and accounts in 2016. For this reason a decision was taken to develop an initial Memorandum that would enshrine the Welsh Government's role now and would also commit all signatories (the Welsh Government, the UK Government, the BBC Executive and the BBC Trust) to work with the National Assembly for Wales to develop a second Memorandum. This will include the National Assembly as a signatory and supersede the first; it will retain commitments from the first Memorandum and add commitments relating to duties placed on the BBC on an ongoing basis - to provide annual reports and statements of accounts to the Welsh Government and the National Assembly for Wales and to appear regularly before the relevant Assembly committee(s). These will be comparable to those already included in the Scottish Memorandum.

The second Memorandum of Understanding should be agreed and in place well before the next BBC reporting round in 2016. I have provided copies of the final text of the initial Welsh Memorandum and the full Scottish Memorandum (at Annexe A of the Scottish Parliament's Devolution Committee paper attached) for the Committee's information.

## **MEMORANDUM OF UNDERSTANDING: BBC CHARTER REVIEW/WELSH GOVERNMENT**

### **Preamble**

Following the final agreement of the Memorandum of Understanding between the UK Government, Scottish Government, Scottish Parliament and the BBC (see 'Background'), the UK Government is hereby seeking to establish parity for the Welsh Government in respect of a formal consultative role in the process of Charter Review and the ongoing scrutiny of the BBC

### **Parties**

- The Department for Culture, Media and Sport (The Department)
- The BBC<sup>1</sup>
- The Welsh Government

### **Commitments:**

#### **1. Charter Review**

The BBC is established by Royal Charter. The Charter sets out how the BBC is constituted, its public purposes, and the respective roles and composition of the BBC Trust and the Executive Board. The current Royal Charter expires at the end of 31 December 2016.

The terms of the formal consultative role for the Welsh Government in the process of reviewing the BBC's Charter shall be as follows:

- The Department will consult the Welsh Government on the draft terms of reference for the Charter Review in advance of their publication.
- The Welsh Government will lay the final terms of reference for the Charter Review before the National Assembly for Wales.
- The Department will consult the Welsh Government through the process of reviewing the Charter.
- The Welsh Government will lay the draft Charter and Framework Agreement before the National Assembly for Wales, and should the Assembly deem it appropriate, schedule a 'take note' debate on the content of the draft Charter and Framework Agreement<sup>2</sup>.

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<sup>1</sup> In this Memorandum of Understanding - "the BBC" means the British Broadcasting Corporation; "the Executive" means the Executive Board of the BBC; and "the Trust" means the BBC Trust; and any reference to "the BBC" (without qualification) includes a reference to both the Trust and the Executive, so far as makes sense in the context.

<sup>2</sup> This would ensure parity with the processes in the UK Parliament for the last Charter Review in 2006. See the 'take note' debate in the House of Lords, 16 June 2006.

- The Department will consult the Welsh Government before recommending to Her Majesty in Council that the draft Charter is granted.

## **2. Annual reports and accounts, and appearing before committees**

As part of ‘Powers for a Purpose: Towards a lasting devolution settlement for Wales’ in February 2015<sup>3</sup>, the UK Government indicated that it would ‘...seek a commitment from the BBC and S4C that they should send their annual reports and accounts for laying in the Assembly’.

Prior to the publication of the BBC’s annual report and accounts for 2015/16 the signatories will work to agree a revised Memorandum of Understanding, to supersede this one, which would (subject to agreement<sup>4</sup>) include commitments in the following areas, to establish parity across the devolved Governments in relation to annual reports and accounts, and appearing before committees:

- A commitment from the BBC to send its annual report and accounts to the Welsh Government and a commitment from the Welsh Government to lay these before the National Assembly for Wales; and
- A commitment from the BBC to appear before the National Assembly for Wales committees on matters relating to Wales, on the same basis as it does in the UK Parliament

## **3. Next Charter**

Subject to a Royal Charter for the continuation of the BBC being granted, the consultative processes relating to Charter Review set out above, and such commitments as are agreed in relation to the BBC’s Annual Reports and Accounts, and appearing before committees referred to above will be enshrined in that Charter and in all subsequent Charters unless otherwise set in statute elsewhere.

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<http://www.publications.parliament.uk/pa/ld200506/ldhansrd/vo060616/text/60616-01.htm>); and the Commons debate on 10 July (see: <http://www.parliament.the-stationery-office.co.uk/pa/cm/cmvote/60710v01.htm>).

<sup>3</sup>[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/408587/47683\\_CM9020\\_ENGLISH.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/408587/47683_CM9020_ENGLISH.pdf)

<sup>4</sup> Including with the National Assembly for Wales

#### 4. Signatures

[For and on behalf of the Department]	[For and on behalf of the Welsh Government]
[For and on behalf of the BBC Executive]	[For and on behalf of the BBC Trust]

## 5. Background

Following the referendum on the independence of Scotland on 18 September 2014, the Smith Commission Agreement, published on 27 November 2014<sup>5</sup>, made several proposals specific to the British Broadcasting Corporation (BBC). As set out in paragraph 36 of the Agreement:

*There will be a formal consultative role for the Scottish Government and the Scottish Parliament in the process of reviewing the BBC's Charter.*

The UK Government's Command paper, 'Scotland in the United Kingdom: An enduring settlement'<sup>6</sup>, published in January 2015, set out at paragraphs 5.2.1 – 5.2.3 how paragraph 36 of the Smith Commission Agreement would be enacted by a Memorandum of Understanding (MoU), stating;

*5.2.1 Paragraph 36 of the Smith Commission Agreement, which relates to the relationship between the British Broadcasting Corporation (BBC) and the Scottish Government and Scottish Parliament, will be enacted by Memorandum of Understanding (MoU). This MoU, entered into by the UK Government, Scottish Government, Scottish Parliament and the BBC, will fulfil the Agreement's proposal by setting out commitments that guarantee a full consultative role for the Scottish Government and Scottish Parliament in the review of the Royal Charter and the ongoing scrutiny of the BBC.*

*5.2.2 The commitments outlined in the MoU will be:*

- A commitment on the UK Government to consult with the Scottish Government and Scottish Parliament before recommending that any Royal Charter on the BBC is granted, and detail concerning the terms of engagement throughout the review process;*
- A commitment from the BBC to send its annual report and accounts to the Scottish Government and a commitment from the Scottish Government to lay these before the Scottish Parliament;*
- A commitment from the BBC to appear before Scottish Parliament committees on matters relating to Scotland; and*
- A commitment to enshrine all the above in the next Charter.*

*5.2.3 Setting this out in an MoU, rather than draft clauses, ensures that the BBC's integrity and independence is secured by keeping its governance and constitutional arrangements off the statute books. Importantly, delivering this commitment by MoU will ensure that the Scottish Government and Scottish Parliament are able to have a*

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<sup>5</sup> <https://www.smith-commission.scot/smith-commission-report/>

<sup>6</sup> <https://www.gov.uk/government/publications/scotland-in-the-united-kingdom-an-enduring-settlement>

*consultative role in time for the next Charter Review, which is due to commence after the 2015 General Election; any draft clauses in this respect, setting out a formal role for the Scottish Government, would necessarily come into force too late to guarantee such an involvement. Furthermore, the process, timing and scope of the review of the BBC's Charter are not set out in statute.*

This Memorandum of Understanding establishes parity for the Welsh Government in respect of a formal consultative role in the process of Charter Review and commits all signatories to ensuring parity in respect of the ongoing scrutiny of the BBC.



**Devolution (Further Powers) Committee**

# **Report on the Memorandum of Understanding on the BBC**



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# Devolution (Further Powers) Committee

To consider matters relating to The Scotland Act 1998 (Modification of Schedule 5) Order 2013, the Scottish Independence Referendum Act 2013, its implementation and any associated legislation. Furthermore, (i) until the end of November 2014 or when the final report of the Scotland Devolution Commission has been published, to facilitate engagement of stakeholders with the Scotland Devolution Commission and to engage in an agreed programme of work with the commission as it develops its proposals; and (ii) thereafter, to consider the work of the Scotland Devolution Commission, the proposals it makes for further devolution to the Scottish Parliament, other such proposals for further devolution and any legislation to implement such proposals that may be introduced in the UK Parliament or Scottish Parliament after the commission has published its final report.



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[devolutioncommittee@scottish.parliament.uk](mailto:devolutioncommittee@scottish.parliament.uk)



0131 348 5206



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## Committee Membership



**Convener**  
**Bruce Crawford**  
Scottish National Party



**Deputy Convener**  
**Duncan McNeil**  
Scottish Labour



**Linda Fabiani**  
Scottish National Party



**Rob Gibson**  
Scottish National Party



**Alex Johnstone**  
Scottish Conservative  
and Unionist Party



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Scottish National Party



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Scottish Labour



**Mark McDonald**  
Scottish National Party



**Stuart McMillan**  
Scottish National Party



**Tavish Scott**  
Scottish Liberal  
Democrats



# Introduction

## Background

1. In November 2014, *The Smith Commission* made the following recommendation with regard to the British Broadcasting Corporation (BBC) as part of its overall final report:

” There will be a formal consultative role for the Scottish Government and the Scottish Parliament in the process of reviewing the BBC’s Charter. The BBC will lay its annual report and accounts before the Scottish Parliament and submit reports to, and appear before, committees of the Scottish Parliament.<sup>1</sup>

2. The previous UK Government’s Command Paper, containing draft legislative clauses, suggested that this recommendation of the Smith Commission would be dealt with via a Memorandum of Understanding (MoU), which would be entered into by the UK Government, Scottish Government, Scottish Parliament and the BBC. The rationale of the previous UK Government for adopting this approach was as follows:

” Setting this out in an MoU, rather than draft clauses, ensures that the BBC’s integrity and independence is secured by keeping its governance and constitutional arrangements off the statute books. Importantly, delivering this commitment by MoU will ensure that the Scottish Government and Scottish Parliament are able to have a consultative role in time for the next Charter Review, which is due to commence after the 2015 General Election; any draft clauses in this respect, setting out a formal role for the Scottish Government, would necessarily come into force too late to guarantee such an involvement. Furthermore, the process, timing and scope of the review of the BBC’s Charter are not set out in statute.<sup>2</sup>

3. The process of agreeing a formal MoU between the above-mentioned signatories has been retained by the new UK Government elected after the UK General Election held in May 2015.
4. A final draft of the proposed MoU is set out in **Annexe A** of this report.

## Parliamentary Resolution

5. As a proposed signatory to the MoU, approval of the Scottish Parliament would require agreement to a Resolution. Consequently, the Parliamentary Bureau agreed, at its meeting on 28 April 2015, that the Devolution (Further Powers) Committee should be the lead committee in consideration of the draft MoU and that the Education and Culture and Public Audit Committees would also consider the draft MoU and report to the Devolution (Further Powers) Committee.

6. Subsequently, the Devolution (Further Powers) Committee would report to the Scottish Parliament for its deliberation and resolution.

## **BBC Charter Review**

7. Although the proposed MoU is a stand-alone document intended to set out the expected interaction between the BBC and the Scottish Parliament (and other signatories) over the longer-term, in the short-term, the most immediate issue is that of the proposed renewal of the BBC's Royal Charter.
8. The Royal Charter is the constitutional basis for the BBC. It sets out the public purposes of the BBC, guarantees its independence, and outlines the duties of the Trust and the Executive Board. The BBC's Charter Review takes place every 10 years with the current Charter due to expire at the end of 2016. Consequently, discussions on a new Charter are expected to begin in the summer of 2015 and the MoU would therefore cover the expectations that the Scottish Parliament would have of the BBC as part of this process (e.g. appearances before Parliamentary committees if invited etc).

## **Scrutiny process**


9. The Devolution (Further Powers) Committee considered the draft MoU at its meeting of Thursday 11 June, taking into account the deliberations of the Education and Culture and Public Audit Committees which had met on 9 June and 10 June respectively. The views expressed by these committees are set out in a later section of this report.
10. Additionally, on 8 June, the Scottish Government's Cabinet Secretary for Culture, Europe and External Affairs set out her views on the MoU in a letter to the Committee; a copy of which is attached as **Annexe B** of this report.
11. At its meeting of 11 June, the Committee agreed to postpone a final decision on the MoU pending an agreement being reached between the two governments on suggested changes to the MoU made by the Scottish Government and parliamentary committees. In an exchange of letters (see **Annexe B**), such an agreement was reached.
12. Consequently, at its meeting of 18 June, the Committee re-considered a revised MoU and whether to recommend approval to the Scottish Parliament.

# Key issues

## Views from other Parliamentary committees

### Education and Culture Committee

13. The Education and Culture Committee considered the draft MoU at its meeting of 9 June. Subsequently, the Education and Culture Committee wrote to this Committee setting out its findings (see [Annexe C](#)). In summary, the Education and Culture Committee—

 ...noted the comments and suggested amendments of the Cabinet Secretary and were agreed it was important the Memorandum meets both the spirit and the substance of the Smith Commission.

### Public Audit Committee

14. The Public Audit Committee considered the draft MoU at its meeting of 10 June. Subsequently, the Public Audit Committee wrote to this Committee setting out its findings (see [Annexe C](#)).

## Views of the Scottish Government and its proposed amendments to the draft MoU

15. As indicated above, on 8 June, the Scottish Government's Cabinet Secretary for Culture, Europe and External Affairs set out her views on the MoU in a letter to the Committee. This letter and the Scottish Government's proposed amendments to the draft MoU were considered by the Committee at its meetings.
16. As noted earlier, agreement has now been reached by the two governments on the changes that were required to the draft MoU.

## Conclusion and recommendation

17. At its meeting of 18 June, the Committee agreed to recommend to the Scottish Parliament that it gives its approval to the Memorandum of Understanding relating to the relationship between the British Broadcasting Corporation, the Scottish Government, the UK Government and the Scottish Parliament.

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<sup>1</sup> *The Smith Commission*, Final Report, November 2014, paragraph 36.

<sup>2</sup> *The UK Government*, Scotland in the United Kingdom: An enduring settlement, January 2015.

# Annexe A

## MEMORANDUM OF UNDERSTANDING

### Preamble

Following the referendum on the independence of Scotland on 18 September 2014, and in order to deliver the commitments made by the leaders of the pro-UK parties, Lord Smith of Kelvin was asked to convene cross-party talks and facilitate an inclusive engagement process across Scotland to produce recommendations for further devolution of powers to the Scottish Parliament.

That process led to the Smith Commission Agreement, published on 27 November 2014. This made several proposals specific to the British Broadcasting Corporation (BBC), as set out in paragraph 36 of the Agreement:

*There will be a formal consultative role for the Scottish Government and the Scottish Parliament in the process of reviewing the BBC's Charter. The BBC will lay its annual report and accounts before the Scottish Parliament and submit reports to, and appear before, committees of the Scottish Parliament in relation to matters relating to Scotland in the same way as it does in the UK Parliament.*

The UK Government's Command paper, 'Scotland in the United Kingdom: An enduring settlement', published in January 2015, set out at paragraphs 5.2.1 – 5.2.3 how paragraph 36 of the Smith Commission Agreement will be enacted by this Memorandum of Understanding (MoU), stating;

*5.2.1 Paragraph 36 of the Smith Commission Agreement, which relates to the relationship between the British Broadcasting Corporation (BBC) and the Scottish Government and Scottish Parliament, will be enacted by Memorandum of Understanding (MoU). This MoU, entered into by the UK Government, Scottish Government, Scottish Parliament and the BBC, will fulfil the Agreement's proposal by setting out commitments that guarantee a full consultative role for the Scottish Government and Scottish Parliament in the review of the Royal Charter and the on-going scrutiny of the BBC.*

*5.2.2 The commitments outlined in the MoU will be:*

- A commitment on the UK Government to consult with the Scottish Government and Scottish Parliament before recommending that any Royal Charter on the BBC is granted, and detail concerning the terms of engagement throughout the review process;*
- A commitment from the BBC to send its annual report and accounts to the Scottish Government and a commitment from the Scottish Government to lay these before the Scottish Parliament;*
- A commitment from the BBC to appear before Scottish Parliament committees on matters relating to Scotland; and*

- *A commitment to enshrine all the above in the next Charter.*

*5.2.3 Setting this out in an MoU, rather than draft clauses, ensures that the BBC's integrity and independence is secured by keeping its governance and constitutional arrangements off the statute books. Importantly, delivering this commitment by MoU will ensure that the Scottish Government and Scottish Parliament are able to have a consultative role in time for the next Charter Review, which is due to commence after the 2015 General Election; any draft clauses in this respect, setting out a formal role for the Scottish Government, would necessarily come into force too late to guarantee such an involvement. Furthermore, the process, timing and scope of the review of the BBC's Charter are not set out in statute.*

## **Parties**

- The Department for Culture, Media and Sport (The Department)
- The BBC
- The Scottish Government
- The Scottish Parliament

## **Commitments:**

### **1. Charter Review**

The BBC is established by Royal Charter. The Charter sets out how the BBC is constituted, its public purposes, and the respective roles and composition of the BBC Trust and the Executive Board. The current Royal Charter expires at the end of 31 December 2016. The terms of the formal consultative role for the Scottish Government and the Scottish Parliament in the process of reviewing the BBC's Charter shall be as follows:

- The Department will consult the Scottish Government on the draft terms of reference for the Charter Review in advance of their publication.
- The Scottish Government will lay the final terms of reference for the Charter Review before the Scottish Parliament.
- The Department will consult the Scottish Government through the process of reviewing the charter
- The Scottish Government will lay the draft Charter and Framework Agreement before the Scottish Parliament, and should the Parliament deem it appropriate, schedule a 'take note' debate on the content of the draft Charter and Framework Agreement
- The Department will consult the Scottish Government before recommending to Her Majesty in Council that the draft Charter is granted.

## **2. Annual report and accounts**

Under Article 45 of the Royal Charter, the BBC is required to prepare an annual report and the audited statement of accounts that complies with the requirements of that article and with any directions given (after consulting the BBC) by the Secretary of State or the Foreign Secretary as to the information to be given in the report about the finance, administration and work of the BBC, and in the statement of accounts. The completed report and audited accounts must be sent to the Secretary of State who must lay them before the UK Parliament; and once that has been done the BBC must publish them.

The BBC will send the completed report and the audited accounts to the Scottish Parliament at the same time they are sent to the Secretary of State. The BBC will lay the completed report and the audited accounts before the Scottish Parliament on the next day on which the office of the clerk is open after they have been sent to the Secretary of State.

## **3. Reports to, and appearing before, the Scottish Parliament**

The BBC regularly receives invitations to provide evidence to Committees of the UK Parliament and to those of the Scottish Parliament (both through witnesses and by the production of documentary evidence). The BBC approaches such invitations from committees of the UK Parliament with due regard to its duty to maintain the BBC's editorial and operational independence.

The BBC will submit reports to, and appear before, committees of the Scottish Parliament in relation to matters relating to Scotland on the same basis as it does in the UK Parliament

## **4. Next Charter**

Subject to a Royal Charter for the continuation of the BBC being granted, the process outlined under section 2 above, relating to the BBC contained in the Smith Commission's proposals will be enshrined in that Charter and in all subsequent charters unless otherwise set in statute elsewhere.

[signatories]

## Annexe B

### LETTER FROM THE SCOTTISH GOVERNMENT TO THE COMMITTEE (8 JUNE)

Dear Bruce

#### MEMORANDUM OF UNDERSTANDING BETWEEN SCOTTISH PARLIAMENT, SCOTTISH GOVERNMENT, BBC AND UK GOVERNMENT

I understand that your committee will be considering the draft Memorandum of Understanding to deliver the Smith Commission proposals around a role for Scottish Government and Scottish Parliament in the process of BBC Charter Renewal. I wanted to take the opportunity to write to you to set out the Scottish Government position to inform your consideration.

I am firmly committed to ensuring that the proposals made by the Smith Commission, to guarantee a formal consultative role for the Scottish Government and Scottish Parliament in reviewing and agreeing the BBC Charter, in the same way as it does the UK Parliament, are implemented in full. The commitment outlined in the Smith Agreement is that Scottish Government and the Scottish Parliament are to play a role in the governance of the BBC *in the same way* as for the UK Parliament. This is critical to our success in ensuring that the BBC can deliver for the people of Scotland.

I support the process of agreeing to a Memorandum of Understanding to ensure that the imminent process of Charter Renewal provides both the Scottish Government and the Scottish Parliament with a solid means of influencing Charter content so that it delivers well for the people of Scotland. I also consider the MoU to be the formal means through which our policy on broadcasting can be progressed once the process of Charter Renewal begins.

However, in order for this process to happen effectively, it is critical that the MoU provides absolute clarity and that the Scottish Government and Parliament will be meaningfully engaged at each point in the Charter renewal process. Whilst the present draft presents some detail on how consultation on the terms of reference for the Charter will be agreed, it does not currently provide for a role in determining the content of the Charter, both for this and subsequent charter renewal processes.

Consequently, I am of the view that the current draft MoU does not yet fully deliver the role which the Smith Commission outlined. I will be writing to the Secretary of State for Culture Media and Sport in due course to make specific comments on the draft, and my officials are in discussion with the Department for Culture Media and Sport. I attach for information our current revised wording for the MoU which will be proposed to DCMS.

I welcome consideration of the draft by the Committee and look forward to hearing more on your conclusions in due course.

Yours sincerely

FIONA HYSLOP

**LETTER FROM THE SCOTTISH GOVERNMENT TO THE UK GOVERNMENT (15 JUNE)**

Dear Mr Whittingdale,

**MEMORANDUM OF UNDERSTANDING BETWEEN SCOTTISH PARLIAMENT, SCOTTISH GOVERNMENT, BBC AND UK GOVERNMENT**

Thank you for your letter on 10 June in which you set out your response to my letters to the Committees of the Scottish Parliament, which are considering the draft Memorandum of Understanding (MoU) between Scottish Government, Scottish Parliament BBC and UK Government. I welcome your commitment to working with me to deliver the ambition and spirit of the Smith Commission to agree a draft that makes certain that Scotland has a strong voice through the process of reviewing the BBC Charter and which ensures that the BBC delivers well for the people of Scotland.

I have attached to this letter, at **Annex A**, the current draft of the Memorandum of Understanding which has been reached between officials. I welcome the amendments to section one to include the commitment that the Scottish Government will be consulted through the process of Charter renewal and feel that this delivers the intent laid out in Paragraph 36 of the Smith Commission report.

I also welcome the proposed changes with regard to the concerns raised by the Public Audit Committee of the Scottish Parliament at section 2. I am confident that through the process of Charter renewal itself we will be able to address their concerns regarding the provision of Scottish specific information.

I hope you agree with me that this version of the MoU, as presented by our officials, marks a positive step forward in delivering a positive outcome. If we are able to agree to this version within the next few days, then we can allow for the Devolution and Further Powers Committee of the Scottish Parliament to consider the draft on the 18 June, with a view to consideration by the full chamber in the following week. Timing of Parliamentary consideration is of course subject to other business in the chamber, but I have asked my officials to work with Parliament to progress considerations before recess begins on the 26 June.

Yours sincerely

FIONA HYSLOP MSP

**LETTER FROM THE UK GOVERNMENT TO THE SCOTTISH GOVERNMENT (17 JUNE)**

**BBC Memorandum of Understanding (MoU)**

Many thanks for your letter concerning the drafting of the Memorandum of Understanding (MoU). I agree that the proposed change to the third bullet ensures that the MoU is closer in tone and content to the Smith Agreement. This also addresses the points raised by the Scottish Parliament's Education and Culture Committee in their deliberations last week, as their view was that the MoU should: '...deliver the spirit and substance of the Smith Commission recommendations'.

I further note the views of the Public Audit Committee, particularly on the provision of Scotland specific information in the BBC's annual report and accounts, which you have referenced in your letter.

I agree with your view that these issues should be addressed through the Charter review process itself.

I am pleased that we have reached a form of words for the Memorandum of Understanding (MoU) with which all signatories are now content. I look forward to our respective Governments working collaboratively in the coming years, both in terms of the Charter review itself, and across a broad range of policy issues.

Yours sincerely,

RT HON JOHN WHITTINGDALE OBE MP

## Annexe C

### LETTER FROM THE EDUCATION AND CULTURE COMMITTEE TO THE COMMITTEE CONVENER

Dear Bruce,

The Education and Culture Committee today discussed the draft Memorandum of Understanding on the BBC and have asked me to provide the following comment to the Devolution (Further Powers) Committee.

The Committee considered the draft Memorandum together with a letter dated 8 June 2015 from Fiona Hyslop Cabinet Secretary for Culture, Europe and External Affairs. The Committee noted the comments and suggested amendments of the Cabinet Secretary and were agreed it was important the Memorandum meets both the spirit and the substance of the Smith Commission.

Yours sincerely,

STEWART MAXWELL MSP  
CONVENER

## **LETTER FROM THE PUBLIC AUDIT COMMITTEE TO THE COMMITTEE CONVENER**

Dear Bruce

Thank you for your letter dated 29 April in which you invite the Public Audit Committee to provide views on the draft BBC Memorandum of Understanding (hereafter referred to as the 'draft BBC MoU).

As you may be aware the Public Audit Committee has been undertaking scrutiny of the possible impact on audit and accountability of the proposals for further devolved powers as set out in the UK Government's Command paper entitled *Scotland in the United Kingdom: An enduring settlement*.

The Committee will conclude its initial consideration of these proposals when it publishes an issues paper in late June 2015. As such we are able to provide the Devolution (Further Powers) Committee with some early views in advance of agreeing that issues paper.

The Committee's observations are as follows:

We question the extent to which any Scottish Parliamentary Committee can hold the BBC to account on 'matters relating to Scotland' on the basis of its UK annual report and accounts. We would observe that the BBC raises revenue in Scotland and funds Scottish specific activities such as programming and coverage of major events such as the Commonwealth Games. It also reports to the Scottish Parliament on some Scottish specific activity through its BBC Scotland Management Review and provides specific audited annual report and accounts for BBC Alba.

We consider therefore that for any accountability to be meaningful the BBC should provide Scottish specific data on performance, service delivery and financial information in its UK annual report and accounts. Although the BBC does provide a BBC Scotland Management Review, we consider it essential that any Scottish specific data is robust and has been subject to external audit as is the case with the BBC's annual report and accounts (which are audited by the Comptroller and Auditor General and the National Audit Office).

We are concerned that in the absence of Scottish specific performance, service and financial information, requests for the BBC to give evidence before the Public Audit Committee on the basis of their UK accounts could be rejected on the basis that their UK accounts do not contain sufficient information on matters relating to Scotland.

We note that the Secretary of State or the Foreign Secretary (set out in section 2 of the draft BBC MoU) has the power to give directions as to the information to be given in the report about the finance, administration and work of the BBC and in the statement of accounts. We consider that the draft BBC MoU should provide for consultation with the Scottish Parliament before any such directions are made.

This would enable the Parliament to provide any views on the impact of the proposed direction on the transparency of any Scottish specific information in the annual report and accounts. It could also provide for a mechanism by which more Scottish specific information in the annual report and accounts could be requested by the Scottish Parliament, particularly as its oversight role develops.

Finally we observe that the draft BBC MoU refers to the BBC annual accounts being laid by the BBC in the Scottish Parliament on the next 'available sitting day' after the Secretary of State lays those accounts in the UK Parliament. Under Standing Order Rule 2.1.3 a sitting day is any day 'when the office of the Clerk is open but not when the Parliament is in recess or dissolved'. We are concerned therefore that if the BBC UK annual accounts are laid in the UK Parliament during July each year (as is usually the case) then there would be no obligation under the draft MoU to lay those accounts in the Scottish Parliament until the first sitting day in September (given the Scottish Parliament is usually in recess during July and August).

We also question whether the use of 'available' could also result in the UK accounts being laid in the Scottish Parliament sometime after they are laid in the UK Parliament as it is open to interpretation. We therefore recommend that the words 'available sitting day' is replaced with 'the next day on which the office of the Clerk is open'.

I will ensure that a copy of our issues paper is sent to you once it has been agreed.

Yours sincerely

PAUL MARTIN MSP  
CONVENER



## **Ofcom's consultation on the Renewal of Channel 3 licences: proposed changes to licensed area for Wales and West of England Licence and South West of England Licence**

**This response has been cleared by the Rt. Hon Carwyn Jones AM, the First Minister of Wales.**

The Welsh Government welcomes this opportunity to respond to Ofcom's consultation on the renewal of Channel 3 licences: proposed changes to licensed area for Wales and West of England Licence and South West of England Licence.

As was set out in the Welsh Government's February 2013 response to the consultation on Ofcom's draft Annual Plan for 2013-14, we support, in principle, the creation of a single Channel 3 licence for Wales. It is our view that the Welsh Government should have an active role in discussions to develop the single licence.

In our view financial considerations overrode the needs of the Welsh people when the 1990 licence award for channel 3 was made. This, combined with subsequent relaxation of licence conditions has allowed the service in Wales to diminish, economically and in terms of Welsh content.

As current channel 3 licences expire at the end of 2014 Ofcom has an opportunity to remedy this situation and protect the PSB requirements of Wales. Following Ofcom's report to the Secretary of State for Culture, Media and Sport on the Licensing of Channel 3 and Channel 5 - which stated that it would now be correct to formally separate Wales from the regional licence for the West of England - the Secretary of State instructed Ofcom to look at a new ITV franchise for Wales. We are pleased that this consultation proposes to change the licensed area for the Wales and West of England Licence and the South West of England Licence - separating the constituent regions of the Wales and West of England licence, creating a single licence for Wales and a larger West and South-West of England licence. We are also pleased to note that ITV has indicated it is content with these proposals.

However, there are lessons which must be learned from the way in which current licence arrangements have allowed public service programming obligations - and corresponding economic activity - to weaken over the period of the current licence. Some of these may not be specific to the creation of a Wales licence but the relicensing process provides a timely opportunity to address them:

- New arrangements and mechanisms should be put in place to protect the integrity of the proposed Wales Channel 3 licence, e.g. in the event of a change of control or further organisational changes affecting the licensee. The Welsh Government wishes to discuss with Ofcom how this may be achieved.
- We have made clear in our response to Ofcom's separate consultation on programming obligations that higher standards in terms of service requirements for Wales should be set from the outset, with the involvement of the Welsh Government. These should then be detailed in the new licence agreement.

## **Ofcom's consultation on the Channel 3 and Channel 5: proposed programming obligations.**

**This response has been cleared by the Rt. Hon Carwyn Jones AM, the First Minister of Wales.**

The Welsh Government welcomes this opportunity to respond to Ofcom's consultation on the Channel 3 and Channel 5: proposed programming obligations.

### **Channel 3 licence – news and non-news provision**

Wales needs a strong independent voice in broadcasting to provide a counterbalance to the provision of BBC Wales and ITV Wales continues to have a vital role to play. The Welsh Government is fully aware of the importance of ensuring plurality of English language television in Wales in news and also general programming aimed at Welsh viewers on channel 3. The channel 3 news service should not be viewed as a 'regional news' service, but as an essential democratic national news service for the people of Wales.

The Welsh Government remains clear that protecting the existing coverage provision should be an absolute minimum condition for renewal of the Channel 3 licence. This view was set out in our response to the consultation on Ofcom's draft Annual Plan in February 2013 and we have continued to press this point in discussions with ITV Wales, Ofcom and in the context of the UK Government's Communications review.

However this does not mean that the Welsh Government views the existing level of provision as appropriate, or even adequate; it is a minimum standard that barely manages to deliver against very basic Public Service Broadcasting requirements. In our response to Ofcom's draft annual plan we also pointed out that the level of provision has been varied (downwards) over the period of the existing licence, primarily for commercial reasons and overriding the needs of the Welsh people. This relaxation of licence conditions has allowed the service in Wales to diminish, economically and in terms of Welsh content - in our view it is no longer sufficient.

A new licence represents an opportunity to redress this balance. Although the Welsh Government notes Ofcom's intention to protect the existing news and non-news provision on the Channel 3 licence in Wales, this does not go far enough; the opportunity should now be taken to restore a more appropriate level of provision and to protect that for the future. Proper consideration should be given to a level of provision that reflects the cultural diversity and richness of Wales and its people, and the Welsh Government should be involved in that discussion from the outset.

### **Network programme and production obligations – Channel 3 and Channel 5**

The Welsh Government has made clear the importance it attaches to appropriate coverage of Wales on the main television networks. We expect the BBC Trust and Audience Council for Wales to continue to implement the recommendations of the King report and we would point out that these recommendations are also relevant to ITV news (and Channel 4 news). It is vital that these channels appropriately reflect the devolved nations in their news and non-news provision. We urge Ofcom to reflect this in its analysis of PSB and in the relicensing of not just Channel 3, but also Channels 4 and 5.

Although this question is primarily about Channels 3 and 5, we would like to take this opportunity to reiterate our view that Channel 4 should be required to produce at least a population share of network commissions in the nations and regions if it is to be in receipt of public funding. We believe that this is fully in conformity with Channel 4's role in developing new talent throughout the UK.

## Encouraging alternative models of non-government funding for arts organisations in the UK

1. This research focuses on examples of schemes which aim to encourage arts organisations to seek non-governmental sources of finance, and facilitate access to these alternative funding sources.
2. It will first review the main types of non-government funding. It will then look at the situation in Wales and following that present evidence from the rest of the UK. This is followed by a proposal for a potential Welsh Government match fund for EU Culture grants.

### Part 1: Types of non-government funding for the arts

#### Corporate sponsorship

3. Sponsorship by companies is seen as a commercial transaction for which they expect something in return (e.g. publicity, improved corporate image, better community relations). It usually comes from the company's marketing / advertising budget, and can be a long term or recurring deal.
4. Organisations exist which aim to engage businesses with arts organisations for funding purposes, emphasising the benefits to both sides. (Some of these are listed in Annex 1). In Wales, Arts and Business Cymru is the main body with the remit of specifically bringing together arts organisations and businesses [www.aandbcymru.org.uk](http://www.aandbcymru.org.uk). There are equivalent organisations in England, Scotland and Northern Ireland. Other bodies in the field have more generic remits that broker links between businesses and third sector organisations.

#### *Philanthropic donations*

5. It is said that at a UK level, private investment accounts for an average of 15% of the arts' income, of which 55% comes from individuals. Philanthropic donations are received by 52% of the sector.<sup>1</sup>
6. As well as donations from wealthy individuals or trusts (including legacies), this also includes smaller donations from friends' schemes and giving circles. However Wales has a historically low level of philanthropic giving. Only a quarter of households in Wales are said to be philanthropically active.<sup>2</sup>
7. Membership schemes and friends schemes could be classed in this category. There is reportedly room for increasing income in this area. In 2010, 68% of arts organisations didn't have either friends or membership schemes. The 32% of the sector with friends schemes collectively raised around £175 million (with an average of £85k per organisation) in 08/09 (excluding the National Trust). Wales had the 4th highest level of such schemes across all the UK regions in 2010, slightly higher than the 32% average.<sup>3</sup>

#### *Trusts and Foundations*

8. Some £2 billion is distributed to charities in the UK each year through trusts and foundations. About 30% of this money is given to arts and recreation-based

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<sup>1</sup>Arts and Business report 2010 [http://www.aandbcymru.org.uk/uploads/Arts\\_Philanthropy.pdf](http://www.aandbcymru.org.uk/uploads/Arts_Philanthropy.pdf)

<sup>2</sup>Evidence from Centre for Charitable Philanthropy, cited in Arts and Business report 2010 [http://www.aandbcymru.org.uk/uploads/Arts\\_Philanthropy.pdf](http://www.aandbcymru.org.uk/uploads/Arts_Philanthropy.pdf)

<sup>3</sup>Arts and Business report 2010 [http://www.aandbcymru.org.uk/uploads/Arts\\_Philanthropy.pdf](http://www.aandbcymru.org.uk/uploads/Arts_Philanthropy.pdf)

organisations, largely to one-off projects and initiatives which benefit socially disadvantaged and minority groups.

9. Grant-making trusts and foundations adhere to the same laws as other UK charities and must be registered with the Charity Commission. Several of these charitable trusts and foundations are able to consider funding proposals from not for profit arts organisations although usually, they will be looking for at least an element of 'match funding' either from the applicant body, and/or from public funders.
10. Most of these bodies have a UK focus, and some, listed below, have a particular track record of supporting projects with an arts and/or cultural focus:

Esmée Fairbairn Foundation	<a href="http://www.esmeefairbairn.org.uk">www.esmeefairbairn.org.uk</a>
Clore Duffield Foundation	<a href="http://www.cloreduffield.org.uk">www.cloreduffield.org.uk</a>
Paul Hamlyn Foundation	<a href="http://www.phf.org.uk">www.phf.org.uk</a>
Calouste Gulbenkian Foundation	<a href="http://www.gulbenkian.org.uk">www.gulbenkian.org.uk</a>
Baring Foundation	<a href="http://www.baringfoundation.org.uk">www.baringfoundation.org.uk</a>
Jerwood Charitable Foundation	<a href="http://www.jerwood.org">www.jerwood.org</a>
Colwinston Trust	<a href="http://www.colwinston.org.uk">www.colwinston.org.uk</a>

#### *Corporate Giving*

11. Corporate donations also fall into the category of 'philanthropic donations' as they come from a charity budget and tend not to be large sums. Any help offered in this way is likely to be one-off (as opposed to sponsorship deals which are seen as marketing spend and are often longer term). For example, Sainsbury's has a Welsh Community Grant Fund which awards grants of up to £500 annually to charities, arts and local groups that support communities in Wales.

#### *Crowdfunding*

12. Crowdfunding the arts is also a form of philanthropy, involving a large number of people giving small donations. Since its launch in 2009 over \$50 million has been pledged to arts and photography projects on Kickstarter. Arts projects have a fundraising success rate of over 45%, which is one of the highest success rates on the platform.
13. Some countries have schemes under which government will match fund any money raised through crowdfunding. Nesta's 2014 report comments on the benefits and challenges of this.<sup>4</sup>
14. An Arts and Business (UK) report from 2010 concluded that

*"the potential for growth will come from mobilising arts audiences through collective philanthropy"*, which seems to be of interest to both mid-to-low and high level philanthropists (as with Bill Gates' Giving Pledge). To this end the following simplistic observations / calculations serve purely as an indication of where the current trends could take us and where we should focus our attention:

*Friends schemes*: if at least half the sector were to have a friends scheme (up from the current 32%), it could optimistically yield up to £98 million additional income for the sector, though a more realistic target would be £50-60 million. These could eventually also develop into fruitful legacy schemes

<sup>4</sup> <http://www.nesta.org.uk/publications/new-art-finance-making-money-work-harder-arts>

with more potential for income generation, where currently only 8% of the sector raised approximately £65 million in 2008/09.

*Crowdfunding*: if every one of the 9% of the most highly engaged arts audiences<sup>5</sup> were to contribute £3 a year (the median arts donation as it currently stands), that could bring in an additional £10m.

*More people, giving more, to more organisations*: the number of organisations looking to individuals to raise income will inevitably increase, as should hopefully and in parallel the number of people giving. Furthermore, those who already give and can give more, such as the 'mass affluent', should also be mobilised to do so. With the right training and development for the sector, as well as the successful targeting of the right market, an additional £30 million could be raised, thus reaching the £450 million target for 2016.

These targets are informed by existing trends, built in a time of boom with plenty of government support. But even if only half of the additional income identified can be achieved in the short term, that would have a dramatic impact on the arts. However **significant additional income will be unlikely to flow from such sources without a proactive drive to help the sector develop some of these suggestions** in both the short and long term.”<sup>6</sup>

#### Training and advice in fundraising

15. Many organisations offer masterclasses, advice services, and websites dedicated to training and informing arts sector managers about how to find alternative finance. This can be valuable help to smaller organisations and those not used to the non-government funding landscape.

#### Other ideas

16. A 2014 Nesta report<sup>7</sup> looked at the arts funding landscape and identified potential solutions to some of the funding problems. These included:

#### More investment in Research and Development (R&D)

17. R&D funding for organisations to explore new models of audience engagement, operating models or new missions which may give rise to new forms of cultural value, is lacking. There are potentially very big payoffs to the UK from this kind of funding, just as there are to R&D in other fields. Arts organisations need to invest in R&D. The state should fund and incentivise them to do so, as it does in other sectors.
18. Nesta recommended that:
  - Public arts funders need to support systematic R&D to help arts organisations explore new ways of engaging the public, new forms of business model and mission. In line with R&D spend in the economy more widely, arts organisations should look to spend at least 1% of their revenue on it, and funders, like ACE, should allocate at least 1% of their money towards funding it.

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<sup>5</sup> The 9% relates to “the 9% of English adults that are highly engaged with the arts”.

<sup>6</sup> Arts and Business report 2010 [http://www.ace.org.uk/uploads/Arts\\_Philanthropy.pdf](http://www.ace.org.uk/uploads/Arts_Philanthropy.pdf)

<sup>7</sup> The New Art of Finance, Nesta 2014 <http://www.nesta.org.uk/publications/new-art-finance-making-money-work-harder-arts>

- The results of publicly funded experiments should be made available to all, with any technology developed as part of this made open source where possible.
- Funders should consider how to support the development of the skills that arts organisations need to undertake R&D.

#### Venture funding for the arts helped by new accelerators

19. Arts organisations could benefit from engaging investors who want to combine financial, social and artistic impact. But this requires them to reassess their business strategies to place a more explicit emphasis on investment, impact and measurement. Nesta argues for pilot funding for accelerators to develop the most promising ideas into new ventures, and for venture funds to provide investment.
20. Nesta proposed three linked solutions in this area:
  - Adapting grants contracts so that they can be converted into equity or loans when a profitable product results.
  - Support for arts accelerators to help get ideas off the ground successfully.
  - Support for arts venture or impact funds which can provide capital for more developed ideas and for existing arts organisations to help them grow and achieve impact.

## **Part 2: Encouraging alternative models of non-government funding for arts organisations in Wales**

### **Support from the Arts Council of Wales (ACW)**

21. ACW offers a range of support to arts organisations looking to reduce their reliance on public funding. This includes:

- funding advice sessions;
- fundraising training sessions (which include crowdfunding etc.);
- an annual Marketing Symposium.

ACW has an Enterprise and Regeneration team which carries out a range of work to encourage RFOs to develop new income and adopt a more entrepreneurial approach.

<http://www.artswales.org.uk/what-we-do/funding>

### **Schemes to encourage corporate sponsorship**

#### CultureStep

22. The Welsh Government previously funded a scheme from Arts and Business Cymru called CultureStep, designed to encourage new investment and develop established business engagement with the arts. CultureStep was originally established in 2008 with funding from the Welsh Government and Arts Council of Wales. Due to funding cuts, the scheme was suspended for a year in 2013. New support from the Moondance Foundation and Jane Hodge Foundation enabled a revised version of the scheme to be launched in May 2014.

Since 2008, CultureStep has invested more than £280,000 in 93 business-arts partnerships, leveraging more than £1.7 million from businesses directly to the arts, a ratio of more than £5 to every £1 of CultureStep funding.

<http://www.aandbcymru.org.uk/culturestep-2>

### **Schemes to encourage philanthropy (including crowdfunding)**

#### Community Foundation in Wales

23. The Community Foundation in Wales (CFiW) is a unique charity which promotes and manages philanthropy. Its role is to strengthen communities in Wales by awarding grants to projects that make a sustainable impact on local needs, and to help its clients make the most of their charitable giving. CFiW uses its knowledge of needs and the voluntary sector to manage high impact grant programmes designed to achieve sustainable outcomes, awarding grants on behalf of its clients, fund holders and donors. This enables local people to achieve inspiring change in their communities.

Established in 1999, the Foundation now awards grants of over £2 million each year to charities and community groups on behalf of its donors. The Foundation's philanthropy advice and grant-making services are quality assured through a programme endorsed by the Charity Commission.

<http://www.cfiw.org.uk/eng/home>

### WCVA

24. WCVA offers advice, training and support to help organisations build their capacity to fundraise. It has a specialist Funding Advice Service which helps voluntary and community groups, including arts organisations, to:

- explore options for financial sustainability and diversify their funding mix;
- improve the number of successful bids to grant making bodies;
- increase giving through advice and training on fundraising and tax efficient giving;
- build their capacity to tender and deliver public services;
- facilitate income from Europe, ensuring the Welsh third sector is a key stakeholder in the design and delivery of the next round of European funding;
- encourage and support social enterprise and increase trading within the sector;
- support staff, volunteers and trustees to ensure they are skilled, prepared and engaged to respond to the changing funding environment;
- improve sustainability through loans and other new forms of finance;
- explore collaborative working, consortia or joint bidding and mergers;
- support the sector in the implementation of appropriate equality, environmental and quality standards.

<http://www.wcva.org.uk/home>

WCVA and Welsh Government have developed the 'Catalyst Cymru' initiative, which provides fundraising training, workshops and networking events tailored for heritage organisations. This may provide a model that could be replicated for the arts. More details can be found at: <http://www.wcva.org.uk/funding/catalyst-cymru>

### County Voluntary Councils (CVCs)

25. Each of the 19 local county voluntary councils provides advice and information on fundraising and other fundraising sources. Some provide in depth 'consultancy' on how to fundraise and how to pursue other forms of non-public funding. Links to each of the CVCs can be found at:

<http://www.wcva.org.uk/funding/advice/cvcs>

### Institute of Fundraising

26. The Institute of Fundraising is the professional membership body for UK fundraising and provides expert guidance on a range of fundraising methods. In Wales the Institute of Fundraising Cymru provides training and advice, and networking events to enable its members to share information and expertise.

<http://www.institute-of-fundraising.org.uk/home>

### **Part 3: Encouraging alternative models of non-government funding for arts organisations in the rest of the UK**

#### **Schemes to encourage corporate sponsorship**

##### **Scotland: New Arts Sponsorship Grants 2014/15**

28. The Scottish Government Department of Culture has made funding available to Arts & Business Scotland via Creative Scotland to encourage new business sponsorship of the arts within Scotland. New Arts Sponsorship Grants aim to:

- encourage businesses to sponsor arts activity within Scotland for the first time;
- entice back businesses that have not sponsored the arts in Scotland since 1 April 2011;
- support arts organisations in building new business sector partnerships;
- attract non-Scottish based companies to sponsor arts and cultural activities in Scotland.

If an arts organisation attracts an eligible business to sponsor an aspect of their work then A&B Scotland can match the value of the sponsorship £1 for £1.

The maximum grant is £40,000 and the minimum grant is £1,000. Both in-kind and cash sponsorship are eligible. The sponsorship must come from the sponsor's own funds, goods or services.

<http://www.aandbscotland.org.uk/new-arts-sponsorship-grants-201415>

##### **Northern Ireland: Arts & Business NI Investment Programme**

29. Through the Investment Programme, Arts & Business NI invests in mutually beneficial partnerships between business, the arts and the public sector. It aims to increase private sector investment into the arts by supporting arts organisations in developing sustainable relationships with business.

The Investment Programme is an open application scheme designed to support businesses and the arts organisations they sponsor to try something new, or to broaden and deepen an existing partnership.

<http://www.artsandbusinessni.org.uk/arts-andamp-business-ni-investment-programme/>

##### **England: Catalyst Arts**

30. An Arts Council England Scheme from 2012, the £7 million "Catalyst Arts: building fundraising capacity" scheme aims to enable arts organisations with an underdeveloped fundraising model to increase capacity and expertise in this area and improve their resilience. In the long-term, organisations will be better able to embed new business models that increase and diversify their income to deliver great art for everyone.

They received 164 applications to the scheme and have awarded grants of between £60,000 and £150,000 to 62 consortia.

The scheme supports organisations to work together collectively and collaboratively to develop innovative and efficient solutions to addressing fundraising development needs.

Unlike previous Catalyst schemes, this scheme did not require applicants to raise match funding during the period of the grant.

<http://www.artscouncil.org.uk/funding/apply-funding/funding-programmes/catalyst-arts/catalyst-arts-building-fundraising-capacity/>

### **England: Worcestershire County Council Arts Partnership Grants**

31. These are grants used to match fund project bids to partners such as the Arts Council. The total money available is approximately £2,500.

[http://www.worcestershire.gov.uk/info/20191/arts/1049/grants\\_for\\_the\\_arts\\_and\\_funding\\_information](http://www.worcestershire.gov.uk/info/20191/arts/1049/grants_for_the_arts_and_funding_information)

### **Schemes to encourage philanthropy (including crowdfunding)**

#### **England: Arts Impact Fund**

32. The Arts Impact Fund (announced 11 March 2015) brings together commercial, philanthropic and lottery finance in a co-mingled fund and will be the first of its kind to focus on the social, artistic and financial return created by arts-based organisations.

Over the next few years, Nesta and funding partners Esmée Fairbairn Foundation and Bank of America Merrill Lynch, with support from Arts Council England, will be identifying a portfolio of artistically-excellent organisations seeking to expand and grow their impact.

The aim is to test whether there is real demand for a fund of this kind and build the case for how social investment can be used to increase financial resilience in arts based organisations. The fund will accept applications from 15 April 2015.

<http://www.artsimpactfund.org>

#### **England: Crowdfunder**

33. Crowdfunder Cornwall is the world's first regional crowdfunding campaign enabling Cornish projects to unlock funds from the crowd. The Cornwall Community Foundation also has £50,000 match-funding available for community focused Crowdfunder projects in the region.

It calls itself the UK's largest crowdfunding network having launched thousands of projects and raised over £2m. Shareholders include Crowdcube, Nesta and food campaigner Hugh Fearnley-Whittingstall. They are also working with a number of partners including NESTA and Plymouth University.

<http://www.crowdfunder.co.uk>

#### **England: Devon Arts Match**

34. Devon Arts Match aims to stimulate an increase in regular giving by members of the public to local arts organisations. The scheme ran from 2012-2014 with a budget of £40,000 provided by the County Council. It is a membership scheme for organisations. Each member set a target for a higher level of income from individual giving. If they were successful in raising enough pledges from members of the public, the County Council matched the increase with a grant of £1,250 - £5,000.

[http://www.devon.gov.uk/es/text/devon\\_arts\\_match\\_scheme.pdf](http://www.devon.gov.uk/es/text/devon_arts_match_scheme.pdf)

### **England: Creative England iShorts**

35. Creative England's annual short film initiative iShorts includes a crowdfunding element from 2014/15. Following hundreds of applications 19 producer / director teams were chosen to receive a share of £100k from Creative England. Each team will also launch a Crowdfunder campaign giving them a unique opportunity to raise additional finance. The campaign with Crowdfunder is the latest innovation from Creative England, offering alternative finance to the creative industries. It follows the success of Queen of Code, which raised £40,000 for some of the country's newest and most exciting female game developers. The crowdfunding campaign has been created not only to increase the finance available for production but to drive early awareness and audience engagement in advance of the films' release.

<http://www.creativeengland.co.uk/story/creative-england-and-crowdfunder-team-up-to-support-englands-top-filmmakers>

### **Scotland: Angel Shares Scotland (Arts and Business Scotland)**

36. Angel Shares Scotland offers a new way for organisations and individuals to raise valuable funds for their arts projects. It aims to help the arts build stronger relationships with donors and claims to be the only arts and cultural crowdfunding site that collects Gift Aid on donations.

Angel Shares Scotland can help diversify income streams for the arts, offer new ways for individual supporters to engage with arts projects and raise awareness of inspiring Scottish arts projects across the world. It is the latest in a series of A&BS initiatives to develop extra funding for the arts from private donations, so maximising the amount of philanthropic support for the arts in Scotland.

Supported by Creative Scotland the site is part of the Year of Creative Scotland, offering a route for the wider public to support the creative ambitions of Scotland's artists.

<http://www.aandbscotland.org.uk/news/2012/02/21/angel-shares-scotland-new-crowdfunding-site-for-the-arts-in-scotland-launched/>

[NB Angel Shares website is no longer operational]

### **Australia: Australian Culture Fund**

37. A collective funding platform for Australian artists. The ACF is managed by Creative Partnerships Australia and was established in 2003 to encourage donations to the arts. Creative Partnerships is a not-for-profit organisation supported by the Australian Government through the Ministry for the Arts, created to increase philanthropic, business and social investment in Australia's cultural sectors.

Through the ACF, artists upload their project and invite art lovers and supporters to donate to the projects they care about the most. Since its inception the ACF has helped to raise millions of dollars for Australian artists.

<https://australianculturalfund.org.au/>

### **Australia: MATCH**

38. This scheme sees the government match any funding raised through a crowdfunding campaign (including those using the Australian Culture Fund

platform), up to a total of \$10,000 per project. The scheme covers arts projects, and projects must successfully apply for the scheme before starting any fundraising.

The aim of MATCH is to help artists identify and secure private sector support, assist them in their artistic endeavours and build a sustainable arts practice.

<https://www.creativepartnershipaustralia.org.au/how-we-can-help/programs/match>

### **Australia: Crowbar**

39. In 2014, the Tasmanian government's arts funding, policy and advice body, Arts Tasmania, partnered with crowdfunding platform, Pozible, to offer approved fundraising campaigns an additional investment of up to 50% of their successfully raised crowdfunding target (capped at \$2,000 per project). This experiment in matched funding allows the arts organisations taking part, and the funder, to test whether there is a market for their ideas, as well as to grow their audience and extend their support base.

<http://www.arts.tas.gov.au/funding/programs/crowbar>

### **Sweden: CrowdCulture**

40. CrowdCulture is a Swedish crowdfunding platform that aims to support cultural projects in the country. Unlike some other platforms, CrowdCulture is backed by public bodies, meaning its model blends both private and public capital to fund projects. The public money is part of the cultural budget. It is the members that control where the public money goes, by voting. The ratio of public and private financing depends entirely on how strong member support is. To participate, people have to sign up and 'invest' 50 SEK (6 €) per month. Each individual investment then leverages public funds.

<http://www.crowdculture.se/en>

### **Art Basel**

41. Art Basel has launched a new digital initiative in partnership with Kickstarter. Designed specifically for non-profit visual arts organizations from all over the world, it curates and manages a section on the Kickstarter crowdfunding platform.

This new initiative will present jury-selected art projects to a global community of potential benefactors, including Art Basel's audience and Kickstarter's community.

Nothing will be hosted on the Art Basel-Kickstarter part of the venture until the three jury members have reviewed the applicant, and this is part of the professionalisation of reward crowdfunding, encouraging more established artists to find funders through the platform

The initiative launched in October 2014 has so far achieved a 100% success rate with \$170,000 pledged to seven projects worldwide.

<https://www.artbasel.com/en/Crowdfunding>

## **Training and advice in alternative funding methods**

42. A Catalyst grant from Arts Council England has set up the Arts Fundraising and Philanthropy Programme which will run from 2013-2016. It offers people across the arts and cultural sector training, fellowships, coaching, and digital skills development to encourage innovative and effective practice in arts fundraising and encourage a more entrepreneurial approach to income generation.  
<http://artsfundraising.org.uk/>
43. Creative Partnerships Australia offers coaching/mentoring for arts organisations, providing one-on-one advice on organisational needs, goals and strategies aimed at increasing private sector revenue, developing business partnerships and securing expert business volunteers for the arts sector. It also runs a philanthropy mentoring programme.  
<https://www.creativepartnershipsaustralia.org.au/how-we-can-help/coaching-mentoring/>
44. Arts & Business NI has developed a crowdfunding toolkit. The toolkit features a step by step guide to building a campaign, advice on the right platform for your organisation and a series of case studies.  
<http://www.artsandbusinessni.org.uk/eventstraining/>
45. Business and Arts South Africa's 'Sponsorship Toolkit for the Arts' has been developed to assist the management team of an arts organisation to review, refresh and enhance their sponsorship practice.  
[http://www.basa.co.za/uploads/files/BASA011\\_BASA\\_Artist\\_Toolkit\\_2013\\_10.pdf](http://www.basa.co.za/uploads/files/BASA011_BASA_Artist_Toolkit_2013_10.pdf)

#### Part 4: Match funding for EU grants

46. Between €200,000 and €2,000,000 of funding is available to arts and cultural organisations via Creative Europe, under the four sub strands:

- Literary translation: 50% financial support
- Cooperation projects: 60% financial support
- European platforms: 80% financial support
- European networks: 80% financial support

47. Match funding for Culture programme grants can come from a range of sources, and should be generated by the efforts of all co-organisers, not just the lead organiser:

- From income generated by the project itself – for example, from sales of tickets, or of CDs or programmes, or of merchandise.
- From own resources – if you or your partners have some funds of your own, you can use these.
- From grants - you can apply to bodies such as the Arts Council, MLA, Lottery Fund, etc.
- From donations - you can seek donations from interested individuals or organisations.
- From sponsorship - you can seek sponsorship from businesses.
- From staff secondments – you can second staff members to work on the project, and the cost of their actual salaries (plus NI) for the time they spend on the project (timesheets must be kept) can be used as income (and expenditure) in the project.

Match funding cannot come from any other EC sources.

48. Many other EU countries provided national match funding programmes for Culture grants for the 2007-13 Culture programme, including: Belgium, Croatia, Czech Republic, Estonia, Finland, Germany, Greece, Hungary, Latvia, Lithuania, Poland, Romania, Serbia, Slovakia and Slovenia. These are detailed in Annex 2.

49. In Wales, current sources of match funding for arts organisations include:

- Arts Council Wales lottery funding
- Wales Arts International – International Opportunities Fund (max £5,000)

50. A Welsh Government Culture Fund could be established to potentially unlock access to Creative Europe Culture funding. Providing match funding could assist Welsh arts and culture organisations who are looking to form European partnerships to expand their remit to develop projects with an international focus.

51. A Welsh Government Culture Fund would aim to enhance long term organisational and economic development in the arts and encourage companies to focus on the international market and the financial benefits this offers.

52. If a match fund of £500,000 were made available from the Welsh Government, this could allow ten grants to be made in the first year for small cooperation projects, with individual grants capped at £50,000 per project. In turn, this could lever in up to €200,000 per project (Pack Page 53).

53. In subsequent years, there could be a need to increase this to support applications for Creative Europe Culture funding for large cooperation projects which require six international partners. Here, funding of up to €2 million is available per project.

54. Officials will present a more detailed plan for a Welsh Government match fund if the Deputy Minister wishes to progress this.

## **Annex 1 - Examples of organisations encouraging alternative arts funding and partnerships**

Many countries have an umbrella organisation which advises on alternative arts funding and often match organisations with businesses.

### **UK: Arts and Business**

Arts & Business is one of the leading global experts in developing private and public sector partnerships with the arts.

We connect companies, communities and individuals to cultural organisations and provide the delivery, expertise and insight for their relationships to thrive, for their mutual benefit and that of the wider community.

Founded in 1976, our recent merger with Business in the Community brought together the expertise of the Arts & Business team within the wider function of Business in the Community. The mission of Arts & Business is to encourage and promote stronger partnerships between business and the arts.

These partnerships will underline the power of the arts to transform business and communities and the power of business to transform the arts.

The organisation has a regional remit and branches are in place in the devolved nations: Arts & Business Scotland, Arts & Business Northern Ireland and Arts & Business Cymru.

<http://artsandbusiness.bitc.org.uk/>

### **Ireland: Business to Arts**

Business to Arts is an organisation that brokers partnerships between businesses and the arts or individual artists. It has also created a new strand of funding for Irish artistic projects through FundIt, a crowd-funding platform.

It is a membership-based, charitable organisation that develops partnerships between businesses, individuals and the arts. It works to team its business members up with arts organisations and artists to develop solutions in areas such as sponsorship, commissioning, brand development, training, leadership development, internal and external communications and events.

It also works with artists and arts organisations providing a range of training opportunities and coaching to help diversify income streams, grow audiences and improve efficiencies.

<http://www.businesstoarts.ie/>

### **USA: The Partnership Movement**

The pARTnership Movement is an initiative from Americans for the Arts to reach business leaders with the message that partnering with the arts can build their competitive advantage.

<http://www.partnershipmovement.org/>

Our role is to increase investment in Australia's arts and cultural sector. We aim to grow the culture of giving, investment, partnership and volunteering, bringing donors, businesses, artists and arts organisations together to foster a more sustainable and vibrant arts sector for the benefit of all Australians.

<https://www.creativepartnershipsaustralia.org.au/>

## Annex 2

### Creative Europe: Examples of national co-funding mechanisms

Country	YES / NO	Comments
<b>Austria</b> Updated April 2015	<b>YES</b>	<p>The <b>Austrian Federal Chancellery</b>, unit for EU Culture Policy, co-funds Culture and Creative Europe projects.</p> <p>Budget: € 400.000 / year. A focus is placed on smaller NGOs, innovative projects and partners.</p> <p>Applicants have to submit a formal application. Regional co-funding is available.</p>
<b>Belgium (Flemish community)</b> Updated April 2015	<b>NO ... BUT</b>	<p>NO but maybe new cofounding system in Flanders, as from 2016 on.</p> <p>Version 2011: Started in 2010, organisations can apply for <b>funding of 'the preparation of an international project</b> in the field of the Arts within a European Programme'. The grants are meant to cover (part of) the costs relating to the preparation of an application for EU Programmes.</p> <p>There is also a grant available within the field of Heritage.</p> <p>An application file has to reach us 4 months before the start of the preparation.</p> <p>There are a number of Qualitative criteria and evaluation criteria:</p> <ul style="list-style-type: none"> <li>- the quality of the artistic and/or thematic concept.</li> <li>- the importance and quality of the project in an international concept</li> <li>- the importance of the project related to the development of the artistic 'career'</li> <li>- the region</li> <li>- a sound financial basis</li> <li>- the international image of the applicants and the foreign partners</li> </ul> <p>The percentage of the support is not fixed, it is not directly related to the actual European application, but only to the application for the preparation costs.</p> <p>Decree:  <a href="http://www.cjasm.vlaanderen.be/cultuur/kunsten/kunstendecreet/documenten/manual_international_initiatives.pdf">http://www.cjasm.vlaanderen.be/cultuur/kunsten/kunstendecreet/documenten/manual_international_initiatives.pdf</a></p>
<b>Belgium (French community)</b> Updated April 2015	<b>NO ... BUT</b>	<p>No change since the 2011 version, in the French Community of Belgium: the Ministry of Culture does not provide match funding for Creative Europe projects.</p> <p>But it is possible to get funds for <b>mobility (travelling costs)</b> and for <b>cultural market propection</b> from <b>Wallonia-Brussels International</b>, another regional governmental body, although it is not specifically dedicated to EC program.</p>
Bosna and	NO	

Herzegovina		
Bulgaria Updated Jul 11	NO ... BUT	<p>The Ministry of Culture of Bulgaria has not regulated participation in Culture Programme projects.</p> <p>Anyway there are good examples of co-funding in Bulgaria – the Municipality of Sofia is often co-financing the elected by the Agency projects. There is separate procedure for applying for the funds, according the application procedure in the Municipality. Unfortunately these funds are applicable ONLY for projects who organizers are from Sofia.</p>
Cyprus Updated Jul 11	??	<p>The Cyprus National Authority until now was financing 75% of the own contribution of the Cyprus Culture Organization. At least this was the practice, which was followed until now.</p> <p>There are thoughts of changing it due to economic crisis, but we don't have further feedback on that.</p>
Croatia Updated April 2015	YES	<p>The <b>Ministry of Culture of the Republic of Croatia</b> has been co-funding the European projects involving Croatian coordinators/partners <b>since 2008</b>.</p> <p>In 2014, the Ministry adopted the new <a href="#"><u>Ordinance on Co-financing of Projects Approved by the European Union Creative Europe Programme – Culture Sub-programme</u></a> defining the criteria and procedure for co-financing Croatian institutions participating in the CE-Culture sub-programme.</p> <p>The amount of support:</p> <ol style="list-style-type: none"> <li>1) the European Cooperation Projects (small-scale and large scale projects) <ul style="list-style-type: none"> <li>- project leader: min. 20% and max. 50% of the financial stake of the Croatian partner in the project</li> <li>- project partner: min. 20% and max. 40% of the financial stake of the Croatian partner in the project.</li> </ul> </li> <li>2) the Literary Translation Projects <ul style="list-style-type: none"> <li>- min. 10% and max. 30% of the financial stake of the Croatian publisher in the project</li> </ul> </li> </ol> <p>The support is given on a yearly basis, so, if it is a 2-year project then they get supported two years in a row, and a report at the end of each year is required.</p> <p>The project partners have to fulfil the so-called <i>Demand/Request for Co-financing</i>, a <b>single page document</b> requesting the basic info of the project, and send it to the Creative Europe Desk Croatia no later than 15 days after the deadline for the submission of project proposals.</p> <p>The Committee for International Cultural Cooperation within the Ministry is then acquainted with all the requests, and the Minister formally brings the decision on co-funding.</p> <p>The 2015 budget is around <b>€ 168.000,00</b>.</p>
Czech Republic Updated April 2015	YES	<p>In the Czech Republic, cultural operators (applicants and partners) can apply for a grant in a <b>special programme</b> ran by the Ministry of Culture dedicated to the support of projects supported within the Creative Europe – Culture sub-</p>

		<p>programme (the system functioned also during the implementation of the previous programmes).</p> <p>The applicants may obtain <b>various percentage</b> of the amount they have put in the project <b>according to their status in a yearly course</b>:</p> <ul style="list-style-type: none"> <li>- The coordinator (ngo): 17%</li> <li>- The coordinator (profit making organization): 14%</li> <li>- The co-org (ngo): 12%</li> <li>- The co-org (profit making organization): 10%</li> </ul> <p>The maximum amount of the grant is cca 9 300 € per 1 applicant/year.</p> <p>It is possible to apply continuously throughout the year (no calls for proposals with deadlines). There is a special simple application form. The minister himself decides on the grantees.</p> <p>Applicants can reapply more time during the lifetime of the project (once a year).</p> <p>Yearly budget for this programme in 2015: 127 000 € (3,5 mil. CZK)</p> <p>Info (in Czech only) at <a href="http://www.programculture.cz/cs/dotacni-program-mk-cr">http://www.programculture.cz/cs/dotacni-program-mk-cr</a></p>
<p><b>Denmark</b> Updated April 2015</p>	<p><b>NO ... BUT</b></p>	<p>It is possible under some national funding schemes, such as the performing arts committee, to receive <b>funding for the investigation and network meetings</b> to look into possible EU projects. No official co-funding policy is in place, but EU projects tend to be well-supported by the national organ that represents the specific area of interest.</p>
<p><b>Estonia</b></p>	<p><b>YES</b></p>	<p><b>2007:</b> In Estonia, a co-funding scheme was launched in 2007. For that year the budget of the Ministry of Culture included 200 000 EEK (18ofound <b>12 800 EUR</b>) for support to Estonian projects. As the sum was really tiny, the rule was that organisation participating in a project that had received an EU grant could apply for <b>max 2.5% of the total budget (i.e max half of their minimum contribution)</b>. A commission consisting of 3 people from the ministry + CCP Estonia representative made the decisions. Applicants had to present a copy of their EU application + a filled application form of the Min of Cult. The call was launched in February 2007, deadline was 15 March. There was however, some confusion, since we had reckoned only with receiving applications from organisation that had applied from the first round of Culture Programme announced at the end of 2006, however many ongoing projects (funded by Culture 2000) also presented their applications.</p> <p><b>For 2008,</b> the budget included a considerably higher amount, 1 million EEK (c <b>63 900 EUR</b>). The first call was announced in January 2008. Now it was explicitly for those projects only that had succeeded in 2007 calls. Probably due to the fact that applications were so small the year before only two applications arrived and both received a grant. There will be a new call in</p>

		<p>autumn 2008 for projects that were successful in the last calls for which we all wait for the final official results.</p> <p><b>For 2009:</b> In Estonia the system is still there albeit changing a bit every year. Annual budget: for 2008 it was 1mil EEK (about <b>64 000 EUR</b>), 2009 500 000 EEK (about <b>32 000 EUR</b>) and the prognosis for 2010 is 450 000 EEK (about <b>29 000 EUR</b>), which was total surprise, that the budget line reduce was only 10% in today's financial situation. Anyway... the Ministry of Culture supports the successful Program Culture projects who has some activity that year. I don't think there is a percentage rate anymore, the given amount depends of the number of activities, the number of applications and of other things all put together. Practice to this day shows that everybody who asks, will get almost the entire sum they are asking. The rest (staff of commission, application procedure etc) is pretty much the same.</p>
<p><b>Finland</b> Updated April 2015</p>	<b>YES</b>	<p>Finnish operators can apply for co-funding from the <b>Ministry of Education and Culture</b> in Finland. The state co-funding is given as a discretionary subsidy dependent on the amount of the applicant's other own funding, whether the applicants is the project leader or co-organiser, as well as on the scope and length of the project itself. The grants awarded have varied between approx. 3.000 – 30.000 euros, representing approximately 30% of the required self-financing.</p> <p>Information about the co-funding scheme is provided by the CED and targeted to operators involved in on-going Creative Europe or Culture-funded cooperation projects (either as project leaders or co-organisers). There is one annual dead-line in May. The application form is available on the website of the Ministry. The national co-funding scheme has existed already since 1990's.</p>
<p><b>France</b> Updated Jul 11</p>	<b>NO</b>	
<p><b>FYROM</b> Updated Jul 11</p>	<b>YES... BUT</b>	<p>In Macedonia there is no separate rule book for co-financing the EU Culture Programme projects. The only document that is confirming co-financing of Macedonian cultural operators (co-organizers and organizers) within the EU Culture Programme projects has been special application for supported by EU Culture programme projects in the frame of Annual call of the Ministry of Culture. The application is not precisely defining the percentage of co-financing by the Ministry and it is not providing special criteria. The only criterion is project to be supported by the EU Culture Programme. Since 2009 the Ministry co-financed all projects submitted by Macedonian cultural operators in the frame of the Annual call of the Ministry including the printing costs for Strand 1.2.2. The main problem still are the deadlines of the Ministry annual call ( 1 – 30 of June) and the deadlines of EU Culture</p>

		<p>Programme strands. That means that the Ministry mainly is co-financing the projects during second year of implementation of the projects. This year the Ministry is preparing rule book for co-financing of EU Culture Programme and the special call for Culture Programme projects ( to be announced in April? Next year, after the selection results) in order to co-finance the projects from the very beginning of the their implementation. The criteria and the percentage for co-financing will be incorporate in the new application from of the Ministry.</p>
<p>Germany Updated Jul 11</p>	<p>YES ... BUT</p>	<p>In Germany the Bundesländer have different funding schemes. In some of them, i.e. Mecklenburg-Vorpommern, similar funding mechanisms exist, as used to be in Hungary, which co-fund more or less automatically, when as a project receives an EU-grant. Others have special funding schemes, which encourage EU-cooperation projects within the frame of the CULTURE Programme to apply. Co-funding may also come from the Federal level, for instance the Bundes-Kulturstiftung, which has an emphasis on international projects. In cases where the funding is not adapted explicitly to the EU-Funding Programme, not-fitting timetables might cause problems, though. We keep the discussion alive, to establish in all Bundesländer adapted funding mechanisms for co-funding of EU-projects in the frame of the CULTURE Programme. This would mean relatively little money reserved for a short period of time, with a real “win-win” perspective (EU-projects attracted to the region) and the possibility to spend the money elsewhere, should it not be needed for EU-projects, as the results will be known in Feb/March.</p>
<p>Greece Updated Jul 11</p>	<p>NO</p>	<p>The various cultural organisations can apply to the Greek Ministry of Culture and Tourism for funding of specific actions, after being registered and evaluated by experts, according to the thematic field they belong to. This has started in 2010. Information can be found at <a href="http://drasis.culture.gr/">http://drasis.culture.gr/</a>, but it is only in Greek. There is no special provision of funding organisations which are about to apply or have already applied for co-funding under the Culture 2007-13 Programme. However, if they have already received special funding from the Culture 200713 Programme, they have to put a tick at a special box in their application, where the income for the action is indicated.</p>
<p>Hungary Updated Jul 11</p>	<p>YES</p>	<p>Hungarian cultural operators funded by the Culture programme may receive additional funding from the state-run fund Nemzeti Kulturális Alap (<b>National Cultural Fund – NKA</b>).</p> <p>In case of Strand 1.2.1 and 1.3.5, if the operator is a co-organiser, the maximum amount it may get this way are the <b>10%</b> of the EU-grant, but not more than <b>15,000 eur</b>. If the organisation is the project leader, the funding may be the <b>20%</b> of the EU-grant, but not more than <b>30,000 eur</b>.</p> <p>In case of Strand 1.1, if the operator is a co-organiser, the maximum amount it may get this way are the <b>8.3% per year</b> of the EU-grant, but not more than <b>25,000 eur per year</b>. If the organisation is the project leader, the funding may</p>

		<p>be the <b>16.6% per year</b> of the EU-grant, but not more than <b>50,000 eur per year</b>. In case of a long-term project, the operator has to compete in every year.</p> <p>Yearly budget of the NKA fund: 21ofound. <b>740.000 eur</b></p> <p>Literary translation projects (Strand 1.2.2) are not allowed to compete.</p>
Iceland	NO	
<b>Ireland</b> Updated April 2015	<b>NO</b>  <b>...BUT</b>	Ireland's 'no' status has not changed but there is a small fund offered by the <b>Arts Council</b> for support towards <b>expenses for a partner meeting</b> (for flights, accommodation and subsistence). The applicant has to demonstrate they are developing a Creative Europe application and that they have partners in place.
Italy	NO	
<b>Latvia</b> Updated April 2015	<b>YES</b>	<p>In Latvia, <b>Ministry of Culture</b> supports Culture (2007-2013), Creative Europe–Culture subprogramme beneficiaries, Europe for Citizens programme beneficiaries for Action 4 – Active European Remembrance (2007-2013) and for Action Democratic engagement and civic participation (2014-2020).</p> <p>The project selection procedure is organised twice a year – spring and autumn as soon as the results of the former call of the respective programmes are announced.</p> <p>There is an evaluation jury selected within Ministry of Culture (experts in different fields – arts, literature, theatre, music, etc.) that evaluates these projects by certain criteria and then makes a list with coefficients which are multiplied by sum requested by project submitters.</p> <p>There is no specific rule how much funding organisations may receive, although almost all submitted projects receive partial financial support.</p> <p>This state co-funding is planned for every year just the total sum of co-funding (annual budget) may vary year to year.</p> <p>In 2011: ca. 60 000 LVL (85 370 EUR)</p> <p>In 2014 it was 86 318 EUR.</p>
<b>Lithuania</b> Updated April 2015	<b>YES</b>	<p>Lithuania has a <b>special programme</b> for projects funded by Creative Europe/Culture, but <b>for cooperation projects only since 2013</b>.</p> <p>Leader can get up to 90 percent of “missing” budget, coorganisers – 70 percent.</p> <p>Everybody, who has already agreement with EC, applies to this call and funds available are distributed proportionally among applicants. This means that there is no contest.</p> <p>Last year (2014), we had 144 000 euros, which is more or less ok.</p> <p>Next month, we will look at the rules again, thinking about the possibility to include also EU platform scheme.</p> <p>Usually, the call is announced, but it actually has to be discussed again as the timetable is not the most logic one.</p>

Luxembourg	NO	
<b>Malta</b> Updated April 2015	<b>NO ...</b> <b>BUT</b>	<p>1) Organisations (as well as individuals) working in the artistic and cultural field can apply for co-funding through the <b>Malta Arts Fund</b> which is administered by <b>Arts Council Malta</b>:  <a href="http://www.maltaculture.com/content.aspx?id=185246">http://www.maltaculture.com/content.aspx?id=185246</a></p> <p>2) <b>Arts Council Malta</b> has also launched the <b>Cultural Export Fund</b> which assists applicants in the pre-application stage (networking, touring &amp; presentation, partner searches):  <a href="http://www.maltaculture.com/content.aspx?id=390640">http://www.maltaculture.com/content.aspx?id=390640</a></p> <p>3) The <b>Ministry of Social Dialogue Consumer Affairs and Civil Liberties</b> administers the <b>NGO Co-Financing Fund</b>; this fund was intended to complement existing activities supported by EU funding and other financial sources:  <a href="http://socialdialogue.gov.mt/en/Pages/DPPI/NGO-Co-Financing-Funds.aspx">http://socialdialogue.gov.mt/en/Pages/DPPI/NGO-Co-Financing-Funds.aspx</a></p> <p>4) The <b>Ministry of Social Dialogue Consumer Affairs and Civil Liberties</b> also administers the <b>Civil Society Fund</b>; the fund is administered retrospectively, yet it aids the affiliation of CSOs to European umbrella organisations, grouping, federations, confederations or networks and/or and also assists applicants in the attendance to conferences, seminars and meetings abroad on matters related to the EU and to such affiliation:  <a href="http://socialdialogue.gov.mt/en/Pages/DPPI/CIVIL-SOCIETY-FUNDS.aspx">http://socialdialogue.gov.mt/en/Pages/DPPI/CIVIL-SOCIETY-FUNDS.aspx</a></p> <p>5) The <b>Small Initiatives Support Scheme</b> administered by the <b>Malta Council for the Voluntary Sector</b> was set up to assist and support enrolled voluntary organisations through education, management support and financial grants:  <a href="http://www.maltacvs.org/vo-fund/small-initiatives-scheme/">http://www.maltacvs.org/vo-fund/small-initiatives-scheme/</a></p>
Montenegro	NO	
<b>Netherlands</b> Updated April 2015	<b>NO ...</b> <b>BUT</b>	<p>There is no possibility to apply for co-funding directly at ministries. In terms of co-financing the Netherlands works with a network of <b>sector specific semi-governmental (public) funds</b>. To be mentioned are:</p> <ul style="list-style-type: none"> <li>- the Mondriaan Foundation (visual arts/heritage),</li> <li>- Fund for the Performing Arts (performing arts),</li> <li>- Creative Industries Fund (Creative industries: architecture/design, e-culture),</li> <li>- Dutch Foundation for Literature (literature) and</li> <li>- the Netherlands Film Fund (audiovisual sector).</li> </ul>
<b>Norway</b> Updated April 2015	<b>NO ...</b>	<p>In Norway there is no national funding schemes targeted for Creative Europe, neither for pre-projects nor national co-financing.</p>

	<b>BUT</b>	<p>However, there is are national funding schemes for <b>travelling support</b> from the <b>Ministry of Foreign Affairs</b>, but those grants are very limited and are more for operators that have been invited to play concerts, exhibitions etc.</p> <p>A limited number of counties in Norway (<b>regional level</b>) have schemes for <b>pre-EU projects</b>.</p>
<p><b>Poland</b> Updated April 2015</p>	<b>YES</b>	<p>In Poland, a special programme exists of the <b>Polish Ministry of Culture and National Heritage</b> called <i>Promesa</i> – supports cultural operators in applying for European grants (including Creative Europe Programme) by covering their own contribution. The Programme can provide <b>up to 75% of required national co-financing</b> of cultural projects applying for EU funds within the frames of various Operational Programmes. The objective is to increase effective use of the EU funds allocated for cultural projects.</p> <p>Cultural operators, which can apply to our co-financial system are:</p> <ul style="list-style-type: none"> <li>• national cultural institutions;</li> <li>• local cultural institutions;</li> <li>• local government units;</li> <li>• non-governmental organizations;</li> <li>• churches and religious associations;</li> <li>• artistic schools;</li> <li>• state archives.</li> </ul> <p>Applications must be sent before <b>30<sup>th</sup> November</b> or <b>31<sup>st</sup> March</b> every year.</p> <p>As you can see <b>obtaining money is not automatic</b>, it is more like a contest. Once you are granted the Promesa you apply for the EU funds. When you have learned that you got an EU grant, you go to the Ministry to sign a special contract and to get the money.</p>
<p><b>Portugal</b></p>	<b>NO</b>	
<p><b>Romania</b> Updated Jul 11</p>	<b>YES</b>	<p><b>The Ministry of Culture and National Heritage has had a special fund dedicated to co-funding the participation of Romanian operators in European cooperation projects since the last framework of Culture 2000.</b> Most of the times, operators (coordinators or coorganisers) received the same amounts they asked for, which generally equalled their financial contribution mentioned in the official budget sheet submitted to EAC/EACEA. <b>In April 2011, the Ministry is revising its funding principles and criteria and will relaunch the 23ofounding mechanism very soon (most probably at the beginning of June).</b></p>
<p><b>Serbia</b> Updated Jul 11</p>	<b>YES</b>	<p>2009 → The system established in Serbia is: The Ministry of Culture is participating in financial contribution from Serbian coordinators/co-organizers participating in the Culture programme, and the mechanism is set to: <b>up to 50% of the local budget for coordinator and up to 30% for the co-organizer.</b> The Strand 1.1 applicants are receiving support per annum, and 1.2.1 just one instalment for the whole period of implementation of the project (up to 24 months).</p> <p style="text-align: center;"><b>Pack Page 64</b> <i>Our scheme remains the same, but remains the discretionary right of the minister. We have new</i></p>

		<i>one since last month, so we will see if this rule will stay alive.....</i>
<b>Slovakia</b> Updated April 2015	<b>YES</b>	Officially, Ministry of Culture offers <b>95 % of the obligatory financial contribution of an organizer or co-organizer</b> . It is not clear what is the obligatory sum, anymore (it used to be 5%) – so this formulation is very vague. This support is not guaranteed, so there is a board of experts evaluating and choosing the applications (of the projects which already have been granted support from Culture). Presently, we are in the preparation of completely new subsidy program for the whole cultural scene. Ministry is establishing a new <b>Fund for Culture</b> which should be applicable from 2016. But nobody knows the exact scheme of this new programe yet.
<b>Slovenia</b> Updated April 2015	<b>YES</b>	<b>Slovene Ministry of Culture</b> implemented the first call for national co-funding of the EU cultural projects in 2006 and 2007 (within the Culture 2000 programme). The call in 2006 with the budget of 104.000 EUR enabled support for project leaders (up to 5% of the total project amount) and coorganisers (up to 3%). In 2007 there was less funding available (50.073 EUR) so the rule was 3% for the project leaders and 1% for co-organisers. In 2011, a new co-funding mechanism was established with a budget of ca. <b>230.000 EUR that enabled co-funding for</b> Slovene organizations successfully applying at 2008, 2009 and 2010 Culture Programme calls. In relation to the status within the project, the support was up to 10% (co-organisers) or 15% (coordinators, European festivals) of their own contribution, and 10% of the EU grant for literary translation projects. Concretely, the amounts ranged from 3.000 or 5.000 to 10.000 EUR depending on the strand and role of the organisation in the project. <b>Since 2014</b> , the co-funding programme enables <b>support not only for Culture but also for MEDIA beneficiaries</b> (for specific schemes). The annual budget in 2014 was ca. 100.000 EUR and the same amount is maintained for the forthcoming 2015 call. The call enables support for the projects selected within the Creative Europe programme in the preceding year. The 2015 revision will most probably enable beneficiaries to re-apply every year during the lifetime of the project.
<b>Spain</b> Updated April 2015	<b>NO</b>	In Spain, it has not changed. No co-financial support for Creative Europe selected projects.
<b>Sweden</b> Updated April 2015	<b>NO ... BUT</b>	We do not have an automatic support scheme for co-funding of Creative Europe projects (or other types of EU-projects). But in the <b>Swedish Arts Council's</b> support system for cultural project, international projects and Creative Europe-funded projects have special priority. Applications are always evaluated by our expert panels. Since there is a very high demand on these national funding schemes for international projects,

		<p>the amounts available for co-funding of Creative Europe projects are somewhat limited. The Swedish Arts Council does not fund the preparation of CE-projects, only the project realization. The organisations sends their applications when they already know that they have received CE-funding.</p> <p>There is also another national funding resource called <b>Kulturbyggan (<i>Culture Bridge</i>)</b> that in some cases can support the <b>project preparation phase</b> for CE-applications. However, it needs to be a very good project to receive support and the project itself need to coincide with other priorities of Kulturbyggan as for example that all projects need to be innovatory.</p> <p>For the <b>professional music sector</b>, the Swedish national funding agency <b>Musikverket (<i>Swedish Performing Arts Agency</i>)</b> can in their scheme for international cooperation projects co-fund Creative Europe-projects by the music sector. All applications are as is the case with Swedish Arts Council, judged by an expert panel and there is no specific priority for CE-projects.</p> <p>In Sweden <b>some regions</b> (mainly the three big city regions) also offer support for the <b>project preparation phase</b>, support available for organisations based in the particular region.</p>
<b>Turkey</b> Updated Jul 11	NO;	In Turkey, there is no co-funding mechanisms for cultural operators who take part in the Culture Programme.
<b>UK - Wales</b> Updated April 2015	NO	Wales does not provide match funding.
<b>UK – Scotland</b> Updated April 2015	NO	Nothing like that in Scotland.
<b>UK – Northern Ireland</b> Updated April 2015	NO	In Northern Ireland unfortunately there is no identified funding mechanism in place that is committed to match-funding Creative Europe projects.

### **LISTED CHAPELS AND CHURCHES**

There is no central register of chapels and churches that are vacant.

There are currently 3,149 listings in Wales related to religious buildings. The vast majority are churches and chapels but occasionally, other structures such as gates or religious statues will also be listed.

	Grade 1	Grade II*	Grade II
Total number of religious buildings and structures	214	525	2410
Number of chapels (included in the above figures)	12	74	788

It is not possible to highlight all listed cemeteries / burial grounds as they are not always listed as cemeteries and are listed as cemetery walls, chapels, gates, railings, crosses, graves etc. There are 7 cemeteries included within the Register of Parks and Gardens of Historic Interest which are:

- Wrexham Cemetery
- Cathays Cemetery
- Cwmgelli Cemetery
- Aberfan – Cemetery Garden of Remembrance and Former Tip and Slide area
- Cefn Coed Cemetery and Jewish Burial ground
- Abergavenny New Cemetery
- Newport, St Woolos Cemetery

### **FURTHER INFORMATION ABOUT THE BARCELONA EXAMPLE**

I promised to send CELG Committee members a copy of the article I had seen in The Guardian where Barcelona City Council is fining banks with empty houses on their books, charging several banks over €60,000 in total for 12 homes that have been empty for more than two years. I attach a link to the article. However, I note that this initiative is not specifically targeted towards historic buildings.

(<http://www.theguardian.com/world/2015/sep/10/barcelona-fines-banks-60000-for-empty-homes>)

As you are aware, in Wales, local authorities have a variety of tools to tackle empty properties. These range from advice and guidance to enforcement measures such as Empty Dwelling Management Orders and new powers under the Housing (Wales) Act 2014. These are complemented by “Houses into Homes”, a national programme to tackle empty homes which provides property owners with loans to improve their property for sale or rent.

Any of these powers can also be used in relation to listed buildings, but there are also additional specific powers available for local planning authorities to deal with neglected buildings. For example if listed buildings are deliberately neglected they can be compulsorily purchased by the council and minimal compensation paid. If the property is unoccupied, the Authority can undertake the works to protect the building itself and recover the costs from the owner. I propose to strengthen these powers further through the Historic Environment (Wales) Bill by extending the scope of urgent works to occupied buildings where it does not unreasonably interfere with residential use and by allowing authorities to recover the costs of urgent works by placing a local land charge on the land, allowing local planning authorities to manage the financial risks associated with undertaking works.

In addition to more legislative powers for local authorities, it is also important to improve planning policy and guidance to support the effective and sustainable management of buildings for future generations. Alongside the introduction of the Bill I published in draft form three important documents:

- a revised chapter 6 of *Planning Policy Wales*, planning and the historic environment
- a new *Technical Advice Note* on the historic environment
- *Managing change to listed buildings*

These set out the need to be flexible when considering the re-use and management of listed buildings at the same time protecting the character of the building as one of special architectural or historic interest.

**THE ROLES AND RESPONSIBILITIES OF THE HISTORIC ENVIRONMENT GROUP, THE ADVISORY BOARD FOR THE WELSH HISTORIC ENVIRONMENT, AND THE WELSH HERITAGE GROUP**

	<b>Historic Environment Group</b>	<b>Proposed Advisory Panel for the Welsh Historic Environment</b>	<b>Wales Heritage Group</b>
<b>Purpose</b>	To encourage partnership working, stakeholder communication and coordinated action across the historic environment sector. It acts as a forum for organisations with an interest in the historic environment to promote strategic and operational collaboration.	To provide independent expert advice to the Welsh Ministers on matters relating to the formulation, development and implementation of policy and strategy in relation to the historic environment of Wales. It will act as an independent group of experts to inform a robust evidence base and provide advice on which decisions can be based.	A network for non-governmental third sector organisations interested in the historic environment. Considers matters of mutual interest. A recently formed group intended to operate in a similar way to the Heritage Alliance in England. Although Welsh Government officials do not participate in meetings, its formation was encouraged in the light of the CELG Committee's 2013 recommendations.
<b>Membership</b>	Representatives of organisations, (rather than individuals acting in their expert capacity). The group currently has 20 Members. Each participating organisation or group of organisations sends a nominated senior representative.	Membership will comprise individuals rather than representatives of organisations. The panel must not exceed 15 members. Individuals will be appointed to the panel based on their skills and expertise.	Membership currently comprises representatives from 12 trusts and societies, although the Group intends to grow its membership in 2015/2016.
<b>Appointment process</b>	No formal appointment process. Individuals are nominated by their organisations. Attendance may be rotated between different people within an organisation or between organisations in an association.	There will be a formal appointment process. Members will be appointed through open advertisement and competition.	A matter for the Group – the Welsh Government does not participate.
<b>Work programme</b>	The work programme is developed by Cadw in consultation with	The work programme will be developed by the panel for consideration by the	This is a matter for the Group. Civic Trust Cymru currently

<b>and reporting mechanisms</b>	<p>members of the group.</p> <p>The Welsh Minister who is currently responsible for the historic environment usually attends at least part of two meetings a year to directly listen to the views of members and to participate in the discussions.</p> <p>Minutes of meetings are circulated and made available on request.</p>	<p>Welsh Ministers. The panel will develop a three-year work programme setting out matters on which it plans to provide the Welsh Ministers with advice. The work programme will be kept under review over this three-year period. It is expected that the panel will formally report to the Welsh Minister on the delivery of the work programme for each three-year period, as well as providing annual progress reports. These reports will be made publicly available.</p>	<p>provides the Secretariat, partly from funding it receives through its annual grant from Welsh Government (Cadw).</p> <p>Some member organisations are also represented on the Historic Environment Group, which provides an opportunity for feedback and communication.</p>
<b>Remuneration</b>	No remuneration.	<p>It is proposed that panel members will be appointed for a maximum of 10 days per annum, and receive £145 per day. The chair will be appointed for 15 days at £190 per day.</p>	No remuneration.
<b>Meetings</b>	<p>The group meets four times a year. Task and finish groups are frequently convened to consider specific issues. Current subgroups have been tasked with considering climate change and the historic environment and skills provision in the sector.</p>	<p>It is proposed that the panel will meet formally at least two times as year. Elements of the work will be taken forward outside of meetings. In a number of instances small groups or individuals will be working on specific topics/advice.</p>	The Group meets quarterly.
<b>Chair</b>	<p>The Welsh Minister who is currently responsible for the historic environment or a senior Cadw official chairs the meetings.</p>	A member of the panel will be appointed as the chair.	The Chair is on a rotational basis from the member organisations.

### **LIBRARIES**

#### **Annual Report on State of Public Libraries**

The proposed Annual Report will include a summary of the achievements of Welsh public libraries during 2014-15 as well as the achievements of the final year of the Libraries Inspire national strategy for libraries.

The Report will also feature an overview of the Welsh Public Library Standards assessment for 2014-15, the first year of reporting to the new standards framework. The Welsh Public Library Standards enable the Welsh Government and local authorities to measure the effectiveness of services provided by public libraries. Broad trends across the authorities will be identified, from which a 'state of the nation' picture can be drawn, as well as inclusion of specific facts and figures.

As the Welsh Government library strategy features partnership work with education and other libraries it is anticipated that updates about college, university and other libraries will be included within the report.

#### **Libraries Act for Wales**

The potential for new legislation was considered as part of the research which followed the publication of the *Expert Review of Public Libraries in Wales* Report and the CELG Committee *Inquiry into Public Libraries Report 2014*. This work is ongoing in the context of what would new legislation achieve in terms of more resilient and sustainable local library services, what additional functions could libraries be required to deliver at the local community level and what would be the financial implications of any new legislation. The indications are that any new legislation would require up to 5 years to complete all the necessary processes.

#### **Promotion of Public Library Services**

The Welsh Government has commissioned Wrexham County Borough Council to provide audience development activities in partnership with all Welsh public library services. The team includes marketing professionals who have developed library campaigns on particular themes such as an upcoming digital library services campaign in November using social media (#carudigidol #lovedigital) which will promote the benefits of the broad range of digital services available through libraries. The Team is also leading on the management of the Every Child A Library Member (ECALM) initiative to promote literacy and family learning and is supporting the development of the Fusion Programme using culture to tackle poverty. A recent activity under the Fusion Programme was the promotion of a creative writing competition, Rugby Stories, in association with the WRU, supporting children in Communities First areas to develop entries through sessions in their local library.

The Audience Development Team also undertake other activities to promote the range of services such as themed press releases, working with UK initiatives such as Summer Reading Challenge and helping to improve the promotion and marketing skills of library staff through training, support and sharing best practice.

#### **Research and Guidance on Community Managed Libraries**

My officials in MALD continue to hold discussions with authorities regarding future plans for library services. One authority which has consulted on some of its smaller branch libraries becoming community managed libraries has followed the guidance and is intending to ensure that the community managed libraries are staffed by council-paid library staff to the level specified in the guidance (ie 50% of the time). Officials will continue to monitor the situation, however evidence from elsewhere suggests that it takes at least a year to reveal any impact on service delivery. Our guidance has been influential in the development of the Scottish guidance for the use of volunteers in libraries.

### **All Wales Library Card**

The announcement of the chosen supplier for the shared library management system (LMS) for public libraries included the aim of a single library card for Welsh public libraries. The shared LMS is being implemented initially by the six north Wales authorities (Conwy, Denbighshire, Flintshire, Gwynedd, Isle of Anglesey and Wrexham). The system will be operational from summer 2016. Having a shared LMS will ensure that users will be able to use their card in all North Wales public libraries, enabling someone to easily borrow books in Wrexham library and return them in Bangor, for example. The remaining authorities will join in subsequent cohorts as their existing supplier contracts end, enabling them to join the all Wales supplier framework.

Financial benefits are realised through procuring a single supplier contract rather than potentially 22 differing contracts. Each authority currently pays a different amount for its own LMS and the initial take up by the six North Wales library services has realised a cost saving of up to 70% on existing expenditure. Other benefits include the ability to extend new digital services to all library services in a coherent and consistent way with simplified training needs which can be delivered across Wales.

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# Agenda Item 7

By virtue of paragraph(s) vi, ix of Standing Order 17.42

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# Agenda Item 8

By virtue of paragraph(s) vi, ix of Standing Order 17.42

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