

Highlands and Islands Arts Ltd

Submission to the Cultural Commission, January 2005

Introduction

1. In preparing this submission we have considered the 62 questions circulated by the Commission, but, rather than attempt to answer each in turn, we felt it would be more productive to consider the broad themes into which the questions have been grouped. In doing this, we have also taken into account: the submission by the Scottish Arts Council; the discussions at various meetings in the Highlands and Islands which have either been convened by the Commission, or where the Commission has been represented; the debates at the three meetings of SAC core-funded organisations held in 2004, and at the SAC Local Authority Arts Officer conference and the Arts and Communities conference, both held in November 2004. The submission has been prepared following internal discussion by HI~Arts staff and Board members, and has been formally adopted by the HI~Arts Board.
2. It may be helpful to begin by defining HI~Arts. We are a limited company with charitable status and a voluntary, independent Board of Directors. HI~Arts was originally set up by Highlands and Islands Enterprise to develop and promote the arts in the Highlands and Islands, and its main activities are still directed by a detailed annual contract with HIE. HI~Arts is also a core-funded organisation of the Scottish Arts Council. It currently receives a total of £154,000pa from HIE and SAC towards its core costs as part of a three year funding agreement, but project funding from a variety of sources brings the company's annual turnover up to over £1 million. HI~Arts employs an average of 15 FTE staff (taking account of part-time and short-term appointments and job shares).
3. **HI~Arts welcomes the significant opportunity offered by the Cultural Review, but would strongly recommend that this should not be considered as a one-off or time-limited exercise.** The Commission has been charged with considering matters which are of vital ongoing importance for Scotland as a devolved nation within an expanding Europe. Those matters cannot be resolved successfully in a single exercise, but will need to be constantly revisited, reviewed, and updated. We recommend therefore:
 - *That the current Review should be considered as the first step in what should be an ongoing process of debate and review involving local and national Government bodies, the cultural sector, and the communities of Scotland*

Rights, Entitlements and Responsibilities

4. We recognise that the issue of 'cultural rights and entitlements' is a cornerstone of the Commission's remit from the Scottish Executive. We believe, nonetheless, that what we understand to be the Commission's concept of *rights* is inappropriate, chiefly because it is overly bureaucratic in origin, and likely to remain so in execution. As the SAC submission argues, and as some comments from Commission members have already implied, rights and entitlements are likely to be translated into standards, and we believe this will result in a process of *acceptance of minimum standards*, rather than of *aspiration to continual improvement*. We would recommend, therefore, that the Commission should instead seek to establish a set of common *principles* which can be readily adopted by local and national Government, and national and regional cultural bodies. These *principles* should relate primarily to the issue of *cultural identity*: eg *every citizen should have access to the means of learning about and understanding their personal cultural heritage* or *every citizen should have access to the means of positive expression of their cultural identity*.
5. Such a focus on *cultural identity* would integrate with the Scottish Executive's 'Fresh Talent' initiative, recognising that Scotland will inevitably become a considerably more culturally diverse country within the next two decades. For example, we understand that there are now almost 1000 residents from Eastern Europe in Inverness, equivalent to almost two per cent of the population. It will be vital to ensure that these new citizens of Scotland have the means of *retaining* and expressing their own distinctive cultural identities within the wider context of a changing Scottish cultural mix.
6. We also believe that the concept of 'cultural rights' linked to 'entitlements' is inappropriate because of the difficulty of enshrining such rights and entitlements, and related standards, in legislation: any specific definition of entitlements is bound to be subject to change over time, and to impose an obligation by law may simply be to set the means of cultural expression in aspic for future generations. Nonetheless, there is now a well-established set of *international cultural rights*, extending from the original 1948 UN Declaration of Human Rights, and consideration should be given to formal adoption of some of these international statements of rights. As recent controversies, between the Sikh Community and Birmingham Rep, and certain Christian groups and the BBC, have shown, this is a matter (quite literally) of life and death, and there has been no evidence to date that the Commission understands *cultural rights* in this more politically charged, fundamental context.

7. We recommend therefore:

- *That the Commission should seek to establish, not a set of cultural rights and entitlements, but a set of broad cultural 'principles', primarily concerned with issues of cultural identity, and capable of being adopted by a wide range of agencies and groups.*
- *That the Commission should also give consideration to current international thinking on 'cultural rights', not as a means of defining a set 'entitlements', but as a means of protecting against discrimination, intolerance, and oppression.*

Cultural Leadership

8. We considered the issue of 'cultural leadership' to be something of a red herring. Cultural Leadership emerges from within the sector itself, whether it be an Alexander Gibson founding Scottish Opera, a Peter Darrell setting up Scottish Ballet or (more recently) a Hamish Glen establishing a long-term repertory company in Dundee. Nor is it confined to individuals: it can also emerge as a political priority, as it has done in recent years for Councils in Stirling and Perth. But it cannot be readily legislated for.
9. What is undoubtedly missing at present is an effective means of cultural *coordination*. There is at present no mechanism by which the current set of national cultural agencies can be brought round one table to consider matters of mutual concern (eg access, education, cultural diversity). The process of building a 'national concordat' for the Inverness Highland 2008 bid, which has been translated into a mechanism for delivering the 2007 Year of Highland Culture, has demonstrated that those national agencies welcome the opportunity to share ideas and experience and embark on collaborative working. Hence we strongly support the Scottish Arts Council proposal for a *National Cultural Partnership* (with the one important proviso: that this partnership must include the heritage sector, rather than as SAC suggests, leaving that to a parallel partnership).
10. Such a Partnership would be the most effective means of ensuring consistent adoption of the *principles* proposed in the previous section, but the Partnership will require some form of central body both to ensure that such adoption *is* being implemented, and also to act as the Partnership's Secretariat. We do not share the view of the Scottish Arts Council that the SAC should lead a National Cultural Partnership: it would be wrong for any one agency to take a leading role, and in particular for the SAC to do so would be to formalise the dominance of the arts within the wider cultural sector, something which has already threatened to undermine the current Review process.

11. We therefore recommend the establishment of some form of independent cultural coordination body, somewhere between an ombudsman and a regulator. This is considered in more detail later in this submission.
12. We therefore recommend that:
 - *Consideration be given to matters of cultural 'coordination' rather than leadership*
 - *Coordination at the national level may be best achieved by establishing a National Cultural Partnership, itself coordinated by some new, independent body (ombudsman/regulator)*

Pan-sectoral Planning

13. Again, we believe that the notion of *pan-sectoral planning* is something of a misconception. First, it is simply axiomatic that national policy should be set by the Scottish Executive, as it is in many other aspects of our national life: education, health, policing, etc. Beyond that, we believe that, at present, the different elements which make up the cultural sector are simply too diverse, and at too varied stages of development, for meaningful pan-sectoral planning to be achievable in the short or medium term.
14. The nature of this confused reality can be grasped by considering the heritage sector, which is fragmented between an extreme range of regional and national bodies: Local Authorities, National Museums and Galleries, Historic Scotland, Scottish Museums Council, Heritage Lottery Fund, RCAHMS, Council for Scottish Archaeology, various NGOs, etc. Until a degree of rationalisation and consolidation has been achieved *within* the heritage sector, it is difficult to see how heritage bodies could participate in a *pan-sectoral* planning process. The structure of a National Cultural Partnership, however, adopting a set of agreed common principles, and being monitored on successful adherence to these principles, should in time lead to an environment in which effective pan-sectoral planning will become possible.
15. In the short-term, however, we believe that the crucial issue is rather how the broad policy and outcomes which are set by the Executive should be interpreted and implemented at a local or regional level. In this respect we consider that perhaps the key question posed by the Commission is contained, not in the full set of 62 questions, but in the compressed '20 questions' version: *How can we reflect the differing needs, priorities and traditions of artists and communities across Scotland while still developing national standards?* (with the proviso that, considering the cultural sector as a whole, we should replace 'artists' with a term like 'cultural activists'). We believe that the Review will have failed if it results in a uniform model of cultural support

and provision which does not take proper account of local contexts, and local needs and aspirations.

16. We therefore recommend that the *National Cultural Partnership* should be mirrored at a local level by a series of *Regional Cultural Partnerships*. Again, this model is developed in greater detail later in this paper. Recognising that the Review cannot avoid the question of resources, we recommend that the Commission should consider the model of the recent *Regional Challenge Fund for Museums Development*. This offered new funding for the museums sector, allowing sufficient flexibility to reflect local needs within a national policy context. To access the funding, however, Local Authorities had to both form partnerships, and commit matching funding. The successful bid from the six Local Authorities in the HIE area has demonstrated how this 'carrot and stick' approach can encourage partnership-working at a regional level without the need for overly prescriptive national policies and strategies.

17. We recommend therefore that:

- *Broad national policy should be set by the Scottish Executive, through a process of dialogue with national and regional agencies*
- *There should be a series of 'Regional Cultural Partnerships', perhaps no more than four or five to cover Scotland (and with a slightly different model for the four major cities)—see below*
- *These Regional Partnerships should be able to access new resources from the Scottish Executive, in line with broad policy objectives, but able to be adapted to meet local needs, and with a requirement for matching local investment*
- *Planning and funding systems should be rooted in an environment of placing 'trust' and 'confidence' in well-established delivery mechanisms that, while acknowledging the importance of accountability, can reduce the present increasing burden of audit and monitoring processes which are reducing the whole cultural funding system to a sclerotic inertia (consider as a model the 'sampling audit' approach being developed by the Scottish Charities Regulator).*

Funding Arrangements

18. Again, it is axiomatic that the 'final decision' about how much money is allocated to the cultural sector must rest with the Scottish Executive: how could it be otherwise? Money follows policy, and we have already agreed that national policy must originate with the Executive. There are however two significant issues to consider. First, we believe that serious consideration should be given to the *percentage* of the Executive's budgets which it is appropriate to commit to support for the cultural sector. We fear that there

will be a widespread sense of disappointment and disengagement if the Review does not produce a strong case for increasing that percentage.

19. Second, we recognise that, to achieve long term consistency and consolidation across the cultural sector as a whole, it will be necessary to apply, for set periods of time, a *weighting* to cultural funding—comparable, for example, to the kind of investment which the DCMS and the Arts Council of England made in addressing the serious underfunding of the English regional theatre network. But the structure of National and Regional Cultural Partnerships should provide the framework within which the cases for such weighting of funding can be made and debated.

20. We recommend that:

- *Final responsibility for funding the cultural sector should rest with the Scottish Executive*
- *How that funding meets the needs of the sector, and addresses the agreed set of 'cultural principles', should be monitored by the independent ombudsman/regulator on behalf of the national and regional cultural partnerships*
- *The Commission should aim to make the strongest possible case for increased and sustained investment by the Executive in the cultural sector*
- *Within that increased investment, it should be accepted by all parties that a degree of 'weighting' will be needed to ensure appropriate levels of provision, geographically or within different areas of the cultural sector as a whole.*

Standards and Evaluation

21. As with a number of the specific questions in other sections, the questions in this section go into a level of detail which we do not believe is appropriate to the present remit of the Commission, not least because it is very unlikely that a process of open consultation will result in a coherent consensus on such detailed matters. Instead, these should form part of the agenda for the National and Regional Cultural Partnerships.

22. We would however wish to stress one point: we believe that many of these questions, and their inclusion within the Commission's consultation process, are evidence of an obsession with measurement and with quantitative outcomes. These are too often given undue prominence in debates on cultural provision, and this understandably leads many in the cultural sector to view such consultations with a degree of scepticism and hostility. The sequence 'rights-entitlements-standards' implies, correctly or not, a continuing future dominance by these issues of measurement. This ignores

the fact that, both within the UK and internationally, considerable research has gone into understanding the 'softer', more qualitative, and hence more pervasive and long-term, impacts of cultural provision.

23. We recommend that:

- *Detailed consideration of systems of monitoring, evaluation, and setting of standards, should be outwith the remit of the present Review*
- *The Commission should, nonetheless, take serious consideration of existing international research into 'qualitative' impacts of cultural provision, as part of a move away from mechanistic quantitative measurements*

Operations and Administration

24. These are all important questions, but, again, they are of a level of detail which is inappropriate for the current Review, but which will need to form part of an ongoing agenda for the National and Regional Partnerships.

25. We recommend that:

- *The Commission should not concern itself with this level of detail while matters of broad principle have still to be established*

Local Authorities

26. As we have already indicated, we believe it is of vital importance that Local Authorities are encouraged to work in partnership at a regional level. It is impossible to divorce cultural provision from the remit of Local Authorities, unless that remit was itself to be the subject of radical change. The integration between the cultural sector and the broad educational sector, for example, can only be achieved through the role of Local Authorities. Nonetheless, the status quo is not an option. There is hard and alarming evidence of serious discrepancies in per capita funding for culture even between neighbouring, and demographically similar, Councils.

27. The model of a Regional Cultural Partnership, however, should allow Local Authorities to collaborate with each other, and with other local and national agencies, to achieve ends that could not be achieved without such partnerships. The Regional Challenge Fund for Museums has already been cited as an example. A number of HI~Arts' regional initiatives--the Screen Machine mobile cinema, the Internet Arts Journal and Events Guide, the ArtsPlay project for pre-school children, and now the online box office service known as 'The Booth' -- are examples of beneficial *regional* projects delivering across a number of Council areas, which it is very unlikely would ever have been instigated, or delivered, by a single Local Authority.

28. We recommend that:

- *Local Authorities should be required to adopt the nationally agreed 'Cultural Principles', and their achievement in doing so should be monitored by the ombudsman/regulator in association with COSLA*
- *Local Authorities should be required to participate in Regional Cultural Partnerships, with the encouragement of gaining access, thereby, to additional and devolved regional funding*

Regional Bodies

29. We have already outlined the model of Regional Cultural Partnerships working with a National Cultural Partnership, and it is self-evident that there should be an interchange of membership between these two Partnerships. For example, if there are only four or five Regional Cultural Partnerships, then national agencies should be able to be represented on each and all of these, while representatives of Local Authorities (through COSLA), and of the two regional development agencies, should be members of the National Partnership. But we believe that this interpenetration can be taken further. While we believe firmly that there will be a continued need for national 'arms length' cultural agencies such as the Scottish Arts Council, although perhaps in a different form or scale, we can envisage an agency model in which more than half of the governing 'council' is made up of representatives of the Regional Cultural Partnerships, and a considerable amount of funding is devolved to those Partnerships to be disbursed in line with broad national policy objectives.

30. We recommend that:

- *There should be a formal integration between regional and national cultural agencies and structures (eg by ensuring that the governing body of a national agency such as the Scottish Arts Council includes suitable regional representation: that is, is partly 'owned' by the regional partnerships)*
- *A rationalisation of the remits of the national agencies—reducing their administrative infrastructure—should free up funds to support regional networks, thus ensuring that there is no net increase in the overall cost of 'managing' and funding cultural provision*

National

31. The 'national' question is particularly complex when viewed from a Highlands and Islands perspective. For example, what is an *appropriate* level of commitment from a national company (be it performing arts, gallery, or museum) to direct provision in rural areas? Can a 'national' company ever be based outside the Central Belt? If so, what does a company have to do to gain the accolade 'national'?
32. We would offer the Traverse Theatre as a possible model. Though not formally designated as a 'national' company, the Traverse has claimed a unique remit as Scotland's home of new writing for the stage, and under the present Director, it has made a very long term developmental commitment to exercising that remit in the Highlands and Islands. A formal 'national' designation for the Traverse would recognise this commitment, while requiring an obligation that such commitment to a truly national spread is ongoing, and is not subject to the differing priorities of a future Director.
33. So, if there is to be a formal designation of 'national' which has real funding implications (as in the National Theatre, or the National Galleries), then that designation should have at its core an obligation to work across Scotland as a whole (and not simply through bolt-on 'outreach' programmes). Similarly, the possibility should be open that any cultural body, based anywhere in Scotland, might aspire to the designation 'national' (with consequent appropriate funding) if its work is seen to make a distinctive, and truly national, contribution. A good example would be the Scottish Dance Theatre, based in Dundee (ie outside the Central Belt), touring across Scotland and abroad, and with a right to be considered Scotland's 'national' contemporary dance company.
34. We would also offer for your consideration a funding model based on that which we understand operates in Australia. We understand that regional 'arts councils' (which are charitable companies, and not 'councils' in the UK sense) each receive a portion of the national Federal funding designated for the national companies. For the national companies to gain access to these funds, they must satisfy the regional requirements of each 'arts council'. This could readily translate to the proposed network of regional cultural partnerships.
35. Finally, we would recommend that the designation 'national' should not be absolute. If 'national' funding has consequent obligations, then it follows that if those obligations fail to be met, the designation can be removed.

36. We recommend that:

- *The designation 'national', where it is related to funding, should involve obligations to deliver across Scotland as a whole*
- *Those obligations should be linked to the delegation of a percentage of the funding for national companies to a regional level*
- *No 'national' funding designation should be considered as absolute*
- *National companies (including the National Galleries and Museums) should not be funded directly from the Scottish Executive, but should sit alongside their counterparts within the remit of independent cultural agencies (a restructured Scottish Arts Council or Scottish Museums Council)*

Cross-cutting

37. In the spirit of the First Minister's St Andrews Day speech, we take it as axiomatic that all departments of the Scottish Executive, of Local Councils, and of such bodies as Enterprise Agencies, should give full and proper consideration to their roles, current and potential, in supporting, and drawing benefit from, the cultural sector. New Zealand may offer a model here, where the New Zealand government produces a booklet which spells out the commitment which each government department is making to support (in this case) the arts.

38. We recommend that:

- *Both the National and Regional Cultural Partnerships should include within their membership those agencies where there is a clear cross-cutting agenda with the cultural sector: eg VisitScotland, British Council (Scotland) and NHS Scotland on the National Partnership.*

A potential structure

39. We conclude this submission by drawing together the various recommendations in the form of a potential model for planning and delivery structures, operating at both a national and a regional level. In doing this, we recognise that, as HI~Arts, we could be accused of advancing our own interests as the basis for a key part of this model. This is not our intention. Our experience may however make a useful contribution to the debate. Over the last fifteen years HI~Arts has grown organically, both under the umbrella of HIE's social remit, and in response to changing circumstances, regionally and nationally. It is the very fact that this evolution has been pragmatic and responsive that, we believe, makes the HI~Arts model a robust one with the potential for adaptation and transferral.

40. Conventionally (and in the Commission's own presentations) the arts infrastructure is displayed in the form of a pyramidal, hierarchical structure with central government at the top. We wish to depart from this model. Ours is a *planetary* model.
41. At the *core* is the **Scottish Executive** setting national policy, and the allocation of resources, as it does for every other sector for which it has responsibility. Unlike the SAC, in its submission to the Commission, we do not have a firm view as to whether this requires a dedicated Minister of Culture. But it does require a recognition, throughout both the Executive and the Scottish Parliament, of the vital importance of the cultural sector to every aspect of Scottish life: health, education, economy, tourism, law and order. This may be better expressed through a dedicated **Parliamentary Committee for Culture**, than through a specific Ministry.
42. The Executive should appoint an independent body with a remit to oversee the implementation of *cultural policy*, and the adoption of, and adherence to, agreed *cultural principles*, and to ensure continued, sustained review and debate of both policy and principles within a changing Scotland. We have described this independent body as being a cross between an **ombudsman and a regulator**. It should be headed by a significant figure of high standing in public life, without party affiliation, and perhaps changing every five years.
43. Part of the remit of the ombudsman/regulator would be to provide the *Secretariat* for a **National Cultural Partnership**. We believe that, for many reasons, Executive policy in the cultural sector will be best delivered, as it has been for the last fifty years, through arms' length bodies. The varying needs, structures, and states of development of the different cultural sectors will dictate the requirement, for the foreseeable future, for a diversity of such arms' length bodies, not a single monolithic cultural agency.
44. There is, however, clearly considerable scope for rationalisation, reduction in numbers, and slimming down of bureaucracy within the present spread of national cultural agencies. The new set of restructured arms' length bodies will form the core of the National Cultural Partnership, together with representatives of other relevant national agencies (eg health, tourism, international promotion), of COSLA, and of regional partnerships.
45. The Local Authorities will continue to play a vital, central role in cultural provision, but it is clearly impossible for national agencies to work on a one-to-one basis with 32 councils, and if national policies are to be successfully implemented, they must address the current extreme imbalances between Councils in funding for the cultural sector. This may be best achieved by mirroring the *National Cultural Partnership* in a series of **Regional Cultural Partnerships**. Because of the role of HIE, and to a lesser extent of HI~Arts,

the Highlands and Islands constitute a natural grouping for one such partnership. It should be possible to cover most of the rest of Scotland with a maximum of four more such Partnership areas.

46. The four major cities—Glasgow, Edinburgh, Aberdeen and Dundee—need a different model. In these cities the various relevant agencies—Council, Local Enterprise Company, Health Board, etc—are for most purposes co-terminous. For that reason these four cities do not relate to their hinterlands as do, say, Perth or Stirling. A simpler model may therefore be appropriate, and we would recommend that the Commission look to the very successful example of the **Bristol Cultural Development Partnership** as a possible model.
47. As we have described, it should be possible to devolve a considerable amount of cultural funding to these *regional partnerships*, including a substantial amount of that committed to the 'national' companies. This will aid the 'slimming down' of the national agencies, to free up resources to fund the administration of the regional partnerships. But such devolved funding should have a 'carrot and stick' element, requiring both effective partnership working, and the commitment of matching local resources.
48. But if the *regional cultural partnerships* are to manage substantial devolved funds, and indeed if they are to achieve genuine partnership outcomes at a regional level, they will require an **executive body** to act on their behalf (and also to act as their secretariat). That body, being independently constituted, is not 'owned' by any one member of the Partnership, and can therefore act on behalf of all or any members.
49. Moreover, as the experience of HI-Arts has shown, such an independent executive body can survive on a modest level of guaranteed core funding, while generating very substantial amounts of funding from a variety of other sources (including sponsorship, trust funds and earned income), much of which might not be available to individual Partnership members because of their status.
50. This *executive body*, therefore, would be in a position to deliver a range of activities at a cross-sectoral level on behalf of the Regional Partnership. An example of what that might encompass would be the stated intention of the SAC (Corporate Plan) to create northern and southern 'audience development agencies' to match those currently based in Glasgow and Edinburgh: it makes excellent sense that audience development should be a core role of any regional executive body. So should provision of information, networking, access to training, advice, and basic consultancy services, and also management of delegated funds from both national (eg SAC) and regional (eg HIE) agencies.

51. It is important to stress, however, that this *executive body* should retain crucial flexibility through a structure which is independent, and is as unbureaucratic as is commensurate with appropriate mechanisms for accountability. This is certainly not a recipe for anything as formal as *regional cultural boards* on the model of the former regional arts boards in England. Ideally, activity, debate, and policy-shaping in the cultural sector should be as devolved and 'low level' as possible, with one of the key roles of the executive body being to provide support for networks and formal and informal groupings at the most local level.

Conclusion

52. We are aware that this model does not answer all of the questions posed by the Cultural Commission. But we do not believe that it is possible, or even desirable, to attempt to resolve the many complex issues raised by these questions through a single set of conclusions and recommendations. If, however, a new structure can be established which will:

- permit a two-way flow of dialogue between the national and the regional, to inform and shape cultural policy
- ensure the consistent adoption of an agreed set of cultural principles
- allow extensive devolution of funding for the cultural sector to a regional level
- enable all those agencies which have, or should have, a remit for cultural provision to work in partnership
- and, through all of these actions, make it easier for the *deliverers* of cultural provision to meet the needs and aspirations of the Scottish people

.....then the framework will have been set in which it should be possible to address all those issues raised by the Commission, and many as yet unforeseen.

Approved for submission by the Board of HI~Arts

January 2005

Ack by email
31/1/05

-----Original Message-----

From: Robert Livingston [mailto:robert@hi-arts.co.uk]

Sent: 31 January 2005 11:28

To: James; Karen

Subject: submission from HI~Arts[Scanned]

Importance: High

Dear James and Karen

Please find attached a formal submission to the Commission from HI~Arts, approved by our Board last Friday. I did write some weeks ago to ask for an extension till now to allow for this Board meeting.

I hope this will help to fill out our thinking on some of the areas which we discussed when we met before Christmas

Please don't hesitate to contact me if there are any points which you would like me to expand on.

Regards,

Robert

Robert Livingston
Director

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