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**From:** Fitzpatrick, Gerry [Gerry.Fitzpatrick@westlothian.gov.uk]  
**Sent:** 31 January 2005 17:16  
**To:** info  
**Subject:** CultCommPanSecQuestionnaire[Scanned]

Local  
Gov.



Cultural Comm Libraries museums  
Phase 2 q aire (... and archives...

Richard

Further to our telephone discussion I have enclosed a copy of our response to the Stakeholder Consultation Phase 2 Questionnaire. Please note that this is an officer's response, rather than a formal response from West Lothian Council.

I received a response from the Library Service which once again reflects the views of staff within that service and does not represent any formal position taken by the Council. I have also included this response for your consideration.

I trust you find our response helpful.

<<Cultural Comm Phase 2 q aire>> <<Libraries museums and archives answers to CC questions jan 05>>  
Gerry

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## visitor

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**From:** Fitzpatrick, Gerry [Gerry.Fitzpatrick@westlothian.gov.uk]  
**Sent:** 31 January 2005 18:19  
**To:** info  
**Subject:** FW: Cultural Commission: Phase 2 Consultation[Scanned]

Richard

My apologies but there was comments from Stuart Eydmann, Senior Planner, which should be included within our response. This relates to listed buildings which might be helpful.

Gerry

> -----  
> From: Fitzpatrick, Gerry  
> Sent: 09 December 2004 14:47  
> To: Eydmann, Stuart  
> Subject: RE: Cultural Commission: Phase 2 Consultation  
>  
> Stuart

> Many thanks for your speedy response. I will include your comments in  
> the response.

> Gerry

> -----  
> From: Eydmann, Stuart  
> Sent: 09 December 2004 13:43  
> To: Fitzpatrick, Gerry  
> Subject: RE: Cultural Commission: Phase 2 Consultation  
>

> Gerry,

> Not too much in this for me but I would like the following considered.

> Stuart

>  
> 40. Is there an opportunity to introduce a more co-ordinated  
> management of cultural property, particularly given the problems  
> experienced by many cultural organisations with listed and/or  
> high-maintenance buildings?

> Listed buildings are cultural assets in themselves and their proper  
> maintenance and management should not be viewed simply as a burden. Many  
> cultural organisations deliberately target such buildings for the  
> community/iconic/symbolic status and there is great evidence now to show  
> that properly converted they can be very effective homes for cultural  
> activities. Organisations also target such buildings in order to gain  
> access to heritage grant sources and in their actions are often the  
> saviours of neglected structures. There is an argument that projects which  
> have the double benefit of serving effective conservation of local  
> heritage assets and providing community cultural provision should be  
> worthy of preferential treatment on account of the added value they bring.  
> This should be particularly so where the heritage asset has high status  
> and there are demonstrable gaps in local cultural provision.

> 59. How should the cultural sector as a whole seek and arrange suitable  
> mutually beneficial partnership

> with other areas of government (education, sport, tourism, etc.)?

> The Historic Scotland portfolio of properties in care offers tremendous  
> cultural opportunities for the inclusion of art, the hosting of artistic  
> and cultural events etc... which could be exploited more fully and in a  
> manner which has tourism/educational potential. To pursue this in a more

> coordinated fashion is within the gift of the Scottish Executive which  
> carries overarching responsibility for so many of these areas. This should  
> go beyond the historical events currently held in Historic Scotland  
> properties and be of a different scale from the blockbuster  
> concerts/events held in venues such as Edinburgh and Stirling Castles to  
> link the sites with the cultural activities of the communities within  
> which they are located.

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# Cultural Commission

## CULTURAL COMMISSION

### STAKEHOLDER CONSULTATION: PHASE 2

#### PAN-SECTORAL QUESTIONS

NOVEMBER 2004

Broughton High School  
Carrington Road  
Edinburgh EH4 1EG

t: 0131 315 0262

w: [www.culturalcommission.org.uk](http://www.culturalcommission.org.uk)

## **Rights, Entitlements and Responsibilities**

1. How should cultural rights and accompanying entitlements and responsibilities be used to develop both cultural policy and appropriate standards for the provision/delivery of culture in Scotland?

**Cultural rights and entitlements require to be defined and this responsibility should be determined by the Scottish Executive through consultation with the Cultural Commission et al. We would however resist any attempt to set minimum levels but clear guidelines should be established to set recommended standards of provision and delivery of cultural activity in Scotland. Once defined these should be used to underpin cultural policies and appropriate standards for the provision/delivery of culture in Scotland. When determining and delivering cultural rights and entitlements the issues of resources and appropriate structures require to be addressed.**

2. Should cultural rights be enshrined in law?

**The simple answer is yes, otherwise they become almost meaningless. Having said that, the role of the different stakeholders who are providing/delivering culture in Scotland requires to be clearly defined.**

3. Should cultural rights, entitlements and responsibilities reflect or link to other areas of social policy, such as inclusion or social justice and, if so, how?

**Yes – cultural rights and entitlements should be a key part of social policy and social inclusion if they are to have any meaningful impact on local communities and improve the quality of life for individuals and communities.**

4. Who should have guardianship over cultural rights, entitlements and responsibilities and how should they exercise their authority, particularly in relation to non-conformance?

**The Scottish Executive should have guardianship over cultural rights, entitlements and responsibilities. The allocation of resources is a key element of exercising this authority and should be linked to monitoring and evaluation of delivery. In relation to non-conformance, the Scottish Executive should also consider adopting quality standards and should put in place appropriate arrangements to measure delivery and identify non-conformance. The example of the HMIE in relation to the delivery of education through local authorities should be considered as an option for the delivery of culture in Scotland.**

5. Who should have responsibility for the review and potential amendment of cultural rights, entitlements and responsibilities and how should this process be conducted?

**The Scottish Executive through a cultural department should have responsibility for this area. The establishment of a national cultural partnership involving key stakeholders, including local authority representatives, should be the vehicle for conducting this process. Following consultation, the Scottish Executive would have ultimate responsibility for amending cultural rights, entitlements and responsibilities.**

## Cultural Leadership

6. A number of stakeholders have bemoaned the lack of cultural leadership in Scotland but what sort of leadership is actually required?

**Leadership is required from the Scottish Executive with the appointment of a Minister for Culture who would be a member of the inner cabinet and the establishment of a Department of Culture.**

7. What role should the Scottish Executive play in cultural leadership, how should it interface with the cultural sector and what influence should it have, if any, over cultural policies and priorities?

**The Scottish Executive should adopt the lead role in cultural leadership. Leadership is however also required by other key stakeholders and agencies that have a key role in delivering the Executive's cultural agenda. This leadership could combine their collective resources and leadership and demonstrate effective leadership through an organisation such as a Scottish Cultural Partnership led by the Scottish Executive and supported by civil servants.**

8. Is the arms-length principle still appropriate and, if so, how should it be enforced?

**The arms-length principle is no longer appropriate given the establishment of cultural rights and entitlements. This has to come from the Scottish Executive and they therefore require to ensure that it is enforced. It should be noted that the role of the local authority is also critical as both the Scottish Executive and local authorities are democratically accountable, something that an arms-length approach cannot necessarily ensure.**

9. Who should appoint the leadership of the cultural sector and to whom should the leadership be answerable?

**The Scottish Executive should appoint the leadership in the context of those bodies or organisations who receive core funding. This of course would be delegated to a local authority in the context of present funding arrangements. The leadership should be answerable directly to the Minister and cabinet of the Scottish Executive.**

10. What role should local government play in cultural leadership, including policy making, and how should it balance its responsibilities to the electorate with the needs of artists and citizens across Scotland?

**It should be fully recognised that local government plays a key role in cultural leadership, policy making and delivering culture in Scotland. It can balance its responsibilities to the electorate and the needs of artists and citizens across Scotland by adopting imaginative strategies which are developed in full consultation with the local community and monitored through existing community planning partnerships.**

11. What role should Universities, Colleges and other centres of artistic/academic excellence play in the defining of Scotland's cultural strategy and how should they be represented in the cultural leadership of Scotland?

**These institutions have a critical role in partnership with the Scottish Executive's Education Department in providing appropriate training opportunities which reflect the needs of the cultural sector and provide appropriate academic qualifications. They also have a key role in supporting innovation, research and an advisory role to the Scottish Executive.**

12. What role should the private and commercial sectors play in the cultural leadership of Scotland?

**The Scottish Executive should be encouraging the private and commercial sectors to play a key role in supporting the culture of Scotland and the delivery of cultural activities. These would benefit their own workforce and help to promote Scotland's identity as a vibrant economy and one where culture is valued and it is an exciting place to live and work. There is of course the commercial spin-off for the private sector for a country that is culturally diverse and innovative and one which would attract key workers from the global workforce. Creative industries could also be represented on the Scottish Cultural Partnership.**

13. How do we give artists a stronger voice in the decision-making (planning and funding) processes at national level and how should artists be effectively represented and consulted?

**The Scottish Arts Council if it was adopting an advocacy role could provide the forum to ensure effective representation and consultation.**

14. How do we give grassroots organisations a stronger voice in the decision-making (planning and funding) processes at national level and how should the grassroots sector be effectively represented and consulted?

**The role of the local authority would appear to be critical in this respect as they are already working closely at the grassroots level. It is however important to recognise that local forums form a critical part of the consultation process**

15. How can we ensure the appropriate strategic and operational alignment between Scottish cultural agencies/organisations and UK cultural agencies operating in Scotland?

**The Scottish cultural partnership or the Scottish Cultural Council could oversee strategic and operational links.**

### **Pan-Sectoral Planning**

16. What is the opportunity for more effective pan-sectoral planning and what actions are required to establish an appropriate pan-sectoral planning regime?

**The Scottish cultural partnership or the Scottish Cultural Council is the most appropriate body to lead pan-sectoral planning. This body should ensure that the Community Planning process is used at a community level to deliver joint planning. Finally there is a role for the SAC.**

17. What should be the scope (timeframe, level of detail, etc.) and authority of any new pan-sectoral planning regime?

**The Scottish Executive through the Scottish cultural partnership or the Scottish Cultural Council should put in appropriate arrangements and determine the authority of the SAC regarding measures for pan-sectoral planning.**

18. What should be the governance (representation, etc.) of any new pan-sectoral planning regime and what role should the Scottish Executive and local authorities play in the process?

**As above the Scottish cultural partnership or the Scottish Cultural Council should be the model used by the Scottish Executive. Local Authorities through the community planning process should also have a role for pan-sectoral planning at a local level.**

19. Who should represent the individual cultural sectors in any new pan-sectoral planning process?

**Consultation by the Scottish cultural partnership or the Scottish Cultural Council should ensure that each sector is appropriately represented.**

20. How should any new planning regime reflect the differing needs, priorities and traditions of artists and communities across Scotland?

**In a sense there would be a two-pronged approach. One which may be supported by SAC and the various national bodies who have an interest in the cultural activities. The community planning process through adopting a cultural strategy for its area would ensure that the interests of the various sectors can be addressed.**

21. To what extent should the authority of any new pan-sectoral planning regime extend into decisions on funding and, if so, how should it execute these additional responsibilities?

**Local Authorities are already the key drivers in delivering cultural activities to local communities. The community planning framework provides an ideal opportunity to ensure the delivery of cultural activities with the range of key partners. Funding should therefore come directly to local authorities to enable them to take the lead role with its partners. Consideration should also be given to the Scottish Cultural Partnership or the Scottish Cultural Council, through SAC to consider allocation of funding for those bodies or organisations that have a national context to their work.**

### **Funding arrangements**

22. Is the final decision about how much public money is allocated to the cultural sector appropriately in the hands of the Scottish Executive or is there a valid alternative method/process of calculation?

**Public money should be allocated directly through the Scottish Executive as the only democratically elected body which is accountable for the allocation of public money.**

23. How and by whom should the division of funds between the individual cultural sectors be decided and how should we establish appropriate pan-sectoral evaluation criteria?

**The Scottish Executive must determine the balance of allocation between resources to deliver cultural activity at a local community level, delivered through the local authority planning process and the Scottish Cultural Partnership or the Scottish Cultural Council, through SAC.**

24. How and by whom should the division of funds within individual cultural sectors be decided and how do we ensure that these funding arrangements support the achievement of pan-sectoral and inter-sectoral objectives?

**Once again the division of funds can be determined by local authorities and community planning and the Scottish Cultural Partnership or the Scottish Cultural Council with the assistance of SAC.**

25. How and by whom should the funding awarded to national companies be decided and what sort of funding arrangements should be in place?

**As above the Scottish Cultural Partnership or the Scottish Cultural Council through SAC should determine the funding arrangements for national companies.**

26. What influence, if any, should national agencies have over local authority spending decisions?

**As democratically elected bodies, the local authority should have sole discretion on spending decisions. National agencies are free of course to make recommendations to local authorities.**

27. What role, if any, should the national agencies have in the funding of non-national organisations or should the funding of locally or regionally based cultural organisations be devolved to local or regional level?

**Decisions should be devolved to a local level through the community planning process.**

28. How can we simplify and streamline the process for both organisations seeking funding from national agencies and for organisations seeking funding from local authorities?

**The Scottish Cultural Partnership or the Scottish Cultural Council should determine funding for national agencies. The local authority should concentrate on more localised provision.**

29. What are the opportunities to move to a more co-ordinated approach to capital planning and corresponding grant allocation (including lottery funding) in Scotland and how should such an approach be organised and managed?

**The Scottish Executive through the Scottish Cultural Partnership or the Scottish Cultural Council should consider how best capital planning should be co-ordinated. A more equal system of distribution of awards should be considered in consultation with for example the big lottery being used.**

30. Should a certain amount of state money be 'guaranteed' for the traditional and indigenous arts or should all cultural output be judged strictly on its artistic merit?

**State money should come via the Scottish Executive but there is little merit 'guaranteeing' elements for the traditional and indigenous arts. These however are important features of Scottish culture and should be promoted within a cultural strategy adopted by Local Authorities through the Community Planning Framework**

31. How can we improve the process for awarding 'initiative-based' funding to cultural organisations, particularly monies linked to other governmental initiatives (social inclusion, health, etc.)?

**The current process of initiative based funding to cultural organisations is over bureaucratic. There should be less initiative based funding with more money going to local authorities who already have a significant role to play in addressing social inclusion, health etc. Initiative based funding causes great problems when the initiative comes to the end of its funding timescale and there is pressure on the local authorities to either mainline or continue with these initiatives.**

32. Can we improve the current methods of funding and should we consider alternative methods such as endowment style funding or longer funding horizons (5 year agreements, etc.)?

**As above direct the money to local authorities rather than the plethora of initiatives. Whilst longer funding horizons would be helpful, it may simply postpone the issue which will still require to be addressed at the end of the funding period. There is an unrealistic assumption from organisations like SAC and sportscotland that the local authority can simply pick up the tab at the end of initiative based funding projects.**

33. How can we demonstrate prudent and effective use of public money whilst allowing funded organisations greater, and arguably more appropriate, financial autonomy?

**The use of partnership agreements or Service Level Agreements (SLA) would be appropriate where organisations require to demonstrate objectives, targets, outputs and outcomes when they receive public money to fund their organisations. These organisations should also have to demonstrate best value and produce performance reports for their activities.**

#### **Standards & Evaluation**

34. What standards of outcome, output, process and governance is it appropriate for a funding body to impose on a recipient of funding?

**As above the use of SLA's should address these matters.**

35. How do you establish proper standards of outcome, output, process and governance without compromising artistic integrity and/or local empowerment to meet local needs?

**Consultation with organisations/bodies on the joint objectives and the agreement of a SLA.**

36. How do we achieve appropriate consistency of standards within and across the cultural sectors?

**Again a robust framework for SLA's would be helpful. The Scottish Cultural Partnership or the Scottish Cultural Council could also devise a self-assessment quality assurance model. This would be helpful in achieving appropriate consistency of standards.**

37. How do we achieve appropriate quality and consistency of evaluation within and across the cultural sectors?

**Whilst SLA's would form the basis of providing some form of evaluation it may be appropriate to consider creating through the Scottish Cultural Partnership or the Scottish Cultural Council an inspection or evaluation team which could undertake a verification role.**

38. What sanctions should a funding body have against a funded organisation that does not meet the required standards and what rights of appeal should funded organisations have if they feel they have been incorrectly or unfairly adjudged to have not met the standards defined by their funders?

**Ultimately the withdrawal of funding would be should be considered to ensure that organisations continue to meet the required standards. With regards to right of appeal, for national agencies the Scottish Cultural Partnership or the Scottish Cultural Council should consider setting up an appeal mechanism. For funding provided through the local authority, the local authority through the community planning process could establish an appeal procedure.**

#### **Operations and administration**

39. What is the potential for new technology to improve the efficiency and effectiveness of cultural administration in Scotland and how should that potential be realised?

**The Scottish Cultural Partnership or the Scottish Cultural Council should consider through consultation opportunities for the use of new technology to improve the efficiency and effectiveness and cultural administration. Examples could include joint booking systems, joint payroll systems with appropriate advice.**

40. Is there an opportunity to introduce a more co-ordinated management of cultural property, particularly given the problems experienced by many cultural organisations with listed and/or high-maintenance buildings?

**At present there is a tendency for organisations to want their own premises and space with much of the funding provided being used to support premises rather than develop cultural activities and programmes. The local authority has a key role to play here and it would be helpful if the Scottish Cultural Partnership or the Scottish Cultural Council could consider ways of increasing support to local authority to improve and adapt the facilities currently available and their use by cultural groups and organisations.**

41. What are the merits and practicalities of assigning pan-sectoral responsibilities for matters such as advocacy and IT development to a single organisation(s)?

**There would appear to be a role for SAC in relation to these matters.**

42. Where does responsibility lie for Scotland's international cultural development and what are the opportunities for greater collaboration between Scotland and the relevant UK, EU and UN (UNESCO) policy making bodies and cultural networks?

**The Scottish Executive through the Scottish Cultural Partnership or the Scottish Cultural Council clearly has a key responsibility for Scotland's international cultural development. These can be supported through the European Parliament and local authorities. There would also appear to be a role for SAC in promoting greater collaboration.**

43. What strategic, operational and attitudinal changes are required to ensure that there is a continual increase in the percentage of available monies spent in Scotland on performance and participation as opposed to management and administration?

**Principals of Best Value should be embedded within each organisation with less bureaucracy and flatter management structures being introduced and greater accountability from organisations that receive public funding.**

#### Local Authorities

44. What legislative requirements are necessary to clarify and enshrine the responsibilities of local authorities towards cultural provision?

**A Scottish Cultural Bill is required to provide local authorities with the capacity to deliver cultural provision. The issue of adequate resources must of course be considered or the local authority may not have the means to deliver cultural provision.**

45. Do we need to define the term 'adequate provision' in regard to local authorities current responsibilities, including the requirement to develop local cultural strategies within the context of community planning, and if so, how?

**Whilst we would support the requirements to develop local cultural strategies within the context of community planning, defining 'adequate provision' would not be helpful. Local authorities through community planning should have the flexibility to deliver 'adequate cultural provision' through finance provided by the Scottish Executive.**

46. What are the merits and practicalities of adopting national standards for the provision of cultural facilities and services?

**It is difficult to see how this might be done in practical terms but it may also be counter-productive as it may be used to define minimum levels, which then become the standard level for the provision of cultural facilities**

47. What is the justification and practicality of insisting that local authorities 'ring-fence' resources for cultural provision?

**Unless the Scottish Executive provided resources for cultural provision there is little justification or practicality of insisting local authority 'ring-fence' resources for cultural provision. Local authorities do in fact spend significant resources on cultural provision, but they have to do this on the context of a range of other legislation and service provision.**

### **Regional Bodies**

48. Is there a need for a regional aspect to cultural planning and/or the delivery of cultural services and/or the management of cultural resources?

**There already exists the community planning framework, which covers local authority areas. This should be the vehicle, which is used for the delivery of cultural services and the management of cultural resources. Any other regional forum would simply be confusing and could lead to duplication.**

49. How should any regional bodies be constituted, governed and managed?

**As above.**

50. What remit/responsibilities should any regional bodies have and what responsibilities should be transferred from national agencies and local authorities?

**We would not support the transfer of responsibilities from the local authorities to a regional body other than that outlined above i.e. community planning partnership**

51. How can the cost of any regional bodies be justified?

**The cost of any regional body other than the community planning partnership cannot be justified. It will simply be seen as another layer of bureaucracy which is unnecessary.**

### **National**

52. What should the designation 'national' mean and what criteria should be applied when awarding a company national status?

**The Scottish Executive through the Scottish Cultural Partnership or the Scottish Cultural Council should define what national means. From our perspective national should mean that a company covers various areas of Scotland or is unique in its own right with status of national importance.**

53. What privileges/special considerations should be afforded to national companies and what responsibilities should accompany these privileges?

**These should be spelt out through a partnership or SLA with the Scottish Cultural Partnership or the Scottish Cultural Council. National companies should also produce an annual report specifying what they have achieved in relation to the partnership agreement.**

54. To whom should the national companies report and who should be responsible for measuring their performance against agreed standards and objectives?

**National companies should report to the Scottish Cultural Partnership or the Scottish Cultural Council, who should consider devolving this responsibility to SAC or setting up an inspection unit to oversee the performance of the national companies.**

55. What artistic expectation (standards of performance/production) should we have of our national companies and what commitment to Scottish work (both new and revised) and Scottish talent should the national companies have?

**This should be outlined within the partnership or SLA. It would however be expected that our national companies would have a commitment to Scottish work and talent with this outlined in the SLA and a balance struck in the programmes offered.**

56. What should be the operational relationship(s) between the national companies and the local/regional authorities in whose areas they may reside or tour?

**National companies should be given appropriate funding from the Scottish Executive through the Scottish Cultural Partnership or the Scottish Cultural Council/SAC. Companies would be free to establish a partnership with local authorities to promote events and support local cultural activities.**

57. How can we achieve greater consistency in the constitutions, governance and funding arrangements of national agencies?

**The development of a partnership or SLA could provide greater consistency. The national agencies would require to meet certain criteria to achieve national funding.**

58. What is the scope for further co-operation, both strategically and operationally, between the national agencies (shared development, shared services, shared facilities, shared resources, etc.) and how should such co-operation be advanced?

**This would be a matter for the national agencies in consultation with the Scottish Cultural Partnership or the Scottish Cultural Council.**

#### **Cross-cutting**

59. How should the cultural sector as a whole seek and arrange suitable mutually beneficial partnership with other areas of government (education, sport, tourism, etc.)?

**Partnerships should be encouraged through SLA's, joint initiatives and cultural strategies approved through the community planning process.**

60. What are the opportunities for the Cultural Sector and the Sports Sector to work in closer strategic and operational partnership?

**The cultural and sports sectors should indeed be working more closely at a strategic and operational level. Both sectors are part of the broad cultural provision important to Scottish society. In addition at an operational level there is a synergy within the sectors for health, dance and physical activity.**

61. How can we more effectively represent and promote (artistically and commercially) Scottish culture within Scotland, within the UK, within the EU and across the world?

**As outlined above the local authority has a key role within Scotland in promoting and representing Scottish culture. The local authority also promotes across the EU and the world cultural links and exchanges and this is a valuable role that should be continued. The SAC could also play a role in this area together with the Scottish Cultural Partnership or the Scottish Cultural Council.**

62. How can we achieve the maximum practical co-operation between artists, cultural promoters and the tourist agencies (visitscotland.com, etc.) in the fields of marketing, promotion and customer management?

**The Scottish Executive through the Scottish Cultural Partnership or the Scottish Cultural Council has a key role in this respect together with the SAC.**