

## Scottish Affairs Committee

Oral evidence: [The relationship between the UK and Scottish Governments](#), HC 1586

Tuesday 5 March 2019

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Members present: Pete Wishart (Chair); Deidre Brock; Hugh Gaffney; Ged Killen; John Lamont; Danielle Rowley; Tommy Sheppard; Ross Thomson.

Questions 196 - 260

### Witness

I: Chloe Smith MP, Minister for the Constitution, UK Government

Written evidence from witnesses:

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## Examination of witness

Chloe Smith MP

Q196 **Chair:** Thank you very much, Minister, for joining us today for what is quite close to a conclusion in our inquiry into intergovernmental relations. I believe it is your first time in front of the Committee.

**Chloe Smith:** That is right.

**Chair:** We will be as gentle as possible, as always in the Scottish Affairs Committee. For the record, please say who you are and anything by way of a short introductory statement, Minister.

**Chloe Smith:** Thank you very much. Chloe Smith, Minister for the Constitution. Thank you very much, Mr Wishart, for inviting me to join you today. I am pleased to have the chance to talk about the review of intergovernmental relations and no doubt the Committee will want to go more broadly into the relationship between the UK and Scottish Governments. My role gives me the privilege of going a little wider than that in the relationship between the UK Government and all of the devolved Administrations in addition to a set of other constitutional issues. I work for David Lidington at the Cabinet Office; therefore my brief goes more widely than only Scotland, but it is important to be able to be here with you today.

Also I wondered if I might talk about the review that we are conducting into intergovernmental relations and how that is very important and central to helping devolution to work effectively but also in delivering for citizens across the whole of the UK.

Q197 **Chair:** We are approaching the conclusion of this inquiry and we have received quite a number of bits of evidence that suggest that there is a particular issue with intergovernmental relations now. There was a period that was characterised in the early devolution period when all the governing authorities, the devolved Administrations and the UK Government, were run by the same party, which led to an informal process emerging of how intergovernmental relations were being conducted. Of course we have got to the position now where there are different Governments in practically all of them. How would you assess intergovernmental relations now and what is your view about how they are working currently?

**Chloe Smith:** I recognise the historical point that you make, Mr Wishart. It is indeed the case that the party political picture has changed over that time. That brings home that what we all need are relations and structures that can cope with that and make a success of those arrangements to deliver for citizens. I think we should keep that at the centre of all of our considerations. I would say that relations are working well, and I would characterise that by the extent and the depth of the work that goes on throughout the JMC structure, which obviously you will want to go down into in more detail as we go through this meeting today. Also you see the



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level of work being brought forward to accommodate the common frameworks that are going to be needed in various policy areas as we leave the European Union.

But I would also note that this is not only about leaving the EU. That is a very significant issue for all of us in our daily work at the moment, but it is not the only thing that affects intergovernmental relations at all. If you looked at, for example, the subject matter of environment, food and rural affairs, you would see quite an extent of co-operation that has always needed to be done and will continue to need to be done and stands a little separate to only the European space. On top of that, you might look at examples like the city deals as a set of deals and opportunities that I hope will make a significant difference to citizens across Scotland and, of course, in the rest of the UK as well. That is another example of where Governments can work together well and should work together well for the benefit of the people that we all serve.

**Q198 Chair:** We are particularly looking at the machinery and infrastructure that exists between all the different devolved Administrations and with the UK. It does seem to have been goodwill that has served that. Would you be interested in a much more formal arrangement? When you look at how things like the joint ministerial committee function, are you happy with what you observe? Is there anything that you feel that we might look at and change? I know you have your review, and we will come to that and I hope you will be able to tell us a little bit about what you are intending to do with that, but just personally when you look at this, what do you see and how do you feel it works?

**Chloe Smith:** As I began by saying, I think we have a successful set of working relationships there, of which the JMC pyramid is a main part. You asked me how I personally see it. I co-chair one of those sessions, the ministerial forum, which is the relatively recent addition to the structure. I see strong personal relationships through that, for example currently with Graham Dey of the Scottish Government and others as well with the Welsh Administration and the Northern Ireland civil service. I see a comprehensive programme of subject matter work that we are making sure comes to Ministers' attention by way of that forum and is backed up by a good quality of official level work. I see preparations being made for an enhanced relationship in the future—which I am sure we will want to come on to in discussion here this morning—which is important as we make the move through the spring of this year.

**Q199 Chair:** Obviously Brexit has been a big disruptive factor when it comes to intergovernmental relationships. How do you manage the relationship with a Scottish Government that has a divergent view when it comes to leaving the European Union? Do the relationship issues impact on the business that you have to do?

**Chloe Smith:** We manage that relationship respectfully, and that is as it should be. I am sure we would all agree that from the UK side and I certainly hope also from the Scottish Government side we work in a way



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that is practical and thoughtful, and I welcome that. My personal section of that is the ministerial forum but I think you can also see that through other levels of meetings, whether it is from the JMC plenary all the way down to examples of inter-ministerial working that are perhaps less formal than the JMC.

**Q200 Chair:** You will know that the Scottish Parliament and the Welsh Assembly are concurrently considering a motion about Brexit. I have not seen the motion, but I believe it refers to a no-deal situation and an extension of Article 50. When you see the devolved Administrations taking such a different view from the UK Government, how do you manage that? Do you take on board what the different Parliaments and Assemblies are saying when it comes to the big issues of particularly Brexit, which involves practically every apparatus of Government whether in Scotland, Wales or the UK?

**Chloe Smith:** The direct answer to the question is, yes, of course, we understand each other's positions, but I would expect that to be mutual. That goes without saying, but I think ultimately it has to be brought together in the sense of the job at hand that we are delivering on behalf of the whole of the United Kingdom, as is the constitutional requirement from a referendum. I don't imagine you want to fully rehash all the arguments of the referendum here in the short time of the Committee, but in practical terms what this means is we need to work sensibly and respectfully together in order to do a job for citizens, which is what I think people would expect of us.

**Q201 John Lamont:** Good morning, Minister. The Cabinet Office is undertaking a review at the moment of intergovernmental relations. How is that progressing and when do you expect the review to be published?

**Chloe Smith:** By way of setting out the basics of this, would it help the Committee if I ran through the five areas of the review and that might—

**Q202 Chair:** Before you do, it was a result of and in response to PACAC's inquiry that you set up this review, wasn't it, or is this a piece of work that was initiated in the Cabinet Office?

**Chloe Smith:** This is the piece that was agreed at JMC plenary last year and, therefore, commissioned by the Prime Minister and the First Ministers. It is proceeding on a shared basis. I think it is really important to make that clear for the Committee at this point. What that means is that the UK Government, the Scottish Government and the Welsh Government are in agreement about the need for this review and how the review is being run. I should make absolutely clear for the record that we would dearly love there to be a Northern Ireland Government involved in that as well, but that is not possible at the moment so, therefore, we work very closely with the civil service members from Northern Ireland. I am very grateful to them for all the work they do in a very complicated environment for them.



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What the review is seeking to do is across five pillars, the first of which is a set of principles to provide the context for future relations. Those in turn continue to shape the work of the review. Secondly, there is a focus on the governance of common frameworks, which I am sure, Mr Wishart, you will be looking at in detail as an adjacent piece of work as well. What we want this review to do is to ensure that governance structures can be developed so that all of those frameworks function effectively. I would anticipate that that work in turn strengthens intergovernmental relations across quite a significant number of policy areas. Thirdly is dispute resolution, which is something I am sure is of quite some interest to the Committee. I think it is quite obvious that dispute resolution needs to underpin strong intergovernmental relations, so it is very important that we get that right in this review. What that looks like in practice is looking at what is there in the existing memorandum of understanding to ensure that it is adapted and fit for the future.

Fourthly is intergovernmental machinery. You might envisage that as principally the JMC pyramid but not only. There could be other things within that, and we need the machinery to do three things: the first is to co-ordinate relevant domestic issues including, as I have already said, the governance of future common frameworks; secondly, to be able to accommodate ongoing EU business and the UK's future partnership with the EU; and thirdly, the UK's wider international interests. That is just a flavour of what we would all require that machinery to do. Finally, the fifth pillar of the review is about engagement on international matters that we all want to be effective and co-operative. That completes the five parts of the review. A progress update was given in December 2018 at JMCP. The Prime Minister and the First Ministers reviewed the progress so far and set out that they were content with what had been done so far.

On the point about the timeline that you asked about, Mr Lamont, it is not the case that there is a fixed endpoint to this review. I should say that very clearly now. As I said, it is agreed four ways that that is the case. I don't think it is a matter of dispute that there should or should not be an endpoint to it. It is for a good reason, which is that while some of the things I have just gone through do evidently need to be ready in time for the day of exit from the EU, not all do. What we wanted to do on a degreed, shared basis, is to give enough time for the immediate requirements to be put in place but then equally enough time for other things to be got right and set up for the future so that what we have is the sustainable arrangements that would continue to work successfully into the future. I don't think we saw the need for an artificial end date on that. That kind of work has to continue.

**Q203 John Lamont:** That is helpful. Thank you. We have had mixed evidence about how well the UK Government and the Scottish Government share information about Bills, particular policy announcements. Why do you think the level of co-operation varies so significantly? In some areas it works very well but in other areas clearly there is a breakdown in how information is shared, from both the UK level and coming back from the



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Scottish Government to the UK Government.

**Chloe Smith:** I think it is fair to say that there has been various challenges to the way that these committees have to work. An obvious one is the sheer demands of doing this against a negotiating timetable in Brussels and the associated work of the EU exit. That has often meant that some things have had to be done very swiftly and our consistent position has been that within those exigencies we have wanted to make sure we have good sharing of information, as you say, going both ways. This is very much a two-way point, and a multi-way point considering the other Administrations as well. That is absolutely a necessary point and something that I think all of us are keen to make sure is improved as it needs to be going forward.

Where I mentioned setting out what an enhanced role looks like for the devolved Administrations in the next round of negotiations, that will want to accommodate good, sensible ways of working that mean we can all, at both ministerial and official level, get on with the decisions in hand and appropriately put into the negotiating position and the outcomes.

Q204 **John Lamont:** I am pleased you mentioned the need for both Governments and it is a two-way process. I am thinking back to the EU Continuity Bill, which the Scottish Government introduced, and you will recall that large parts of it were struck down as being incompetent. Do you recall if the Scottish Government shared that Bill with the UK Government prior to its publication to the Scottish Parliament?

**Chloe Smith:** I don't believe so.

**John Lamont:** That just reinforces the need for both the Scottish Government and the UK Government to work better together. Thank you.

Q205 **Tommy Sheppard:** Good morning, Minister. I want to come back to the review. It has been over five years since the MOU was last reviewed, so with the passage of time I am sure it is due an update. There have been a lot of changes in those five years and a lot more potentially coming down the line. Could you give us an indication of how you think the MOU should be updated? Also it would be useful to know whether it is your impression that everyone is in the same general direction of travel with this or whether between the devolved Administrations and the UK Government there appear to be considerable points of difference on review of the MOU that may require further discussion and consideration.

**Chloe Smith:** On your starting point, you are absolutely correct, by the way, that as time goes on we all want to make sure that our devolution and co-operation arrangements stay functional and successful. As I said at the outset, I think success means where they work for citizens. That is absolutely right and hence this review. It is time to make sure that we examine these arrangements afresh and keep them fit for the future. I have given my stance in the sense of the five areas that we are working through on this review. I think those are the right things to be looking at. Under various of those headings you might see changes to the MOU,



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although at this point I would not be in a position to say that you will see a change on page X or Y or Z. That is not the stage I am at in the work of the review.

**Q206 Tommy Sheppard:** Could you give us a flavour of the type of changes to the MOU that we might anticipate?

**Chloe Smith:** Yes, indeed. Dispute resolution is an example. I drew that out a second ago when talking about the five areas. Dispute resolution is a bulky area that is presently in the MOU, as it should be, and is an area where there has been—to come on to your second question—various commentary and ideas about how it could be improved. I think the Committee will be well aware of some of those ideas from previous evidence. I am too, because in addition to this review I have been speaking quite carefully to other parliamentarians, academics, making a considerable effort, as you would expect me to, to listen to the ideas for how these things could be improved and made fit for the future. Dispute resolution is probably a good example of a practical area of words on the page in the MOU that we are looking at. I am not in a position to tell you at this point of the review precisely what those changes will look like because it is a review that is ongoing, but I hope it is helpful to be able to give the level of detail that I have.

**Q207 Ross Thomson:** I have a couple of questions on the point of co-operation, which I think fundamentally come down to the issue of intergovernmental relations. First of all, Minister, you will know that leaving the European Union is something unprecedented at the time that devolution happened, and the settlement was agreed. You had been working in the Cabinet Office on agreed common frameworks. From your experience, where it looks like the UK may be encroaching upon devolved issues, what has been the response of the Scottish Government and other devolved Administrations? Would you say it has been quite aggressive or robust on the defence of devolved issues?

**Chloe Smith:** I would not necessarily say that the UK Government encroach on devolved issues. Of course, that is not what we do.

**Ross Thomson:** Good. I was hoping you would say that.

**Chloe Smith:** I think it is incumbent on all of us at this time to work very methodically through the detail that is presented to us by shifting 150-odd policy areas from the EU back to the UK. I am talking here about common frameworks. It is incumbent on all of us to make sure that we do that in a careful and exacting way that gets this right around the devolution settlements. By way of us all—again on an agreed basis—having given updates on what that framework's work looks like, it is clear to see that there is a huge body of detail that is being worked through and that in the very great part it is clear where those powers reside, with a few small exceptions that are in the public domain already.

**Q208 Ross Thomson:** Accusations of a power grab is something that you would not recognise?



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**Chloe Smith:** No. That phrase was one of the features for all of us last year, I am sure one of the highlights, Mr Wishart, of our work last year, but I don't recognise that phrase and I think it was exceedingly unhelpful. What that referred to was the question of how powers were put in what is now the EU (Withdrawal) Act under what is now section 12. The UK Government are still of the view—and other Governments are also by virtue of the intergovernmental agreement still of the view—that those powers are a necessary and proportionate way to make sure that we can manage things sensibly for citizens.

Q209 **Ross Thomson:** Minister, would I be right in saying that given the current devolution settlement, areas such as foreign relations, international development and international trade are still reserved to the UK Government?

**Chloe Smith:** Correct. That is my understanding.

Q210 **Ross Thomson:** That is great. At the moment, foreign affairs being reserved to Westminster means that Scotland's interests are promoted and protected by the network of British embassies across the world, that in relation to international trade and that Department Scottish produce is marketed and exported across the world and that good work is done through Scottish taxpayers' money to support some of the most vulnerable across the world through DfID?

**Chloe Smith:** That is right.

Q211 **Ross Thomson:** It is interesting that when I look at the Scottish Government website there is a Scottish Government Department for International Development that spends £10 million each year on the international development fund. There is a Scottish Government international trade and investment hub. You will be aware that there is a number of hubs now in Washington DC and Canada and a new one opened up in Germany. According to this, there is an investment fund of £20 million a year on top of £6 million to fund hubs and there is also an External Relations Department within the Scottish Government. Minister, I would be really interested in what role the UK Government have played in supporting each of these different international departments in potentially reserved areas that the Scottish Government seem to be encroaching on.

**Chloe Smith:** Evidently the two Governments, and with other devolved Administrations, would want to work sensibly and closely together in order to achieve the best outcomes for citizens. You make the point about Scottish produce being exported around the world and we would all want to make a roaring success out of that, absolutely rightly, and indeed it already is if you look at several products that lead the world. The imperative continues to make sure that we work sensibly together to help that to happen but, as you have already set out in your line of questioning, the shape and extent of the devolution settlements remain what they are.



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I should point out that the review that we are doing of intergovernmental relations is agreed by all parties to be on the existing constitutional settlement not to extend it or change it. I think that is what citizens expect of us at this time. Some stability there is helpful in itself. What I see from my colleagues across the UK Government is a desire to work in partnership with the Administrations around the UK but to do so in a way that is positive for citizens. I think that is what taxpayers would expect of us.

**Q212 Ross Thomson:** I absolutely agree with that sentiment, Minister. You are right, people want both Governments to work together. In that spirit, would you not agree with me, given that the Foreign and Commonwealth Office helped facilitate some of the recent visits of the First Minister to Europe and America—for example, the FCO booked the room in the United Nations and in the French Parliament—it is unhelpful that during that visit to the French Parliament the First Minister condemned the UK Government? She said, “The UK Government has been unwilling to recognise the complexity of the vote” across the UK; she was referring to Brexit. “When we have greater clarity about the terms of Brexit Scotland must have the option to choose a different course by opting to become an independent country. Independence is not about the isolationism that characterises Brexit.” Therefore, this trip was not to sell mussels to Marseilles. This trip was to take a different view to the UK Government, facilitated by the UK Government. Would you share my concern that that is the approach that has been taken by the Scottish Government, given that the UK Government have been co-operative in allowing the visits to happen and supporting them?

**Chair:** With due respect, and I know it is a very important question and we will, of course, allow the Minister to answer, but we are looking at intergovernmental relations and if we can possibly stay on that. But, yes, please, Minister, reply to Mr Thomson.

**Ross Thomson:** It is fundamentally part of intergovernmental relations.

**Chair:** We will allow the Minister to answer and then we try to move on to some of the issues we are trying to consider here when it comes to IGR.

**Ross Thomson:** No doubt you want to move on.

**Chloe Smith:** I think this is relevant to relations in the sense that—as Mr Thomson’s first line of questioning began with—we do need to respect the existing settlement as it is and that means that it is the UK Government that negotiates on behalf of the whole of the UK. Specifically engaging with the Brexit element of the quoted comment that you gave there, it is the UK Government that are conducting the negotiations. As I have already mentioned and as the Prime Minister and the First Ministers have made very clear, we are all agreed in seeking the right role, an enhanced role, for the devolved Administrations as the negotiations go forward, but fundamentally it is the UK Government that should and do conduct that work for the whole of the UK. Briefly going into other parts of my brief as



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Minister for the Constitution where I am responsible for electoral regulation and referendums, I can confirm that a referendum is a single national result and, therefore, is respected at the United Kingdom level.

**Q213 Ross Thomson:** Minister, therefore, would you share my view or my concern that these trips, rather than being used to promote interests of Scottish business, more often are used to drive a deeper wedge between Scotland and the rest of the UK in the minds of the international community, which is in itself not helpful?

**Chloe Smith:** I think if that were the intention, that would be unhelpful.

**Q214 Chair:** I think it is also fair to say that those visits and trips, as Mr Thomson characterised them, have been warmly welcomed by Scottish business and industry who feel that the First Minister is doing her job in ensuring that Scotland—I want to leave this alone.

You are familiar with schedule 5 of the Scotland Act and the reserved powers that are characterised and defined in the Scotland Act in the past 20 years and I think you would agree it has served very well. If it is not a power grab, could you describe and explain what it is where powers that are not listed in schedule 5 as reserved have not been returned to Scotland as we leave the European Union, powers such as agriculture and the environment that are not listed in schedule 5? How would you describe that?

**Chloe Smith:** I am slightly surprised if we really want to reopen the fullness of this argument, Mr Wishart, but that was fully answered last year. I regret that I don't happen to have schedule 5 of the Scotland Act in front of me at this Committee if you wanted to go any further into that.

**Q215 Chair:** There are 21 areas where you are talking about common frameworks. This is the basis of the question. There are 21 that are still to be resolved and there is a dispute between the Scottish Government and the UK Government about the very nature of the common frameworks, how they are determined, and the power relationship involved in determining them. My question to you is: if they are not in the reserved list, what category are they when it comes to how the Scotland Act is observed and, as we said, has so successfully underpinned the devolution settlement in the course of the past 20 years?

**Chloe Smith:** I think it is not the case that this is still under dispute. Notably, there has been a number of updates that have been commonly agreed and published to aid this Parliament and the other legislatures as well in understanding the way this work has gone. I think it is not the case that this is anything other than starting from an agreed set of principles, which were made clear in October of the previous year in this piece of work. Those articulated why we would want to have clear common frameworks and I think that is, frankly, a matter of common sense as well as political and official agreement. The key point on top of all of that is that, of course, these powers are returning to Edinburgh,



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Cardiff and Belfast, as we would all expect them to do and that is right and proper, but what we are seeking to do by way of those agreed principles is to do it in a way that is stable and simple to use for citizens, businesses and taxpayers.

**Q216 Chair:** I don't think there is any dispute at all that common frameworks are necessary, and I think that every devolved Government and the UK Government agree to that. It is just the nature of how they have been assembled and the relationships that exist between devolved Governments and UK Government and the UK Government taking this role that is the arbiter of the common frameworks in seeking to impose and not trying to secure consent about how common frameworks are managed and developed. What is your view on that and how do we get beyond this? It is a key point of dispute between the two Governments.

**Chloe Smith:** I think it is inaccurate to say that the UK Government did not try to seek consent. That is precisely what we tried to do. We sought consent. If we want to go on to the bones of the Sewel convention, Lord Sewel himself said that we had abided by its spirit, which is what we would set out to do in all cases and made very clear in the intergovernmental agreement that resulted from this piece of work last year that that is how we go about things. We fully respect that convention. It is very helpful that Lord Sewel confirmed his view there. Therefore, we proceed on what I think is the right constitutional basis for good reasons that make sense to citizens.

**Chair:** Thank you.

**Q217 Deidre Brock:** I wanted to return briefly to the Continuity Bill. The Minister is stressing that we have to try to pursue good relations between the two Governments at all times but naturally that does not just go the one way. We surely do not expect the devolved Administrations always to be entirely co-operative and agree with every point the UK Government make and nor the reverse. Bar one section of the Continuity Bill, until the Westminster Government retrospectively changed the rules it was considered to be within the competence of the Scottish Parliament. Would you describe that as a fairly hostile action on the UK Government's part?

**Chloe Smith:** No.

**Q218 Deidre Brock:** Really? You think that retrospectively changing the rules to make it less likely that the Supreme Court would agree to that legislation being within the competence of the Scottish Parliament was not a hostile action?

**Chloe Smith:** Unsurprisingly, no, Mr Chairman.

**Deidre Brock:** That is interesting. Thank you very much.

**Q219 Chair:** On that note, how do you think it improves the intergovernmental relationship for the UK Government to take the Scottish Government to court on a decision that was made by a majority of that Parliament?



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**Chloe Smith:** Regrettably, the courts are there to assist in resolving matters when they need to be resolved. We have already touched on dispute resolution in other senses. I think in that particular instance clarity was needed and was helpful, noting that there were different views in the Scottish Parliament and among the officials of the Scottish Parliament about that competence and noting what the court had to say about that. I am not in any way going to seek to reopen what the court had to say about that here on the spot. That is not for me to do.

Q220 **Deidre Brock:** Further to Mr Thomson's points about international trade and Scotland representing itself overseas and trying to drum up business for our businesses, which seems to me to make sense, I notice that—this is the civil service advice on devolved Administrations and what the competences are—the Northern Ireland Government would have, if they were sitting, under their abilities employment, broadcasting, consumer protection, navigation and civil aviation, postage and telecommunications, and international trade. Do you see a situation arising one day where Scotland could perhaps seek to at least take on some of those responsibilities that currently are given to the Northern Ireland Government?

**Chloe Smith:** I hear you making the argument, Ms Brock, so in that sense it is clearly a conceivable argument, but what I am dealing with here is a piece of work that is within the existing constitutional settlement. I am interested in how those things stand at present.

Q221 **Deidre Brock:** Okay. Just one small thing further to the idea of co-operation between the Governments, I believe it is the case that the Scottish Government had no warning of the money for the Stronger Towns Fund that was announced yesterday in Parliament but perhaps was trailed in the press before that. As I understand it, they did not have any warning of that, and they have not yet been told how much money they will receive on the back of that. Your colleagues from Scotland made that point rather forcibly yesterday in the debate. Do you think that is a good example of where perhaps some more co-operation between the two Governments would be helpful?

**Chloe Smith:** The Secretary of State answered the great majority of these questions last night in the Commons and set out that more information would be brought back to the House, which I think is helpful. There is not a great deal I would seek to add to what he said last night about the detail of that particular policy. But what I would say is that that fund, in addition to a number of other things that I have already mentioned—for example city deals—is a way of getting support to where it is needed through the country. Again, the Secretary of State set this out last night.

Q222 **Deidre Brock:** I absolutely get that, and I sat through the debate yesterday, so I certainly heard the points that the Secretary of State was trying to make. It is not just us, of course. There were many Welsh colleagues there who were very angry about the fact that they had



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received no information about this prior to the announcement either. Sharing that would surely be a way of demonstrating respect for the devolved Administrations.

**Chloe Smith:** As I say, James Brokenshire set out how he intends to do that, and I fully support him in doing so. Bringing that back to the principles of what we have been talking about more broadly, the sharing of information is necessary and helpful, and it is the kind of thing that we see throughout the meetings and the content of intergovernmental relations and other policy ideas, whether it be city deals or other things that come in the future. We need to be able to work in partnership between Administrations to do what is needed and expected by citizens and that is certainly the focus.

Q223 **Deidre Brock:** Could I bring us back to the civil service and relations between the UK Government civil servants and those based in Scotland? There is a number of UK Government civil servants based there already. We are hearing about this new hub that the UK Government and the Scotland Office are moving into. Also HMRC, the office of the Advocate General, the Competition and Markets Authority, the Office for Statistics Regulation, the Government Actuary's Department and HM Treasury, the Health and Safety Executive and the Information Commissioner's Office are all moving into that hub, in Mr Sheppard's constituency, I think. Could you tell us how many UK civil servants are based in Scotland?

**Chloe Smith:** Yes. I believe the number is 25,000.

Q224 **Deidre Brock:** Thank you. What plans are there to increase that number? There is still some space left in that hub and, as far as I know, we have not been told yet who else might be moving in.

**Chloe Smith:** I would be very happy to write to the Committee to be able to be more precise on that answer, but I believe the overall intention is that that space would allow for 2,600 full-time employees.

**Deidre Brock:** If you could, some further details on which Departments might be moving staff in there would be very helpful. Thank you.

Q225 **Tommy Sheppard:** I wanted to seek a point of clarification on Mr Thomson's earlier questioning where he was inviting you to endorse his opinions of the Scottish Government's actions in some respects. With regard to the Scottish Government's perfectly sensible, in my view, attempts to promote trade and investment in Scotland, could you confirm that given that the Attorney General went to the Supreme Court over the Continuity Bill, if the UK Government felt the Scottish Government were acting beyond their competence and in a manner that was ultra vires with regard to international trade promotion or anything else, the Attorney General would raise that matter with the Supreme Court?

**Chloe Smith:** Perhaps unsurprisingly, Mr Wishart, I am not able to answer that question.

**Tommy Sheppard:** Tommy Sheppard.



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**Chloe Smith:** Sorry, you are quite right but I was addressing through the Chair. Mr Sheppard and Mr Wishart, I am not fully able to answer that question purely in the sense that, of course, as is quite well known to the House, the Attorney General would not confirm or state such plans in advance in any case. It is not the kind of question that I would be able to answer.

Q226 **Tommy Sheppard:** But it is not surely conceivable, is it, that the UK Government would simply ignore the Scottish Government acting in an ultra vires manner within the constitutional devolution settlement?

**Chloe Smith:** I think this is a set of hypotheticals. It is not the kind of question that I am either constitutionally able to answer nor that I think is very helpful. What we ought to be aiming for here, surely, is relations that are sensible and positive, and let's focus on that first before talking about the end of the road.

Q227 **Tommy Sheppard:** I am very keen to see relations improve but one of my colleagues in the Committee is attempting to portray the Scottish Government acting in a manner that he believes is beyond their competence. I am simply trying to establish that where doing so within the current devolution settlement there are mechanisms such as referral to the Supreme Court to prevent that happening.

**Chloe Smith:** I am not sure I have any further comment that I can helpfully add.

Q228 **Hugh Gaffney:** Most devolution guidance notes for UK civil servants appear to be out of date. Some have not been updated since 2005. Why is this? Have these notes been replaced by other resources?

**Chloe Smith:** There is a range of notes, as you know and as you are referring to. Between them they go with the memorandum of understanding. As I said at the outset, we are looking at that set of documents and guidance to make sure that it is adapted and brought up to date. I don't think I would be able to give you a detailed answer this morning as to exactly which ones or which paragraphs or which lines ought to be updated, but in a general sense we want that set of guidance to be updated and fit for what is asked of it now. That is not just a Brexit point. As I said earlier, that also will be a continuing, ongoing process.

Q229 **Hugh Gaffney:** One of the things that is unclear is the common working arrangements. The Labour Party has been calling for the JMC to have statutory footing through minutes taken at its meetings and through a report provided to Parliament. Would you support those proposals?

**Chloe Smith:** I am very much aware of the argument for a statutory footing of the JMC and other bits besides in this whole conversation about IGR. It is something that the review is aware of too and has had submissions on, as has the Committee, obviously. I am not personally convinced of the argument for statutory footing because I think it would reduce flexibility. Self-evidently, if you put something on the face of



legislation it takes longer to amend it or update it if you wanted to do so in the future. As an example, which I think is a very good example, just recently the devolved Administrations have been invited to join in on a particular committee known as EUXTP, which is about preparedness for arrangements for leaving the European Union. You couldn't extend a practical and sensible invitation to join a meeting if it had all been set out in statute. It is a good example of where that flexibility has a really practical and helpful benefit in that the right work can be done in a meeting with the right people around the table for the right outcome for citizens.

All in all, I am a little sceptical of the argument for putting the whole apparatus on a highly defined statutory footing, but I do hear the argument and I understand it. It comes with, for example, arguments to have the right resourcing, the right secretariat, the right frequency. There is a number of arguments that get made with that and they are being carefully looked at in the review.

**Hugh Gaffney:** The minutes say it is important and that is why I was asking the question. I will leave it there.

**Q230 Danielle Rowley:** Going back to the devolution guidance notes, they state that civil servants should consider the impact that policy has on devolved Administrations, but we have heard in previous evidence that that has not been happening. Could you tell us what systems are in place to ensure that this is routinely done and to monitor the quality of any such assessments?

**Chloe Smith:** Yes, certainly. If I may, I could back this up with a note to the Committee about how we give this guidance and training to civil servants throughout the workforce, because it is fundamentally important and it is an update that we have made sure is available to other Select Committees that have asked for it, for example PACAC.

The short answer is, yes, that training is there for officials to properly consider the right impact at the right stage. That means that you have to make sure people understand the devolution settlements and are applying their knowledge of that throughout the policymaking process, which you would expect. It is also not just policymaking, of course. It entails working with the other legislatures as pieces of legislation pass through not only this House but also, in appropriate cases, the other Assemblies. Finally, it also involves working together while the policy might be implemented to make a success of it for citizens.

**Q231 Danielle Rowley:** Would you support a change to see formal impact assessments having to be made?

**Chloe Smith:** I would like to think it can be done without having to make it a hoop that should be jumped through. I would not want to cheapen it and turn it into only a box that had to be ticked. What you want fundamentally is for this understanding to be there and for it to be done as a matter of course. We do that in a number of ways through training,



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as I say, and are endeavouring to get that spread right throughout the civil service. I would also point out that large areas of the civil service are shared in any case between Administrations. There is the concept of One Civil Service, which again I will make sure the Committee has a full note on. At the moment I would not say it is necessary to have a special type of impact assessment because I would rather that training did a fuller job more effectively.

**Q232 Chair:** I am just having a look at some of the devolution guidance notes and when they were last updated. Some of them go right back to 2005 with very few updated in the course of the past few years. I think the most recent one is November 2011 and that is the "Handling of Parliamentary Business in the House of Lords" and some of the issues under the Scotland Act. Surely we need to have this further updated as a matter of priority, given that this has been such a long time in being reviewed.

**Chloe Smith:** I think that makes the point for having the IGR review in itself and that is recognised. The Prime Minister and the First Ministers, and I am sure all of us around this table, are doing this work for exactly these reasons, which is that this is a body of guidance, a set of structures that needs to be kept sustainable and right for the future.

**Q233 Deidre Brock:** Whose responsibility is it to update those guidance notes? I note the Secretary of State for Scotland holds that post jointly with another Cabinet post. I think that one has not been updated since 2005 and it talks about that the Scotland Office is a distinct entity within the Department for Constitutional Affairs. Who is responsible for that?

**Chloe Smith:** The Department for Constitutional Affairs. There is a blast from the past. That is a 2000s title, isn't it?

**Deidre Brock:** Again, I think it is 2005 since that has been updated.

**Chloe Smith:** Yes. In general the answer would be the Cabinet Office for all of this structure and machinery, which is why we are having this review and why I am here today.

**Q234 Deidre Brock:** You mentioned the One Civil Service interchange programme. That began in October 2015; is that correct?

**Chloe Smith:** I don't have the starting date here but, yes, it is an established programme.

**Q235 Deidre Brock:** That was under the leadership of Jeremy Heywood, who sadly recently passed. Is it just a coincidence that it was a year after the Scottish independence referendum, and they chose to launch it in Edinburgh?

**Chloe Smith:** I am afraid I am not aware. I don't know the answer to that question.

**Q236 Deidre Brock:** I think the word behind the scenes was that people were



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a bit alarmed to find that civil servants in Scotland had, as they saw it—I don't like this expression—"gone native", I suppose are the words they would have used, and this was a reaction to that. Is that the case?

**Chloe Smith:** I am afraid I would not be in a position to answer it. I have been in this post about a year and that does not cover that time period, so I can't really help on that.

Q237 **Deidre Brock:** Okay. Thank you. How many secondments are there currently between the UK and Scottish Governments? If you don't have that to hand, Minister, we quite understand but would appreciate a breakdown of the numbers back and forward between the two Governments since the programme began. Are there plans to increase those numbers in the future?

**Chloe Smith:** To answer the second question first, we do hope to increase that number in the sense of running an expanded interchange programme. That would be across the One Civil Service but also the Northern Ireland civil service. The only snag in answering your first question is that we do not have the information held centrally in the sense that Departments and Administrations manage the secondments and the loans and exchanges for themselves. I am not sure I would be in a position, even by letter, to give you a single answer but I will see if there is some further information I can give the Committee to try to illustrate it.

Q238 **Hugh Gaffney:** On that point, what do you feel about co-operation cross-parliamentary, between MPs and MSPs, to look at legislation and look at these points we have just raised?

**Chloe Smith:** I think there is a lot of merit in increased parliamentary co-operation. This is something that, for example, PACAC has taken a really strong interest in, as have others as we have gone through the IGR review. It is very important because it comes back round to these themes of relationships and familiarity, and trust even, doesn't it? I think the stance of the Government would be to wish to support Parliaments in making it happen. I am sure there would be a hell of a row if Government suddenly took over the role of Parliaments and said, "You should have it happen", but if Parliaments wanted to lead the way I am sure we would do our best to facilitate and serve it.

Q239 **Ged Killen:** Minister, you spoke about the training that is available for civil servants in policy roles. To what extent is that right across Whitehall? Is there any training that is compulsory for civil servants in policy roles on devolution matters?

**Chloe Smith:** It is cross-Whitehall, so I am confident that is fully the case. I am just looking back to double check. We run this training in at least two points. You have to do it when people join the civil service, so that means you have a starting point of information. In that sense, it is a standard part of people coming in but also you would run it for people



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through their careers so that it stays current and that you would catch people who had not had it upon entry.

Q240 **Chair:** I am looking at the 2015 UCL Constitution Unit report that claimed that “too many officials and departments tend to treat the devolved governments as an afterthought”. I don’t know if that is something that you recognise. More recently PACAC made the same point in its 2018 report. I don’t think we want to disparage your efforts and attempts, and there does seem to be a real effort in devolution training when it comes to the Cabinet Office. Do you get a sense that that is getting through? Is there any sort of inbuilt kickback against this feeling that, “We don’t really need to do this. It is only Scotland”?

**Chloe Smith:** Never. I have never heard those words and I would certainly come down on them like a ton of bricks if I did. I think this programme is doing what you would hope it to do, and my colleagues and I are monitoring it to make sure that it does actually. As I have said in various points this morning, this does come back to the real fundamentals here. We all want there to be effective relations and effective joint working for those that we serve and that means you have to have that not only at ministerial and inter-ministerial level, but you also have to demand it of civil servants and officials. I am pleased to see the efforts that they make and will always encourage them to do more.

Q241 **Chair:** How would you evaluate its success?

**Chloe Smith:** It is difficult to give a uniform way of evaluating it and that is true of any training. If you look at any training in any professional environment it can often be hard to say a job had been done. But what I would look for is some of the kind of evidence that we as parliamentarians would see: when a Bill comes forward, does it do what is being asked of it; does it bear scrutiny? These are standard parliamentary techniques, of course. That is one area where you would see the fruits of work of officials, but I would also point to the way that the overall JMC structure and this review in itself are being conducted. We are very fortunate to be very well supported by officials from across all of the Administrations. I would like to suggest that you will see the fruit of its labours there.

Q242 **Chair:** I am very much looking forward to seeing that. I am just noting again some of the features that you have in the Cabinet Office in order to try to pursue this. The campaign features an annual devolution learning week that makes use of an active Twitter account and, most notably, a fairly comprehensive set of online resources. I would gently suggest that maybe we need a bit more than an active Twitter account for when we try to deal with a myriad of difficulties on a better understanding of devolution. I have also seen that there are themed sessions that you have across Departments. How do you feel they have worked out? Do you have an example that you can show us of a successful conclusion outcome to any of these programmes or initiatives?



**Chloe Smith:** I am smiling with you, Mr Wishart, because, of course, it is the case that you need many ingredients together to make a successful training programme and a training culture, I would observe. What I think I had better do to try to answer this question fully for you is to write to you with information about the overall shape and state of the civil service but also these various training programmes, and I will endeavour to get you an example.

**Chair:** That would be really useful and thank you for that. We look forward to securing that information.

Q243 **Tommy Sheppard:** Could I go back to the discussion about common frameworks? When I asked you about updating the MOU, you indicated that one of the areas that might merit looking at would be the concept of dispute resolution, what happens when there is a disagreement. This is clearly going to be highly relevant when we look at the common frameworks machinery post Brexit. Could I ask you in particular whether you can identify the potential for a conflict of interest between a UK Department representing English interests in those common frameworks and also being called upon to arbitrate where there is a difference of opinion? If you don't recognise that conflict of interest, do you recognise that other people perceive that to be a conflict of interest? In any event, what options do you think might be open to you to try to deal with any potential conflict?

**Chloe Smith:** I certainly recognise the question and the topic, and it is a bit of an old chestnut in the sphere of intergovernmental relations. Other countries have to grapple with similar issues as well. It is not only one for the United Kingdom setup although, of course, every country is unique in its circumstances. Mr Sheppard, I am not able to give you a rundown of the top options for looking at it in the sense that it is the work of the review and that is ongoing.

What I would also note is that, as I said at the outset, the review is working within the existing settlement. That means that it is not going to fully resolve the English question in its entirety. What we want to make sure of, through the frameworks in particular, is that there are sensible arrangements that serve citizens and businesses across the UK. That will naturally involve trying to find the correct solutions and answers for all four geographical parts of the UK. That will be the point of a framework.

Your question suggested that that goes seamlessly into the question of the UK Government in dispute resolution and I am not sure that it necessarily does, though those could be seen as separate threads. However, I am also aware of some of the points that are put, for example by academics, about the role of the UK Government in the dispute resolution mechanisms as they currently stand. Again, that is being considered by the review. I acknowledge that those questions have been raised. I am looking forward to the review being able to come back to you more fully on that in due course.



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Q244 **Tommy Sheppard:** What do you think would be the timescale for these options being unveiled?

**Chloe Smith:** As I said at the beginning, on an agreed and shared basis there has not been a timeline set for when the review will report.

Q245 **Tommy Sheppard:** You said there was no timeline for it being concluded because quite rightly it is probably something that should be ongoing, but in identifying mechanisms to avoid potential conflicts of interest in dispute resolutions, do you think it would be this year that we might see some movement on that?

**Chloe Smith:** The answer stays the same, I am afraid. I am not able to give you a timed answer because the review overall has not been set in timetabled terms, at the shared view of all the Administrations within it. What that means on this question is that work is going on and I certainly would expect it to have the time and space that it deserves.

Q246 **Chair:** As the Minister, do you have a view about how this could be resolved, if you were asked, given that you are in this Department? What would your response be about how this is fixed? You identified the problem. We have this weird asymmetrical devolution across the United Kingdom where the UK will represent England as well as arbitrating over the whole of the UK in the devolved Administrations. Should we just accept that?

**Chloe Smith:** I am not in a position to give you an answer from the review because the review has not—

Q247 **Chair:** You are being asked as the Minister what is your view about how this could be resolved or potentially resolved.

**Chloe Smith:** My view is that the review should do it, so I am not going to be able to give you anything more at this stage.

**Chair:** Okay. We have tried anyway.

Q248 **Hugh Gaffney:** The UK Government agreed to hold JMC on a monthly basis from September 2018, so for the last six months. How have those meetings been going? Have they been meeting regularly?

**Chloe Smith:** Yes, they have. I am turning to look at the full extent of all the different JMC types of meetings. I can certainly say that across all of those types of meetings there has been a very steady set of meetings from JMCP through those that deal with Europe, European negotiations and also the ministerial forum that I briefly referred to earlier, which I co-chair. I would say that they are successfully doing their work. We are asking those meetings to get through a huge amount of detail, which is there and available for scrutiny. The communiques are published. It is going as expected.

Q249 **Ross Thomson:** Minister, are you planning for the JMC machinery to be used to agree, establish and manage Brexit common frameworks? If you are not, do you know which forum will be used for that?



**Chloe Smith:** Yes, so stand by for a multi-part answer. Earlier on I said that the five points of this review will include the governance necessary for frameworks, but it is also true that Parliament and Parliaments will find those frameworks appearing in various parts of legislation, so there is a further scrutiny mechanism there, which is as you would expect.

In addition, that kind of monitoring and scrutiny is available through publications on frameworks. A couple have been made already, on a three-monthly period, as set out in the EU (Withdrawal) Act and I am sure everybody has had them as the most intimate bedtime reading because they will keep you awake well into the early hours. What that is showing is that there is a collection of ways in which that monitoring will be done, both by Governments plural and by legislatures.

Q250 **Ross Thomson:** Obviously disagreement on those matters can be no surprise. Sometimes disagreement is genuine, sometimes it is just political motivation, but at the end of the day if there is disagreement, who will have the final say?

**Chloe Smith:** It is hard to give you an answer to that for reasons similar to the ones I was just discussing with Mr Sheppard. In part that is the subject matter of this review so I cannot give you a final-design answer. It is also the case, however, that within the subject matter of frameworks, there is a range of subject matters and a range of policy areas—quite a high number of them. It is possible that you would have a slightly different design of governance for different subject matters. For the reasons of the review, and for the reasons of the variety within frameworks, I cannot yet give you that answer but certainly, as soon as I am able to, I look forward to doing so.

Q251 **Danielle Rowley:** Coming back to the JMC, we have heard from various witnesses that it can be a bit of a talking shop and no Governments will come with their firmly held views. Would you agree with that? If not—you have been quite good, Minister, at giving us examples in this session—do you have any examples of where, through a discussion at JMC, a position has been changed?

**Chloe Smith:** I am going to rack my brains for that example while we are talking, because of course I am not personally present at all the meetings. I may have to continue to rack my brains for that example.

In general terms, the meetings are not talking shops. Obviously, this does, to an extent, stretch back into history. If you had an arrangement, such as was true a couple of decades back, where all were of the same party, you might think, "Do these meetings achieve anything other than a bit of talking, given that relationships were also available elsewhere?" Today's context has developed on that front and I think it is all the more important that people of different political traditions are able to come together and get work done at these meetings. They are not talking shops. They are highly practical meetings where business is being conducted.



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It is still the case, of course, politicians being politicians, that people will come and express their own views, but fundamentally, from my personal experience in these meetings, we are all making a considerable professional effort to make sure we are getting into the detail and resolving things past just the top line of positions and into the detail that gets stuff done for citizens.

**Q252 Danielle Rowley:** You mentioned previous Administrations where it was the same parties, and we heard some evidence about that, and how any disputes could be resolved by picking up the phone. I would like to think that even with differing parties, there could still be those types of relationships. Do you think that happens?

**Chloe Smith:** Yes, I do. I am part of that myself and so are all my colleagues. As an example from elsewhere in my own brief, as I mentioned earlier I am also the Minister for Electoral Registration and that means that I am on the phone to, of all people, Mike Russell because he is also the Minister with that responsibility in the Scottish Government, and likewise with our counterparts in Wales. We are speaking by phone in the normal run of things to do that business and make sure it makes sense for citizens.

Separately, Mike Russell and I might see each other at some of these meetings. For example, we both do duty on the ministerial forum for a period, and, crucially, this is happening at every level of government. I think you could point to Departments across the full range of policy areas and see Ministers from all the Administrations having those kinds of relationships. I gave the example of DEFRA earlier. DEFRA is probably one of the most comprehensive areas that is relevant but the same is true across Departments, which I think is a thing to be celebrated.

**Q253 Ged Killen:** Apologies if you have covered this in an earlier answer. Your Department currently has to oversee the co-ordination of the JMC. Previous inquiries have recommended an independent secretariat and greater transparency about the agenda. We have heard evidence that devolved Administrations do not get sight of the agenda, so they do not know what is coming up at the meetings. Is there any particular reason why the UK Government have not acted on those recommendations yet?

**Chloe Smith:** I don't think that is the case. It is perhaps a mischaracterisation. As I observe it, and as my Department helps in the running of these things, we are working on a professional basis where things are shared, and the work can be clear.

**Q254 Ged Killen:** You do not support an independent secretariat? You cannot see the benefit of the UK Government not being in charge of that process and having it done independently instead?

**Chloe Smith:** Forgive me. I was answering another part of your question before coming on to that. Again, like some of the other points that have been put, for example around having a statutory footing, I recognise the proposal for having a secretariat in that way and, as I have said about



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other things, I am open to it being looked at through the review. I think that what you would see from officials from all the Administrations, who currently do a very good job of running the structure, is that they are already working in those ways and are sharing the work. There are fairly level and good relationships within the Administrations in the administrative work that underpins these committee meetings.

**Q255 Ged Killen:** Are there any other proposals that Government are considering to try to improve the effectiveness of the JMC?

**Chloe Smith:** Yes, indeed. As I set out on the pillars of this review, we do see a number of ways in which we want this to work well for the future. I mentioned a few areas that we want to see the machinery serve, notably making sure that the right domestic issues are being co-ordinated sensibly, that our ongoing relations with the EU are co-ordinated sensibly and that relevant international matters are co-ordinated. We certainly will be asking a lot about the machinery and that will entail making sure that basic administrative ways of working are also up to scratch.

**Q256 Chair:** I want to finish on the role of the Scotland Office. We have heard some interesting evidence from former inhabitants of the place, and also from former First Ministers, who questioned the values of the Scotland Office. There were all sorts of suggestions about a new Department of the Nations and Regions, with a powerful Secretary of State who was a senior figure, one of the top four positions in Cabinet, and even the Department in charge of managing intergovernmental relations. Do you find favour with any of these suggestions?

**Chloe Smith:** Perhaps unsurprisingly, given that I have made arguments this morning for sticking with the existing settlement, I would say the same here. The way that the three so-called territorial offices are able to represent the interests of the people of those areas, at the heart of Cabinet, is a strong one. It is a good feature of our Cabinet system. By virtue of me coming to join you this morning, and the work of David Lidington as well, we are there to support this structure and also help co-ordinate it. Between those ingredients, it is my sincere hope that we are able to serve the people of Scotland very well.

**Q257 Chair:** Has it not almost happened by stealth, the role of the Deputy Prime Minister, your boss, since he has acquired this role, that we are heading towards this already? Is this something that is intentional, or has it come about by accident, that we have almost got to the point where we have a powerful Deputy Prime Minister who has taken up the agenda when it comes to intergovernmental relations?

**Chloe Smith:** I am not sure I would recognise that characterisation.

**Q258 Chair:** For example, when it comes to some of the Brexit negotiations, particularly around the JMC, it now seems to be the Deputy Prime Minister who is sitting on behalf of the UK Government. It is not, for example, the Secretary of State for Scotland. Is there now a sense that this figure is emerging in Government, even if it is by accident?



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**Chloe Smith:** I don't think that is the right characterisation.

Q259 **Chair:** Could you explain how this has happened?

**Chloe Smith:** I think it is a teamwork job. To have the Secretaries of State of Scotland, Wales and Northern Ireland supplemented by the constitutional work that you would expect the Cabinet Office to do is right and proper. If you come at this from perhaps another direction of the argument, I think it is also quite reasonable that the Prime Minister would seek to have a deputy doing that role very well and of course, as is quite obvious, the de facto deputy role does run across a lot of issues, not only these constitutional issues.

If you put those two facts together, this absolutely is a teamwork job by which I hope we can give you a good account of intergovernmental relations but crucially also do that for citizens.

Q260 **Chair:** I have been here since 2001 and I remember when the Secretary of State for Scotland was a part-time Secretary of State. There are examples where the role was shared with Transport and with Local Government. That was a feature of the serving Secretaries of State at that point. Is there still a role for a Scotland Office? When we look at the panoply of Departments across Whitehall—and some of them emerging as more powerful Departments—what does the Scotland Office basically do and what added value does it give to what we do in this House?

**Chloe Smith:** Yes, in short, there absolutely is that role. It would also be the same point that you would make for the offices of the Secretaries of State for Wales and Northern Ireland, albeit there are differences within the three devolution settlements. What they do, fundamentally, is support and strengthen the union, they stand up for the interests of that part of the United Kingdom, and they are there, in addition to that, to champion the work of the UK Government in that part of the United Kingdom. That goes for all three but as you asking specifically about the role of the Secretary of State for Scotland, I think it is as good an example as any among the three of needing to do those three functions.

Also, it rather comes back to some of the points that were being made earlier about what are the respective roles of the UK Government and, in this case, the Scottish Government. For example, quite rightly, if we are talking here this morning about the existing constitutional settlement, you have the issues of international affairs, defence, and those things that are the reserved powers. The UK Parliament and its Members has a role in holding all of that to account here, quite rightly, and the office of the Secretary of State has a role in those core issues.

**Chair:** Thank you, Minister, for your evidence this morning. It has been very helpful. There are a couple of things you are going to write to the Committee about. I am sure the clerks will have taken notes and will get in touch with your Department about that. Of course, if there is anything else that you feel you can usefully contribute, please feel free to get in



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touch with the Committee. In the meantime, Minister, thank you.