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Europe, External Affairs and Culture Committee

**Comataidh na Roinn Eòrpa,
Cùisean Taobh A-muigh
agus Cultar**

Tuesday 8 September 2026

Session 7



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EUROPE, EXTERNAL AFFAIRS AND CULTURE COMMITTEE
3rd Meeting 2026, Session 7

CONVENER

*Patrick Harvie (Glasgow) (Green)

DEPUTY CONVENER

*Senga Beresford (South Scotland) (Reform)

COMMITTEE MEMBERS

*Colin Beattie (Midlothian North) (SNP)

*Keith Brown (Clackmannanshire and Dunblane) (SNP)

*David Green (Caithness, Sutherland and Ross) (LD)

*Pauline Stafford (Bathgate) (SNP)

*Jenny Young (Central Scot and Lothians West) (Lab)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Jenny Gilruth (Deputy First Minister and Cabinet Secretary for Finance and Local Government)

Jamie MacDougall (Scottish Government)

Chris Mackie (Scottish Government)

Màiri McAllan (Cabinet Secretary for Education, Culture and Gaelic)

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Europe, External Affairs and Culture Committee

Tuesday 8 September 2026

[The Convener opened the meeting at 09:30]

Decision on Taking Business in Private

The Convener (Patrick Harvie): Good morning, everybody, and welcome to the third meeting in session 7 of the Europe, External Affairs and Culture Committee. We have no apologies to record.

The first item of business is a proposal to take items 4 to 6 on today's agenda in private. Do we agree to take those items in private?

Members *indicated agreement.*

Scottish Government Priorities (Intergovernmental Relations)

09:30

The Convener: Our next item is an evidence session on the Scottish Government's priorities regarding intergovernmental relations. I welcome Jenny Gilruth, the Deputy First Minister, and Chris Mackie, the deputy director for the constitution and United Kingdom relations. Thank you very much for joining us.

I invite the DFM to give us any opening remarks.

The Deputy First Minister and Cabinet Secretary for Finance and Local Government (Jenny Gilruth): Thank you, convener. Good morning. I welcome the opportunity to discuss the Scottish Government's priorities for intergovernmental relations. As you might recall, my first Government role was as the Minister for Europe and International Development, working to Michael Russell, the Cabinet Secretary for the Constitution, Europe and External Affairs. When I was reading the committee's public paper yesterday, I had to reflect that, although some things have changed since 2020, some things feel remarkably similar.

Nonetheless, six years and five Prime Ministers later, the United Kingdom's political landscape looks markedly different. Particularly at the start of a new parliamentary session, there is an opportunity to be grasped to reset how our respective Governments can work together in the interests of the people we all represent. In that spirit, I welcome the UK Government's commitment to a more collaborative and constructive approach to intergovernmental relations. Ultimately, though, good intentions must be matched by demonstrable progress.

The Scottish Government will continue to engage constructively, based on mutual respect, with a focus on practical outcomes. Those principles are not new. They are reflected in the arrangements that were established through the intergovernmental relations review in 2022, and my priority is to ensure that they deliver effectively in practice.

I have already seen at first hand the value of effective intergovernmental engagement through forums such as the interministerial standing committee and the British-Irish Council. Discussions in those forums provide important opportunities to address shared challenges, exchange perspectives and identify practical solutions. That experience has also reinforced the importance of engaging in good faith and working closely with the UK Government, the Welsh Government and the Northern Ireland Executive.

As Deputy First Minister, I will continue to press for the Scottish Government to be involved in early discussions that affect devolved responsibilities and the people of Scotland.

Effective scrutiny also has an important role to play in supporting transparency, accountability and public confidence. I look forward to continuing constructive dialogue with the committee in that regard, and I look forward to questions from committee members.

The Convener: Thanks very much, Deputy First Minister. We will start on transparency and accountability. When the committee met this time last week, just hours before the publication of the programme for government, we decided following our discussions that we should write to you to ask for an initial assessment of the intergovernmental issues that are raised by elements of the programme for government. I am very grateful that you turned around a response quickly, because I recognise that the request for information came at short notice. That initial assessment was one of the recommendations that our predecessor committee endorsed in relation to improving transparency and accountability.

I hope that you recognise that there is a set of unanswered questions about how those who make decisions in the intergovernmental space are held to account and how those decisions are scrutinised. I am particularly thinking about decisions that the Scottish Government makes in the context of the United Kingdom Internal Market Act 2020 and common frameworks, as well as decisions that the UK Government makes on devolved matters, and how people who make those decisions are held to account.

Could you expand on the recommendations for improvements that our predecessor committee endorsed—the initial assessment was just the first of those—whether the Government intends to implement the recommendations and whether you have other thoughts about how we can improve transparency and accountability in intergovernmental relations?

Jenny Gilruth: There are a number of issues to unpack in that. In my correspondence with the committee—it was issued only yesterday, so apologies in advance if colleagues have not yet seen it—I set out a number of areas in which we think that there will be interaction relating to key pieces of legislation, such as the food prices bill, the football banning orders bill and the budget bill. More broadly, I draw members' attention to the final paragraph, in which I state:

“At this stage, no firm conclusions have been reached”, given the engagement that will have to take place across a number of areas of legislation. However,

we will continue to assess those opportunities. At this stage, it is quite early in the day to identify the level of engagement that will be required on the bills, not least because some are at the consultative stage, so it would be difficult for me to specify that.

On engagement on the programme for government more broadly, I am happy to engage with the committee as bills develop. I think that relevant ministers will respond to the committee on what falls within their responsibilities.

On the broader issue of transparency, which I know the committee's predecessor pursued in the previous session of Parliament, I have looked at that committee's report on the written agreement and transparency. In a number of areas, the Government has agreed with some of the recommendations. As I understand it, work will restart in the autumn involving the Scottish Parliament clerks and Scottish Government officials to update the written agreement and respond specifically to the predecessor committee's recommendations, and particularly in relation to engagement on the programme for government, which was the point that you raised, convener. I know that the committee has a specific interest in that area, which is reflected in some of the correspondence that we have shared in recent days.

The Convener: Can you say a little more about how the process currently works? There might be areas for change or improvement, and I hope that we will continue the dialogue on that, but how does the Scottish Government figure out what are sometimes unclear interactions when it is beginning to undertake work? In developing a bill, when do you start to clarify areas where there are issues on which the UK Government might have a concern or an objection or where there is legal ambiguity?

We know that some of the intergovernmental interactions are vague and not clearly defined. For example, that is the case with the trigger mechanisms that apply under the United Kingdom Internal Market Act 2020. There has also been a concern that there is a chilling effect, in that there are actions that the Scottish Government might want to take but that are not taken, or not even initiated, because of the concern about intergovernmental interactions. How can we get transparency around actions that have been subject to that kind of chilling effect?

Jenny Gilruth: On that latter point, it would be difficult to evidence that, if it has been the case.

More broadly, you will be aware of the Government's position on the United Kingdom Internal Market Act 2020. Our view was that it was not required—alignment was provided for through

the common frameworks, so there was no need to legislate in that space. We have a new Prime Minister coming in who wants to refocus the UK's relationship with the European Union, so there might be an opportunity through that agenda to look again at the role of the 2020 act and whether it is required. The Scottish Government's view is that it is not.

On clarification and UK Government engagement, in my experience, that varies bill by bill. With certain pieces of legislation, we might require extensive levels of interaction—one of the bills that is referred to in the correspondence to the committee might require extensive engagement, although we do not yet know and we cannot prejudge the outcome of the consultative process.

For example, with the Education (Scotland) Bill in the previous session, which I led on and which sought to replace the Scottish Qualifications Authority, we had a lot of engagement with the UK Government on legislation in that space that predated devolution. We had to engage with the UK Government on a section 104 order to allow the UK Government to legislate to dissolve the SQA so that we could then create Qualifications Scotland.

Sometimes, such engagement happens routinely in relation to legislation, for good reason, and we can work collaboratively—the Education (Scotland) Bill is a good example of that. However, there have been other occasions, which the committee will be well aware of, in which such engagement has not happened. The interaction varies according to the legislation.

I might bring in Chris Mackie on overall monitoring. Officials regularly monitor the way in which legislation that is proposed by the Scottish Government interacts with reserved competences to ensure that we do not have disagreement and that we can pass laws that affect the people of Scotland to best effect. I will bring in Chris on the overall monitoring from an official perspective.

Chris Mackie (Scottish Government): There are a couple of things to highlight in that context, convener. One of those is that there is regular dialogue between the relevant parliamentary liaison units—between the Governments—on their respective legislative programmes in order to understand the technical requirements, certainly in relation to the King's speech, because the communication is generally coming from Westminster up to Scotland in that regard. There will be a technical awareness of any devolution issues in UK Government bills raised through that process.

On a policy basis, the interministerial groups—there are 16 of them, I think, at the latest count—are good forums for information sharing between

all the Governments of the UK on the respective legislative programmes and the legislative priorities of the different Governments. Those are excellent forums for establishing whether that collaboration might be required or whether a specific legislative solution might be required. Therefore, there are a couple of pretty well-established ways in which that dialogue takes place.

The Convener: We will come on to some of those elements of the intergovernmental machinery in a little while.

Chris Mackie talked a little bit about the process of when an assessment has to be made of the King's speech and the devolution issues that it raises, in a slightly similar way to the question that I raised about the Scottish Government's programme for government and the assessment of intergovernmental interactions in relation to that programme.

Is there a way for such assessment to be done in a mutual way between the two Governments, to avoid the difference of opinion that has emerged in some instances about whether a matter is devolved or whether there is a devolution aspect? Is it possible to avoid those differences and arrive at a common understanding?

Jenny Gilruth: It should be possible for us to arrive at a common understanding. There have been challenges in recent years in that regard, whereby the Parliament has passed legislation and action has been taken by the UK Government. We are aware of those examples.

I am conscious that we are 50 days into Andy Burnham's time as Prime Minister, so it is very early days yet, and the test of intergovernmental relations has not yet been brought to bear. I was with the First Minister when he met the PM in Glasgow in July. It was a very positive meeting and Mr Burnham is committed to a programme of devolution. Obviously, the Scottish Government is of the view that the ultimate devolution for the people of Scotland would be independence, and we may or may not come on to that today, but there is an opportunity now to reset the relationship. We heard a lot along those lines from the previous Prime Minister, which was not necessarily matched by action. However, we have to take the Prime Minister at his word, given that we are so early on in his time in office, so we will continue to work with him in that positive spirit, in the best interests of the people of Scotland.

To your point about mutual agreement on legislative consent and whether there are opportunities through the mechanisms that I know we will come on to talk about, we will continue to explore that with the UK Government in the coming weeks and months. You will be aware that a

number of engagements are coming up, which will give us further opportunities to undertake that work.

David Green (Caithness, Sutherland and Ross) (LD): Welcome to your role, Deputy First Minister. On the proposed food prices bill, I know that we will not get into the details of the policy, but we need to recognise that there is uncertainty around the bill. I have spoken to a lot of farmers over the summer, and NFU Scotland in particular is concerned that the policy will hit producers.

That point about uncertainty is important, because there is also a lot of discussion, particularly in the media, that ultimately we might be seeing a bit of a constitutional rammy with the UK Government, which might block the bill through UKIMA. That uncertainty is not helpful. I have also seen trailed in the press that the Scottish Government might look at other avenues, such as using health powers. Can you address that uncertainty? I recognise that there is a consultation, but how might you try to avoid those challenges down the line?

Jenny Gilruth: I recognise that there is currently an element of debate around the policy. I am mindful that a wider event is happening today that is being convened by ministers. I think that the NFU is attending the event along with a number of other stakeholders, which will be helpful. I hear some of the challenge in relation to the policy, but it is also the case that folk are struggling at the moment. This is a policy that the Scottish National Party put in our manifesto and it is one that we want to implement in government, because we recognise that the cost of living crisis that is ongoing across the country is really challenging for our constituents and we want to take action. That is what the policy is about. However, we are in the consultative period, so I do not want to prejudge the outcome of that consultation.

The policy is accounted for in the correspondence to the committee as an area that we might have to work on with the UK Government in relation to UKIMA and how that might apply, and whether an exclusion could be applied. However, again, I do not want to prejudge the outcome of that process.

I go back to some of the points that I made about the new Prime Minister—if he is still in the new phase; I think that he probably is. He was very clear in his meeting with the First Minister that he will not seek to override the Scottish Parliament and foist something on us; he wants to work with us. Therefore, I suppose that this is a test of his intent in relation to the wider issue of the use of the internal market act and how it has been used previously.

There is an opportunity for Mr Burnham, with his new approach, to recognise the Scottish Parliament's locus in those issues. Again, I do not want to prejudge the outcome of the consultation and, certainly, we do not want to have a constitutional debate about this. Ultimately, it is about making life easier for our constituents who are struggling with high costs, whether that is in relation to food or energy prices.

09:45

Chris Mackie: I will add to that on a technical basis. Following its review, the UK Government committed to including some procedural changes around taking other factors into consideration in UKIMA exclusions, which included health and environment factors. We are still working with the UK Government to understand how the process might work, but we have not had a live example as yet. The food price cap might end up being an example, but we are at an early stage.

David Green: It is helpful to have that on the record.

The Convener: Did you want to come on to any other issues?

David Green: I want to ask about devolution by default and to move the conversation on to your relationship with the UK Government. As we discussed in the committee meeting last week, since 2024, the UK Government has had a policy of devolution by default. That is the idea within the civil service that, as it says on the tin, local communities should be empowered first and foremost, rather than central Government. Do you agree that there is a lot that the Scottish and UK Governments could learn from each other in that space?

Jenny Gilruth: Absolutely.

David Green: Excellent. Perhaps you could expand on that. In the programme for government, we have seen that there may be changes to the settlement for local authorities. The new Prime Minister, Andy Burnham, is exploring devolution within a wider UK or an English context. Is there an opportunity to learn from one another? I hope that both Governments are looking at the principle of devolution and how powers can go further.

Jenny Gilruth: Yes, very much so. I am keen to work with the UK Government on all those matters. As the programme for government sets out, there is an opportunity for public service reform with local government and we are considering what further powers might mean. The Government is keen to work with the Convention of Scottish Local Authorities and our wider trade union partners, as well as the public, so that we can listen to their views about current local government services. I

am sure that all MSPs will have views from their constituents about the provision of local services in their communities. It is important that we get things right for folk and that, where things are not working, we use public service reform as an opportunity to drive an approach that better meets people's needs. There is an opportunity to learn from each other and to recognise that the needs of local communities are distinct. We want to continue that work with the UK Government and have already made representations in a number of areas around further devolution.

As I say, it is early days, and we want to work with the Prime Minister. A wider top-tier meeting with the PM and the leaders of the devolved Governments will take place in October. We will write to the committee with further detail on that. I expect that those issues will be pursued in that forum. The Prime Minister met the mayors of England fairly early on during his tenure. He did that quite distinctly and separately from the devolved Governments, which differs from the approach that was taken by his predecessor. It is a welcome shift and perhaps provides recognition that the needs of the devolved Governments, as the Governments of nations, differ from those of mayors in other parts of the United Kingdom. Nonetheless, there is learning that we can take from that process. We will continue to work with the UK Government in good faith on those issues, but the devil will be in the detail.

It is early days, so I do not want to prejudge the outcome of the negotiations. The Prime Minister is very pro-devolution and, of course, as a Government, we are in favour of devolution. We will continue to work with the UK Government on powers flowing back to Scotland. There will also be wider constitutional questions, which we may or may not come onto today. I will not talk to those in specific detail just now.

Pauline Stafford (Bathgate) (SNP): I start by drawing members' attention to my entry in the register of interests. I am a sitting councillor in West Lothian Council. I mention that because the Deputy First Minister touched on COSLA.

I want to pick up on some of the structures or spaces that could be used to improve intergovernmental relations. You mentioned that you had attended the interministerial standing committee in June. What is your assessment of the practical value of those meetings? Did you see evidence of genuine willingness from the UK Government to work with and engage devolved Administrations?

Jenny Gilruth: I attended the interministerial standing council in June in Belfast and met a number of ministers at that time. I think that it must have been a matter of days after Keir Starmer

resigned, and no one from the UK Government was able to attend that meeting. Three secretaries of state joined online, and we had in person the Northern Ireland First Minister and Deputy First Minister, myself from the Scottish Government and, I think, the finance minister from the Welsh Government—

Chris Mackie: It was the constitution minister.

Jenny Gilruth: The Welsh constitution minister—apologies. Those ministers and I were all physically present in Belfast for a meeting, and I feel that the optics of three UK Government ministers zooming in online was not great. I made that point to Darren Hughes when I met him at the British-Irish Council. Meeting in person is important to enable us to build relationships and understand better how one another's Governments work, so I made that ask at the last interministerial meeting. We hope that another meeting will be scheduled in the coming weeks, to be hosted in Edinburgh by the Scottish Government. I will share more detail on that with the committee when we have managed to agree a date for that.

Pauline Stafford: That would be great.

You mentioned your previous experience with our predecessor committee and how different, but in some ways similar, the landscape is compared with 2020. One of the recommendations from that committee's session 6 legacy report was that

"the four legislatures within the UK jointly commission research to examine how interparliamentary relations might be substantially strengthened".

In your experience so far, is there appetite for doing that across the four legislatures?

Jenny Gilruth: That has not been addressed specifically at any of my interministerial meetings thus far, either at the BIC or at the interministerial meeting in Belfast. However, I would be more than happy to raise it when we next meet.

I think that there has been a lot of work more broadly in that area over a number of years. The intergovernmental review took some time to carry out, the committee interrogated it and we have looked again at structures. In the Scottish Government, there is absolutely a willingness to strengthen the structures that already exist and to have greater transparency. However, you are absolutely right to say we need that four-nations approach, and we need other parts of the UK to buy into that as well. I do not want to speak on behalf of other legislatures in that respect, but certainly there is a willingness from the Scottish Government to have that joint working. I will raise that issue at the next opportunity in an interministerial space to seek the views of others.

I would be more than happy to correspond with the committee on that point.

Pauline Stafford: I appreciate that. I have further questions on the new Prime Minister in that devolved space, if that is all right, convener.

The Convener: Let us carry on with that.

Pauline Stafford: As we have touched on already, obviously it is early days for the new Prime Minister. He has talked clearly about devolution, including proposals for greater powers for the city regions and mayors. What assessment has the Scottish Government made of the implications of that agenda for Scotland's devolution settlement? There are obviously opportunities in there, but what are the risks that you have assessed for the Scottish Parliament?

Jenny Gilruth: To be candid with the committee, we do not yet have detail on the proposals from the UK Government, so it would be challenging for me to provide an assessment of that. We have a different arrangement in Scotland—for example, we do not have mayors, as is well understood by colleagues, nor would we necessarily want to go down that route. However, as I said in my response to Mr Green, there is an opportunity here to use this to strengthen local democracy, so we will continue to work with the UK Government in that regard.

As I mentioned, I was in the meeting between the Prime Minister and the First Minister. The Prime Minister was very keen to look at the agenda in terms of what it would mean for Scotland. He also seemed to recognise that further devolution of powers to Scotland, Northern Ireland and Wales would look different from what exists in England, and even that recognition is different from that which came before. We will work with the Prime Minister and his new team in good faith on all these issues, because I think that that will lead to the best outcome for the people we represent.

However, we do not yet have detail on what any proposals will mean for Scotland, so we will have to judge that on its merits as and when those proposals are put forward. I would expect that we will see more ahead of the top-tier meeting that is scheduled for the coming weeks between the PM, the FM and the leaders of the other devolved Governments. We would certainly expect that further detail will be shared by UK Government officials ahead of that meeting.

I will just clarify with Chris Mackie that we do not at this stage have any proposals from the UK Government.

Chris Mackie: We have no proposals. We are expecting to hear further in the autumn.

The Convener: We will have a couple of follow-up questions—one from me and then one from David Green—and then we will move on.

Any change in this kind of architecture includes possibilities of improvement or worsening—change can work well or work badly. I do not want to downplay the opportunity for improvement. However, is there a risk that, in this area, the UK moves away from a four-nations approach and begins to treat Scotland, Wales and Northern Ireland as though they were on a par with England's regions? In that scenario, we would no longer see four Governments interacting on a four-nations basis; instead, we would see one Government effectively treating nations and regions as equivalents.

Jenny Gilruth: That is an interesting point. My view is that there was a greater risk of that happening under the previous Prime Minister, who convened the last meeting of the council of the nations and regions. The Scottish Government was sceptical about our being placed on equal footing with mayors, for example, and I do not think that that was particularly well received in Scotland, to put it mildly.

However, the current Prime Minister, Mr Burnham, has been keen to differentiate between mayors and leaders of the devolved Governments, and we have seen that already through the way in which he has engaged. We should recognise that that is a shift and a recognition that these structures and arrangements are different.

Ultimately, the test of the structures lies in the engagement. You can create as many structures as you like and have as much transparency and send as many letters to committees as you want, but, at the end of the day, we are talking about politicians and, sometimes, a lot of this boils down to politics.

Mr Burnham is taking a pragmatic and positive approach. It is different from that of his predecessor, which, in turn, was very different from his predecessor. Indeed, take the number of breaches of the Sewel convention under the previous Conservative Administration, for example. I am aware that the committee pursued that matter during the previous session of Parliament. We have not seen the same under the current Administration. Things shifted, and they have shifted again under Mr Burnham.

We will continue to try to take a pragmatic approach in that engagement. If there is any suggestion that Scotland is being put on a par with regions in England, for example, we will resist that strongly.

The Convener: The worry is, though, that the arrangement relies on good will. That good will can

change the next time the UK Government changes.

Jenny Gilruth: Absolutely.

The Convener: There is an open question about whether any structures are possible that lock in good practice.

Jenny Gilruth: Behaviour, yes.

David Green: Mayors seem to be getting a lot of airtime this morning. I return to my earlier question about learning from one another and the idea of devolution by default. My constituency in the Highlands is very different—

Jenny Gilruth: It is vast.

David Green: —from your constituency in Fife, Deputy First Minister. There may be different approaches to how decisions are made in different parts of the country. If we adopt that principle of learning from one another, why are you so sure that mayors would not work in a Scottish context? Has the Scottish Government considered that approach?

Jenny Gilruth: No, it is not an approach that we have considered. It is not an approach that we have ever taken in Scotland.

David Green: Yet you know that that is not something that Scotland should have.

Jenny Gilruth: I do not necessarily think that we need to copy our neighbours' homework to deliver local democracy more efficiently.

David Green: I agree.

Jenny Gilruth: We have good local democracy structures in Scotland. We should be looking to strengthen them, not deviating from those that already exist.

You cited your constituency, which covers a vast area of Scotland, as an example of an area with particular needs, which differ markedly from those in my constituency. That, in itself, makes the case for public service reform. I was listening to the First Minister's response to you on a healthcare issue in the chamber last week. He observed that our current structures prevent him from taking action. We should be mindful of that in a local government context.

The broader issue here is whether we, across these islands, can learn from one another and share good practice. Of course we can learn from each other. We will always take the pragmatic approach as a Government in that regard.

The Convener: We seem to have reached a seam of supplementary questions here.

I will call Senga Beresford, who will be followed by Keith Brown and Jenny Young.

Senga Beresford (South Scotland) (Reform):

No member of the Cabinet has "constitution" in their title, and the First Minister has reportedly taken personal responsibility for constitutional matters, including the pursuit of independence. Who answers to this committee for constitutional policy? Will the First Minister appear before it?

Jenny Gilruth: The member is absolutely correct to say that the First Minister leads on constitutional matters. I lead on intergovernmental relations. Mr Gethins was before the committee last week to discuss his responsibilities, particularly those relating to the United Kingdom Internal Market Act 2020 and his wider work on our engagement with the European Union.

More broadly, there is a shared approach. The First Minister leads on the constitution and, of course, the committee is entitled to call any minister it wishes to take evidence from in that regard. I am more than happy to answer in relation to my own responsibilities today.

The Convener: We will bear that invitation in mind. Thank you.

Jenny Gilruth: I will tell him that you pass on your regards.

10:00

Keith Brown (Clackmannanshire and Dunblane) (SNP): I am interested in some of the comments that you made about a positive and pragmatic approach from the Prime Minister. You mentioned that you attended a meeting between the First Minister and the Prime Minister. At that meeting, there was a discussion that went to the fundamentals of intergovernmental relations and raised the elephant in the room, which is the independence question.

How can we look positively or pragmatically at the prospects for intergovernmental relations if the first request from the Scottish Government, which was to proceed with a referendum—the highlight of its manifesto—was dismissed by the Prime Minister, who told us that we should concentrate on different things? How easy is it to compartmentalise the different issues on which you must relate to the UK Government? If that fundamental request can be so readily dismissed—the First Minister said that a record number of 73 MSPs who support independence were elected at the election—what are the real prospects for intergovernmental relations?

Jenny Gilruth: That is a great question, Mr Brown. It is a difficult issue. We are not going to agree on independence with the UK Government—that is plain to see. It is important to reflect that, although we need to try to engage on intergovernmental relations, that does not detract

from our belief in independence for Scotland and our belief that the people of Scotland should have the right to choose in a democratic independence referendum.

Mr Burnham's commentary on this issue in recent weeks, months and years has been interesting. In the past, he talked about the constitutional question not being settled. He said:

"In terms of a referendum, I'm not going to say, 'No, not ever.'"

There are some words that he has used in the past—not in his current role—that suggested that he was amenable to a referendum taking place. Since taking up office as Prime Minister, he has, of course, resisted that idea. We do not think that that position is sustainable, nor do we think that that is the position of the people of Scotland. Ultimately, this is not about support for independence per se; it is about the people's right to choose. Therefore, we will continue to pursue the matter with the Prime Minister.

To respond to your overall point, Mr Brown, we recognise that there is a disconnect between having a Prime Minister who, on the one hand, is in favour of further devolution but who, on the other hand, says, "But not that type of devolution." This should ultimately be a matter for the people to decide on.

However, we need to try to work with the UK Government for the best interests of our people. I am committed to delivering that in an intergovernmental space, but that does not detract from the overarching constitutional question. The elephant is still in the room—we have not addressed it. Therefore, we will continue to pursue that point with the UK Government and other interested parties. Of course, Wales and Northern Ireland are now led by independence-supporting ministers, and that constitutional shift across the United Kingdom means that this issue will not go away and cannot be resisted.

I understand the UK Government's positioning on the matter. It has also made its view on Northern Ireland very clear, which, in a constitutional space, has come with some other challenges with regard to what it might mean for people who live in Northern Ireland.

Andy Burnham saying no does not mean that independence is off the table—far from it. Actually, it irritates most folk in Scotland when they hear people say that a referendum is not going to happen. Regardless of whether they believe in independence, most people in Scotland believe that they should have the right to decide on their country's constitutional future.

Your question speaks to the heart of the issue, which is that there is a Prime Minister who is

pursuing a devolution agenda that is at odds with our overall view as a Government that Scotland should one day regain our independence. You have hit on an important point, Mr Brown, and it is challenging. We must still have conversations in an intergovernmental space, but that does not detract from our pursuit of independence for the people of Scotland.

Keith Brown: Thank you.

The Convener: Thank you for your patience, Jenny Young.

Jenny Young (Central Scot and Lothians West) (Lab): My area of questioning is a mixture of looking back and looking forward. The previous session of the Parliament was marked by several significant pieces of legislation that ran into issues. For example, there was the Gender Recognition Reform (Scotland) Bill's interactions with the Equality Act 2010. Late in the day, the Government had to strip out all the provisions regarding conscientious objection from the Assisted Dying for Terminally Ill Adults (Scotland) Bill because of their interaction with employment law. There were also other examples, such as the deposit return scheme and the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, although those issues were slightly different.

On the two points about the Gender Recognition Reform (Scotland) Bill's interaction with the Equality Act 2010 and the Assisted Dying for Terminally Ill Adults (Scotland) Bill's interaction with employment legislation, I would be interested to hear your reflections on how we arrived at a place where there were such fundamental issues with those pieces of legislation so relatively late in the game and in their scrutiny that they were not viable in the form that they were in. Was that a failure of the committee's scrutiny, the Parliament's scrutiny more broadly or the Government's awareness of those issues? It strikes me that those issues came out quite late in the day, so is the Government doing its job well in drafting legislation and is the Parliament doing its job well in providing scrutiny?

Jenny Gilruth: That is a really interesting point. You mentioned a number of pieces of legislation. Mr Mackie can correct me if I am wrong to say that the UNCRC bill was the first test of some of these issues.

Chris Mackie: I suppose that it depends on what we are talking about. Given that I was relatively closely involved in the negotiations on the assisted dying measures, I can give a reflection on the Assisted Dying for Terminally Ill Adults (Scotland) Bill. It is important to remember that that was a member's bill, not a Government bill, and the Government remained neutral on it. The negotiations that were required on assisted

dying were quite technical in relation to where devolved responsibility lay.

The specific negotiations on the bill's interaction with employment legislation were quite late in the day, as Jenny Young highlighted, but that was a product of quite a lot of discussion between the Governments. The process was quite difficult because both Governments adopted a position of neutrality. The challenge that was highlighted definitely came out relatively late, but I would not say that that was a product of poor negotiation. It was just a case of the negotiations being quite difficult, given that an equivalent bill was being considered down south. My observation was that trying to merge the two processes was quite a tricky process.

Jenny Young: Deputy First Minister, what should the Government or the Parliament do differently in the future? I take Mr Mackie's point about the Assisted Dying for Terminally Ill Adults (Scotland) Bill being a member's bill, but it was in the headlines for years before it got to its final stages, so I do not accept that the Government did not know that such issues were coming. I imagine that a number of lawyers who work for the Government advise on such issues. What would you do differently? That question can be for Mr Mackie or the Deputy First Minister. For example, the human rights bill, whatever it may be, might interact with the Equality Act 2010, as was the case with the GRR legislation. What will you do differently so that there are not the same issues over the next five years?

Jenny Gilruth: That is a good question. Politics is at play on some of these issues, and we should be pragmatic about that. For example, the UNCRC bill was supported on a cross-party basis and there were no contentious issues about it, but the UK Government decided to challenge it and, ultimately, we had to relegislate in a much more narrowly defined way. That was challenging, because we had engaged with the UK Government throughout that process, during the session from 2016 to 2021. There was also cross-party support for the GRR legislation and engagement throughout the process. However, at the end of the process, after the bill had been passed, the UK Government decided to act.

Therefore, politics is sometimes at play during negotiations, and that is not good for the passage of legislation in this Parliament. It is also not great for MSPs, who spend inordinate amounts of their time in committees such as this one or in the chamber debating amendments and putting forward their views. To have legislation thwarted at the 11th hour feels deeply undemocratic at times, and the Parliament should reflect on that. There are better ways for all Parliaments to legislate.

The approach that previous UK Governments have taken in that regard has not, ultimately, been helpful. However, the number of breaches of the Sewel convention has reduced under the current Labour Government. I do not think that we have had any thus far, which is certainly welcome, so there has been a shift in that regard.

We have lots of examples of late legislative consent memorandums coming up, and, as you will all remember, in the last week of term before the summer recess, we had a number of late LCMs. That means that things are rushed through, with the Parliament not having adequate time to interrogate the details. We will continue to work with the UK Government on such issues. Part of the issue was the timing of the King's speech. There are better ways in which we can work with the UK Government so that we get advance sight and advance warning of legislation. That would be in the best interests of MSPs and the UK Government.

The Convener: I will follow up on some of those themes. A range of mechanisms can be used, and some would regard their use as the UK Government legitimately protecting its constitutional position. Others would perhaps characterise it as abuse of that power, whether around breaches of the Sewel convention; the use of the internal market act, which was mentioned earlier; or the use of section 35 of the Scotland Act 1998 in relation to the Gender Recognition Reform (Scotland) Bill, which is one of the most extensively consulted on and scrutinised pieces of legislation that this Parliament has ever debated, with literally years of prior process and no indication from the UK Government that it intended to take that action. Many people took the view that that action was taken specifically because the UK Government politically opposed the policy, instead of for technical reasons.

If I think back to the not-so-happy days of the Smith commission—I do not know whether the First Minister's recollection of the process is the same as mine—there was an expectation that there would be a range of actionable mechanisms in place, whereby, for example, if there was a breach of the Sewel convention, the Scottish Government would be able to take action to prevent that, or, where power was misused, that would be challengeable. That has turned out not to be the case. Is there any possibility of having a more robust framework in place, whether that is about defining the exemptions under the internal market act or limiting more clearly the circumstances in which other UK powers can be exercised? Is there a reachable robust framework that can prevent the abuse of these powers by a subsequent Government that is more ill-intentioned than we hope the current one is?

Jenny Gilruth: Yes, I think that there is an opportunity to develop such an approach, and part of that opportunity might be to strengthen Sewel through the proposed memorandum of understanding, which I note was part of Labour's manifesto. We think that restoring confidence in Sewel is really important in that regard, and there is perhaps an opportunity through the MOU to explore the structures further.

However, it is really challenging. You set out a range of examples, and we have heard from Ms Young about other examples of legislation with which there have been challenges. The actions of the previous Conservative Government undermined Sewel, but there is an opportunity through the MOU to look again at the issue. That will require engagement between the Scottish and UK Governments, if it is to work adequately for both of us.

Your reflections on the Smith commission are certainly interesting, in terms of a framework, because we do not currently have a framework in that space that would meet—

The Convener: An MOU can be breached as easily as a convention.

Jenny Gilruth: Indeed, and it might not be as robust as having a framework that is mutually agreed between two Governments. I am not ruling that out today. These are things that we will want to pursue with the new Prime Minister and his team.

The Convener: A couple of members are looking to come back in, but, before I come to supplementary questions, Keith Brown has a question regarding the civil service.

Keith Brown: You might have seen reports, Deputy First Minister, that the Prime Minister is said to have enabled his permanent secretary, the head of the civil service, to overrule or instruct other permanent secretaries in different parts of the UK Government. It is not clear whether that would extend to the permanent secretaries in the devolved Administrations, which would be a breach of the idea that he will not devolve above the heads of the Scottish Government. Has that given any cause for concern? I should note that I am not too sure about how devolution by default differs from subsidiarity, as we used to call it in the European Union.

It must surely be the case that the cabinet secretary—that civil service term is different from how it is used in the context of the Scottish Government—should not be able to overrule or instruct permanent secretaries such as the permanent secretary in Scotland, who works for the Scottish Government. If you can follow that, I

would like to know if it has given you any cause for concern.

Jenny Gilruth: We have seen those reports, and there is a level of concern. We are not sure that that will apply to Scotland in the same way, because there are different reporting structures to the Parliament, but we would like to give the committee reassurance on those points. If I may, convener, I would like to write to the committee with further detail, having first sought assurance from the UK Government that that will not apply to Scotland. Our initial observation is that we do not think that it will apply here, because of the reporting structures being different in Scotland, but I would first like to get that clarity and I will then write to the committee on that point to provide assurance.

The Convener: That would be very helpful.

I apologise to Colin Beattie. I should have brought him in a few moments ago when we were touching on the Sewel convention, but perhaps he would like to come in now.

10:15

Colin Beattie (Midlothian North) (SNP): Deputy First Minister, my question is about legislative consent, which includes the Sewel convention. You touched on a memorandum of understanding that has been in negotiation for a long time—since 2024. How close are we to a final version of that being published? Are any areas of disagreement holding that up?

Jenny Gilruth: I will be candid in saying that I am fairly sure we have not yet had any engagement with the UK Government regarding the development of the MOU.

You are right to say that that was committed to in 2024. We had little or no engagement with the UK Government on that until last summer, when there was some limited engagement, but the new Prime Minister's team have, thus far, not engaged at all on the issue. We expect that that will come, but I am unable to share any further detail in that regard because we have not had any further detail from the incoming Prime Minister and his team.

Chris may want to say more about that.

Chris Mackie: My team is responsible for those negotiations, so I can give an update. Ahead of the election, we had been negotiating with the responsible UK Government team on a draft of that MOU. That negotiation was suspended following the election and has not restarted, but we have spoken to the UK Government, which remains committed to restarting negotiations. The fact that those have not restarted is more about their

capacity than about any unwillingness to do that, so I expect discussions to restart shortly.

Colin Beattie: I am struck by the fact that, in March 2026, in answer to a written question in the House Of Commons the UK Government said that

“officials from each of the four governments of the UK have been working closely on this and good progress has been made”.

Does that ring a bell?

Chris Mackie: We had made progress, but were not, at that point, in a position to put anything to our ministers to recommend consent or signing up. We were quite close to the election at that stage and anticipated restarting that work following the election.

Colin Beattie: Returning to the issue of legislative consent in itself, there have been some controversies in the past few years. What is the Scottish Government’s view on whether legislative consent is actually effective? Is it working?

Jenny Gilruth: That is a really interesting question. It had not been working until recently. I know that the previous committee covered the issue in its legacy report. Under the previous Conservative Administration, we saw breaches in a variety of areas as the UK Government overrode the Scottish Parliament. That has not been good for our democracy and was a breach of Sewel.

That has shifted under the Labour Government, which is welcome. That goes back to the convener’s overall question about whether structures can prevent that sort of behaviour by Administrations of varying political colours. I am sure that the committee will reflect on the fact that we should be mindful of how those structures might be strengthened to ensure that we do not revert to that sort of approach to breaches of Sewel.

I think that the Supreme Court has essentially ruled out putting Sewel on a statutory footing, so there are constitutional challenges. However, when we have a new Prime Minister who says that he is committed to the devolution agenda, there is also an opportunity to revisit the role of Sewel and to ensure that we do not have a repeat of the egregious examples that we saw under the previous Conservative Administration, which passed swathes of legislation without the consent of this Parliament.

Colin Beattie: I am struck by the fact that the session 6 committee expressed a view that

“the extent of UK Ministers’ new delegated powers in devolved areas amounts to a significant constitutional change”.

Do you agree with that assessment?

Jenny Gilruth: Our view is that the Scottish Parliament should legislate on matters that are devolved to this Parliament. There may be examples—I gave one earlier—of areas where we need to engage with the UK Government, including, for example, areas that predate this Parliament. I gave the niche example of the SQA, which was created before this Parliament existed and could, therefore, be dissolved only by an act of the UK Parliament, which had to legislate for that. We will engage with UK Government ministers on those issues, but our preference is for any matters that are devolved to the Scottish Parliament to be dealt with solely by Scottish ministers and that only with our consent would they be legislated for by UK Government ministers. That consent is imperative to the intergovernmental landscape.

Colin Beattie: Does the UK Government adhere to the convention that the Sewel convention does not apply to secondary legislation?

Jenny Gilruth: As I understand it.

Chris Mackie: We would need to check everything on that and come back to you to confirm it.

Colin Beattie: There is great concern about UK ministers legislating within devolved competence. What do you consider to be reasonable circumstances in which you would expect the UK Government to legislate within devolved competences?

Jenny Gilruth: My principled position is that I do not think that there are reasonable circumstances in which UK Government ministers should be legislating in devolved areas. However, we have to be pragmatic. The example that I provided in relation to the Education (Scotland) Bill required UK Government legislation to allow me to dissolve the SQA so that we could create Qualifications Scotland. That is pragmatic politics.

We could take a principled position that devolved legislation is, quite rightly, the responsibility of elected ministers in this Parliament. However, we will always need a degree of engagement with the UK Government while Scotland remains part of the United Kingdom. That is how our legal frameworks work, and for as long as we remain part of the United Kingdom we will have to have a level of engagement with UK Government ministers. Our ask is that that is done pragmatically and with our consent.

That is the test of the point of your question: that any engagement on such issues is made with the Scottish Government’s express consent. We did that through the section 104 order, which we

agreed to in the process of dissolving the SQA. That was done through a consent process in which officials and ministers work together. That was agreed, and it allowed for the passage of the Education (Scotland) Bill and the establishment of Qualifications Scotland as a result. That is an example of where such a process can work in practice. The principle of consent would be our overriding view—not to take away from our overall view that all legislation in Scotland that is devolved should ultimately be a matter for ministers in Scotland.

Jenny Young: How many times has the Sewel convention been breached since 4 July 2024?

Jenny Gilruth: It has been breached on no occasions.

Jenny Young: Thank you.

The Convener: We all hope that it stays that way.

Jenny Gilruth: Yes.

The Convener: We are coming to the end of the time that we have available. I want to ask a question that relates to the meetings that you said have been taking place, and that you anticipate taking place, among the four nations. As well as that, is there a separate track of bilaterals with the other devolved Governments, or do the devolved Governments proactively seek out time and space to discuss matters between themselves without the UK Government's presence? They have a distinct relationship as devolved Governments. To what extent does that take place as part of the process of building relationships and trust?

Jenny Gilruth: In my experience, it is a key feature to have interministerial engagement among the devolved Governments. That has been my experience in education and in transport: there is always a level of intergovernmental engagement, and there are existing structures that provide for that.

In my experience, those bilaterals are extremely important. They build relationships with counterparts, and we get a good understanding of our counterparts' experience and perspective in relation to engagement with the UK Government on a range of different issues. Those relationships are hugely important and highly valuable to Scottish ministers in how we engage with the UK Government more broadly.

The Convener: Transparency and scrutiny has been a common theme. You will hopefully be able to keep the committee up to date—not necessarily on the fine detail of the discussions, but on the broad outcomes and the rhythm of meetings and so on, so that there can be some degree of accountability around those discussions.

Jenny Gilruth: I am happy to do so. There are a number of meetings coming up. I will be chairing the interministerial standing committee in the autumn, to which I think I alluded earlier—and we are still confirming a date for that. I will be attending the finance interministerial standing committee in Cardiff on 18 September, which is next week. We expect the interministerial groups to resume their engagement throughout the autumn. There are already a planned series of engagements that the committee should be aware of. I am more than happy to write with further detail on any of those matters to provide the committee with the transparency that you have asked for.

The written agreement and the overall review are being taken forward between Scottish Parliament and Scottish Government officials. As I understand it, that is restarting in the autumn, and I am sure that the committee will take a keen interest in the outcome of that wider review of the written agreement.

Do you have a last-minute bid for a supplementary question, Keith?

Keith Brown: Yes. We spoke with Mr Mackie last week, and I mentioned this at the time. It has been a long time since I have studied constitutions and so on, but there does not seem to be any comparator with the architectural jumble, inadequacies and ad hoc nature of what is in place just now. Much of that was agreed: that certainly represents the outcome that the committee came to as part of its investigation.

Given that, and given some of the tensions that exist, does the Scottish Government have, or intend to get, a proposal on what the architecture should look like, ideally, to best take account of the devolved Administrations and other such aspects? For example, meetings only happen when it comes up the Prime Minister's humph. Who actually sets the agenda? How much information is passed on afterwards? I know how frustrated ministers feel when they try to get a hold of certain ministers. It all depends too much on individual personal relationships, which is no basis for a proper functioning system.

In short, does the Scottish Government intend to put any proposal to the UK Government about what the architecture could look like, ideally?

Jenny Gilruth: You have raised a really interesting point. We have, through the intergovernmental review, a pretty well-established architecture, but you are absolutely correct to say that the level of engagement often depends on individuals.

My own experience is that, under the previous Prime Minister, we had a shift in tone and an approach to resetting the relationship—I think that

the previous committee covered that over the past two years—but then probably not a lot changed. Warm words are not necessarily action. We are now 50 days into Andy Burnham's time as Prime Minister, and we now need to see some follow-up action. That will be the proof of better intergovernmental meetings—or, indeed, engagement. To my mind, this is not just about the meetings that happen but about the follow-up action that takes place as a result of that engagement and the change that takes place accordingly.

There is a well-established approach to interministerial engagement, but I would observe that, at ministerial level, and certainly in my experience as cab sec, such engagement can be ad hoc, more sporadic and dependent on a variety of factors, not least diary availability. In my role, particularly the finance element of it, there is much more of a regular drumbeat of engagement at interministerial level. That is probably for good reason and perhaps something that is understood, but I think that that approach differs from that taken by other parts of Government.

As for Mr Brown's other point about ad hoc meetings when the Prime Minister comes to Scotland, one might ask whether that could be planned for in the future. Absolutely, and the committee might want to reflect on how we might have that sort of transparency and that regular drumbeat of meetings taking place at certain set points in the year. Indeed, that has been, in general terms, the approach taken by the British-Irish Council.

The Convener: I am aware that other members have questions, but we might need to save them for a future evidence session, as we have another cabinet secretary coming in a few minutes' time.

For the time being, I thank Chris Mackie and the Deputy First Minister for their attendance. We will no doubt have opportunities to follow up on the range of issues that we have discussed.

I suspend the meeting for a few minutes for a comfort break and a changeover of witnesses.

10:27

Meeting suspended.

10:32

On resuming—

Scottish Government Priorities (Culture)

The Convener: We will now resume. Thank you for bearing with us for a few minutes—the first part of the meeting ran over a tad.

Our next item of business is another evidence session with the Scottish Government, this time on culture priorities. I warmly welcome Màiri McAllan, Cabinet Secretary for Education, Culture and Gaelic. She is joined by Jamie MacDougall, deputy director, culture and historic environment; and Richard Walsh from the culture and historic environment division. Thank you for joining us, cabinet secretary. I invite you to make some opening remarks.

The Cabinet Secretary for Education, Culture and Gaelic (Màiri McAllan): I will be brief, but the fact that your session overran was no problem for me, as I have just come from a long evidence session at the Education and Gaelic Committee.

I am pleased to have the opportunity to discuss the Government's priorities in the culture portfolio. As MSPs, we all know that culture has significant intrinsic value in our society and, in our constituencies, we all see the transformational impact that it can have on people's lives. Our culture strategy, which we developed and published in 2020, speaks to that core value, and its ambitions still hold true. The strategy's three interconnecting ambitions were strengthening culture, transforming through culture and empowering through culture.

First, on strengthening culture and cultural infrastructure, if culture is to flourish, it must be sustainable. That is the case regardless of where it draws its support from, so we are committed to supporting the sector to fulfil its enormous potential. We are making significant increases in culture funding and coupling that with multi-annual certainty such that we have never been able to provide before. We are also spreading the funding across a greater number of recipients than ever before, with the number of organisations now receiving Creative Scotland multiyear funding at more than double the number that previously received grants.

On transforming through culture, we recognise that it is not separate from our prosperity and wellbeing and the First Minister's four priorities. As far as we are concerned, it underpins all of them, so we want to ensure that more and more people can participate in culture locally and nationally.

Finally, on empowering through culture, it is not the Government's job to dictate how people

engage with culture, but it is our job to make sure that the opportunities are available for everyone to do so, because culture, as we know, belongs to everyone. That is reflected in the priorities in our programme for government and in my letter to you, convener, which I was able to get to you over the weekend.

The main priorities that I will speak to, and which members will see in the PFG, are increased culture funding annually, in line with our commitments; a review of Creative Scotland; supporting the recovery of Historic Environment Scotland; allowing Screen Scotland to flourish as an independent organisation; piloting a minimum income for artists as a key plank of our fair work aspirations, while employment law remains reserved; establishing a national performing company for traditional music to sit alongside the existing NPCs; and, among other things, introducing a culture pass to underline that culture is for all.

Broadcasting remains reserved and, of course, editorial decisions are for broadcasters, but I will continue to press, in particular, the BBC to ensure fair investment in Scotland relative to our licence fee and relative to other countries in the UK, and to support indigenous language broadcasting in Scotland to the same extent that it supports the Welsh language.

All of that and more are my priorities, and I look forward to discussing them with the committee.

The Convener: Thank you, cabinet secretary. I will begin by picking out a phrase in the programme for government that seems to have been worded to be deliberately open to a range of possibilities. You are going to

“Assess the potential to simplify the management of our national cultural assets.”

Will you unpack that for us a bit? What is the scope of the range of possibilities in that sentence?

Màiri McAllan: It is right that I should begin with public service reform, given that it is going to be a prominent feature of the committee's work and the Government's work across the current session of Parliament. The sentence is broadly worded because we are at the beginnings, in some ways, of a process of understanding how public service reform works in the culture space. Officials have been engaged in what we call a culture cluster, which is a coming together of bodies in the culture sector to discuss how we achieve public sector reform, while we remember that this is principally about improved outcomes, as well as more efficient operating and other things.

As you can imagine, that could amount to a range of things. We are looking at backroom functions, including legal and human resources

functions. I have had a good discussion with some stakeholders about the extent to which our collections are dealing independently with the challenge of cybersecurity and whether we might have strength in numbers if we were to reform that and do it singularly. We are also discussing straightforward things such as the approach to storing collections.

What this will not be about is cuts to the culture budget, because, although we might save money through some of that PSR, the commitment to increasing culture funding by £100 million in the coming years and then by an additional £50 million stands squarely alongside PSR.

The Convener: The reason why I picked out that phrase is that it opens up the possibility that you have in mind a more fundamental restructuring of the types of organisations that exist to manage cultural assets. You will be very well aware that that was a serious concern for our predecessor committee.

In your opening remarks, you talked about seeking the recovery of Historic Environment Scotland. That has been the subject of ongoing discussion. The previous cabinet secretary with responsibility for culture tried to reassure us that a plan was in place, that people were in place and that that recovery was under way and would be well managed.

Now, the organisation has gone back into another period of significant uncertainty, with interim postholders in place and, I am sure, a great deal of anxiety for the people who work for it. At the moment, I am unclear about whether the Government has a clear sense of whether the organisation will recover in its current form or whether other options are on the table for how those functions will be carried out.

Màiri McAllan: Let me take the two parts of the question separately. Underpinning this whole answer is the fact that every public body in Scotland is part of our assessment of the landscape and has to be challenged and to challenge itself on its functions and how best it is working.

I talked previously about the sharing of estate, infrastructure and so on, and Historic Environment Scotland will have to consider its operations like anybody else. There are good examples of that already happening, which Jamie MacDougall might be able to elaborate on. Despite the well-documented problems that it has faced—I state our commitment to getting it back on a stable footing of governance—it has been undertaking public sector reform already, because there has been a shift in support from the Government versus what Historic Environment Scotland raises

in revenue. The balance has been shifting for it to be more self-sufficient, and that work is ongoing.

That is an example of how public service reform is already working in HES but, in relation to structure, my priority is for HES to get itself back to the excellent levels of governance and functioning that we expect and, indeed, that the employees of HES deserve to experience every day.

Jamie, do you want to say any more?

Jamie MacDougall (Scottish Government):

The agreement that we reached with HES a couple of years ago was that we would reduce by £2 million per year its grant in aid in return for financial flexibilities, and that has been working really well. This year is the first year when our grant in aid has been less than the commercial income that HES receives. I make it clear that, despite the well-publicised leadership issues, a lot of good work continues across HES.

We have just gone through a process of refreshing the board structure. We will shortly announce the appointment of five board members plus a new chair. We worked with HES to help it to find David Martin, who is a former local authority chief executive. He undertook a structured and fundamental review of leadership and governance at HES. The HES board has that report and is committed to implementing it, which includes a revised target operating model for the leadership structure in HES.

The last thing to note is that the cabinet secretary does not have the locus to interfere in employment matters in HES, which is why we are focusing specifically on getting in new board members to strengthen the governance and on working closely with HES as the board takes forward the implementation of the David Martin review, including the restructuring of the senior leadership cadre.

The Convener: I appreciate the important distinction that the Scottish Government does not interfere in individual employment matters, but the Government does have an overall responsibility for the organisation. Cabinet secretary, since taking on your current remit, have you reached a view not just about mistakes that may have been made on the internal governance of the organisation but about mistakes that may have been made by the Government in the run-up to what began as a bit of a bumpy road and ended up as a full-scale crisis for the organisation, which is still not resolved?

Màiri McAllan: On the point about a full-scale crisis, I emphasise what Jamie MacDougall said, which is that Historic Environment Scotland's workforce, with its duty to maintain and support our heritage throughout the country, has continued to

do that job throughout, albeit that I completely accept that there have been significant leadership and board-level problems, which are well documented and which I restate I accept were unacceptable.

Equally, in the Scottish Government, we have been clear that the gap in accountable officer, for which our sponsorship teams are responsible, ought to have been addressed sooner. That was made clear in the Audit Scotland report and in the internal HES review that Jamie spoke to.

Since coming into post, I have been concerned to make sure that we had an interim chair in Ronnie Hinds. I have been concerned to ensure that we have a process—it is under way—for recruitment of a permanent chair, that culture change skills are prominent in the advertising for and selection of the chair, and that the change of board members is done in an orderly manner. It remains my concern that an accountable officer should be in place at all times, and I will ensure that that is the case.

I am very clear about the challenges and have been working in the past few months to ensure that the structures are there so that recovery can happen.

10:45

The Convener: Members have a range of questions on issues throughout your portfolio, but I am keen that we first thoroughly explore the issues around HES. Keith Brown has a supplementary on that theme.

Keith Brown: I agree with all the points that the convener made about the governance issues, which are being addressed, as the cabinet secretary said. I think that the committee will come back to that in some detail in future. However, I will ask about something that has concerned me over recent years. I understand Mr MacDougall's point about HES responding to the reduction in grant in aid by increasing its contribution to its activities. However, for many years, there seems to have been a complete lack of enterprise or ability to exploit its assets.

One example of that is Clackmannan tower in my constituency. HES records that as open, but members of the public have not been able to get into it for years and cannot get into it today. I do not know how that qualifies as it being open. To be brutal about this, HES has so much at its disposal that it could monetise and exploit much more effectively by going after target audiences internationally and domestically, but that culture just does not seem to be there. Does the cabinet secretary agree? If so, are there any plans to try to address that issue?

Màiri McAllan: I begin by restating that there are serious governance problems. There are excellent staff, but we all know that leadership difficulties can create difficulties throughout an organisation. As I said to the convener, my priority has therefore been to ensure that the Government does everything that we can to get stability in leadership. I hope and expect that from that will flow exactly what Mr Brown is talking about: the optimum care for and perhaps not exploitation—that is not the right word—but advertising of our built heritage throughout Scotland and encouragement of our population to enjoy it.

I expect Historic Environment Scotland to work to ensure that the people of Scotland can enjoy, understand and learn from our heritage. We all know that, to get the optimum from that, we need to sort out leadership, structures and governance, and that is exactly what everything that I have been doing is intended to achieve.

I will be glad to engage on individual constituency-level issues, and I expect HES to do so as well.

Jamie MacDougall has indicated that he wants to come in.

Jamie MacDougall: I will add a couple of points. HES continues to do quite a lot of good work, but the leadership issues definitely take up capacity, and therefore HES has not developed some of the sites that Mr Brown talks about as quickly as we would like. That is partly why we are working so hard on those issues.

However, there have been a number of really good successes in HES. Last month, the First Minister was down in Kelso, where HES stonemasons have completely reworked Kelso abbey to allow it to open to the public again. Although that is not about monetising, the event was attended by practically the whole town. I was down there—the stonemasons have done an excellent job and the First Minister was really pleased with that.

A second example, which has perhaps not yet hit the committee, is that HES has agreed to operate a pilot places of worship scheme. Last year, the UK Government shut down the places of worship scheme, and we were faced with having no replacement funding for that. HES has agreed to take forward a pilot scheme from within its resources.

Those are two small examples of how, although there is definitely a lot of work still to be done at HES, there continues to be a lot of success.

The Convener: I suspect that everybody across the political spectrum will want to acknowledge the hard work of the workforce on the ground. Very often, it is people in those roles who are most let

down when there is a problem of leadership in an organisation. On the flipside, we absolutely should not allow good examples of work on the ground to deflect from or undermine the seriousness of the leadership and structural issues that remain to be resolved.

Jenny Young: I associate myself entirely with the convener's remarks. So often, it is the staff on the ground who are most hurt by such things, and it is a leadership issue.

Cabinet secretary, I welcome what you said about the steps that are being taken, but the fact remains that Historic Environment Scotland operated for nearly six months without an accountable officer. The Auditor General found "unacceptable weaknesses" in its governance, misuse of company credit cards and hospitality tickets and allegations of a "toxic workplace culture."

I am concerned, because HES is accountable to the Scottish Government. Could other bodies that are accountable to the Scottish Government be going under the radar and be in such a parlous state leadership-wise, because the Government is not doing enough to keep on top of them?

Màiri McAllan: Well, it ought not to happen again. We have sponsorship teams throughout Government that are the link and liaison between Government ministers and organisations. As you would expect, their job is restricted to the areas in which ministers have locus. In the case of Historic Environment Scotland, that means the chair, the board and their functions, as well as funding; it does not extend to employment matters, for example, in relation to the chief executive.

However, with the support of the Auditor General and the section 22 report that Audit Scotland produced, I have made it clear that the accountable officer issue was an error, and it has already been rectified. The Government learns from all such incidents. I cannot say that mistakes will never be made again, but I can say that we will work determinedly to learn every lesson and ensure that HES is back on a stable footing and that sponsorship teams across the Government learn from these issues, such as that involving the HES accountable officer, when they arise.

The fact is that the core of the issue arose within an organisation over which we have locus but not complete control. I have no control over certain aspects of it.

Jenny Young: I certainly welcome those comments. I think that a failure to spot that there was no accountable officer for six months is quite a fundamental issue.

The Convener: Senga Beresford has a question about public service reform that might

lead on from the previous one, and then we will move to other themes.

Senga Beresford: Your letter describes public service reform as being “about renewal, not reduction”, but the programme for government commits to substantially reducing the number of public bodies. How many public bodies will there be in the culture portfolio at the end of this parliamentary session, compared with today, and which statement from your party is true?

Màiri McAllan: It holds that every public body under a public service reform work programme will have to consider its functions and the extent to which it can improve its delivery for the people of Scotland, but it is also true to say that the process is about renewal, not just reduction.

There is a very clear example of that in the culture portfolio. We are going to make Screen Scotland an independent entity and take it out from Creative Scotland, where it has been. It has experienced considerable growth, and to allow it to flourish independently and reach the £1 billion of gross value added target by 2030 that we have set for it, it will become a separate and stand-alone body. That is about having an additional body, rather than making a reduction—it is a good example from culture of how public service reform is not only about reduction.

I cannot pre-empt anything that might be decided with regard to the number of bodies that will come out of the process of dialogue in which we are engaged.

The Convener: We will come on to issues related to the screen sector in a few minutes, but I want to bring in David Green, first of all, and then go back to Jenny Young on the NPCs.

David Green: Thanks, convener. I welcome you to your role, cabinet secretary.

In its manifesto, Culture Counts made the case for culture being key to achieving wider public outcomes. I know that you reflected on that in your opening remarks, but you will also probably have seen the front page of yesterday’s *Herald*, which features the submission from Culture Counts on public service reform.

Before I ask you to reflect on that, I just want to say that I agree with Culture Counts that the arts—and culture in particular—are incredibly important for wider outcomes, particularly wellbeing. Over the summer, I visited An Talla Solais in Ullapool, which does incredible work not just with local schools but in workshops with folk who have dementia and their carers. First, will you reflect on the importance of that sort of thing? How will the Government recognise and protect it?

The second part of my question comes back to the evidence that you provided to the committee prior to today, in which you say that

“everyone has an equal opportunity to get involved irrespective of background or where they live.”

I represent a very rural constituency. We will all have heard evidence that, when it comes to the arts and culture, geography is often a barrier. How will the Government address that issue? I am thinking in particular of aspects such as rural proofing.

Màiri McAllan: There was rather a lot in that question. I will try to take each issue in turn, but let me know if I do not cover any important parts.

First, I would absolutely reiterate from my perspective the link between art and culture and what they mean for our society. You mentioned examples in your area; I am utterly convinced of the role that arts and culture plays in bringing people together. It is about wellbeing—in this case, moving away from the highly digitised and sometimes acrimonious society that we live in; putting devices away and connecting with one another. It is part of the human condition, and it is important that we support it.

The second part of your question was on how we will continue to support that. I would point again to the commitment to increase culture funding by £100 million between the 2023-24 budget and the 2028-29 budget. With this year’s additional £20 million, we are £70 million into that £100 million commitment—and I would note that, in our manifesto, we committed to an additional £50 million by the end of the parliamentary session. That sort of trajectory of increased culture funding is unprecedented in recent times, and it is underpinned by better multi-annual certainty, allowing organisations to plan. As I said, I think, in my opening remarks, the number of bodies throughout Scotland that are supported multi-annually is more than double the number of grants previously offered.

The other really notable thing is the geographical spread. Communities throughout Scotland are being supported. However, I would like that to be better still, and I will look to prioritise the geographical spread of the support from Creative Scotland’s multi-annual funding.

David Green: That is excellent, cabinet secretary—thank you. I would encourage you, along with Government colleagues, to look more closely at rural proofing and ensure that it is reflected in the decisions that are made, particularly when it comes to spend.

I have a short follow-up question that takes another example from my constituency. Heritage is a side of the issue that we sometimes forget.

Over the summer, I visited volunteers from the incredibly exciting Caithness Broch Project. They want to build the first broch in more than 2,000 years, and it could absolutely be a destination point—a real anchor for getting people to the far north.

You can probably guess where my question is going. Given how exciting that project is, would you be willing, in your list of engagements, to come and visit the volunteers and see what they are doing and what support the Government can lend?

Màiri McAllan: Absolutely. I need no convincing to visit Caithness; in fact, I often say that Latheronwheel harbour is the closest place to heaven on earth, as far as I am concerned. I would therefore be very glad to make that visit.

I would extend that to the constituencies of all committee members. If members want to ask for some Government support for local projects, I am always pleased to engage on such matters.

The Convener: I am sure that there will be lots of take-up for that offer.

Jenny Young: My questions relate to the national performing companies. Your letter refers to the commitment to introducing a national performing company for traditional music, which I know will be welcomed both by the sector and more broadly, and it is certainly something that I would support. In January this year, however, the previous Finance and Public Administration Committee held an evidence session with the heads of the five existing national performing companies, as part of its budget scrutiny, and they expressed real concern that their budget had not been increased—since 2009, I believe that the evidence suggested—and they certainly saw no increase in the 2026-27 budget. I believe that, collectively, they receive around £24.6 million.

During that evidence session, there was also evidence on the GVA figures, and I note that there is a return of around £2.62 for every £1 invested by the Scottish Government in the national performing companies. That brings me back to your broader point about the huge value of culture in our society, for which there is certainly support around the table.

First, how do you foresee that working? You have talked about commitments to increase the broader culture budget. The 2026-27 budget provided Creative Scotland with a significant increase in its budget, which was obviously welcome, but where is the money coming from for an additional national performing company?

11:00

Màiri McAllan: You are right to highlight the excellent work that our national performing companies do across opera, ballet, theatre and the two orchestras. Between them, those companies are receiving almost £25 million of Scottish Government funding in 2026-27, and, by way of increases, they have shared an uplift of £1 million this financial year, following an uplift of £700,000 the previous year. That is an uplift of 9.4 per cent since 2023-24. However, future budget decisions have yet to be negotiated and discussed, and I will have the national performing companies in mind, along with the rest of the culture portfolio.

As for the second part of your question, on how the new traditional music company sits alongside that, I had a really excellent round-table meeting with sector leaders in traditional music, and, among many other things, we discussed funding. A series of funding streams supports music exports; the sector leaders were keen to know from me that this move would not take away from that funding, and I was able to confirm that it would not. Equally, though, next year's budget is a matter of negotiation, and I will confirm that to the committee once we get to that part of the year.

Jamie MacDougall: Perhaps I can clarify something. The uplift happened last year, not this year, so the performing companies had a flat cash settlement this year—

Jenny Young: Yes, that is what I said.

Jamie MacDougall: In an evidence session last year, the then cabinet secretary, Mr Robertson, committed to working with the companies on working through their requirements in more detail. I have undertaken deep dives with each of the companies to look into their finances, and I am due to give advice to the cabinet secretary very soon on the findings from that. We will, as per the commitment from Mr Robertson, be looking at next year's budget—that is, the budget for 2028-29—when we get the final £30 million of the £100 million, and we have said to all five companies that we will look to give them a more significant uplift as part of that.

What we are discussing with them in return is how we broaden their reach not just in their day-to-day performances, but in their work with schools and hospitals. The chief medical officer has been really struck by the strong link between culture, including the work of the performing companies, and social prescribing, patient improvement and so on. We are building this together, and although the picture is quite complicated, it is exciting to look at how we can join together the different parts of the cabinet secretary's portfolio and what the chief medical officer has started to say in his annual reports.

Màiri McAllan: I am sorry for the error, Jenny.

Jenny Young: No—that was helpful.

On 11 March 2026, your predecessor as culture secretary told the chamber:

“I am in favour of multiyear funding being delivered for the national performing companies.”—[*Official Report*, 11 March; c 3.]

I know that that is an ask from them, as it is, I am sure, from many organisations. The cabinet secretary then said that he supported that, although he was not really in a place to do anything about it at that stage, because the budget had already been passed. Can you say more about the Government’s position on multiyear funding for the national performing companies, including the new traditional music company?

Màiri McAllan: I have emphasised the need for increased funding and certainty, and I understand that that, in many ways, is the combination for success. That question has been part of the work that Jamie MacDougall has been doing, engaging with the NPCs, and, as he says, advice is due to be given to ministers on what is possible. Once I have made a decision on that, I will be very pleased to speak to the committee, but I will not pre-empt any decision today.

Jenny Young: That would be helpful. Thank you.

The Convener: I have a bid for a supplementary from David Green, and then we will come to Colin Beattie for questions on the screen sector.

David Green: We have five national performing companies—I am looking at the list right now—and four of them are based in the central belt. The fifth is the National Theatre of Scotland, which is famously a theatre without walls. I recognise that a consultation is happening now, but I imagine that a lot of my constituents would probably argue that the Highlands and Islands is very much the spiritual home for much of our traditional music. Would the Government be looking to explore the Highlands and Islands as the physical home for the new performing company?

Màiri McAllan: As you would imagine, those thoughts and proposals have already been coming to me, not least through the round-table discussion that I had, but also from the public, who, as you have said, feel that traditional music has a special resonance in the Highlands and Islands. I have not decided on the final form and structure of the proposed company, so I should not be too definitive about this, but I will certainly be mindful of locations as well as ensuring that Gaelic and Scots have equal parity with English within it.

Colin Beattie: I direct members to my entry in the register of interests as vice-chair of the

National Mining Museum Scotland. Cabinet secretary, I noted your offer to visit various sites—stand by for an invitation from the latter.

Anyway, I would like to talk a bit about Screen Scotland. At the moment, it is part of Creative Scotland, and I am wondering how well it is working, in your opinion. It is midway through its strategy period, which runs to 2030-31, and I wonder where you see it at this time.

Màiri McAllan: I am hurriedly looking through my pack of papers, because I have some excellent statistics on Screen Scotland and the growth that it has experienced since it was formed in 2018. What might at one point have seemed like a very—and rightly—ambitious goal of achieving £1 billion of GVA by 2030 is now possible and, with the right moves and the right support, can be realised.

I can give you some facts for the record. The “Economic Value of the Screen Sector in Scotland in 2023” report, which was published in 2025, shows the exceptional growth in Scotland’s film and television sector that I have just spoken to. It is set out in a number of ways, but I point out, for example, that employment in Scotland’s screen sector increased by 12.1 per cent between 2021 and 2023, and that GVA in Scotland’s screen sector increased by 14.5 per cent over the same period. That is really substantial growth, and it has been achieved in Screen Scotland.

However, I very much share the view that, for its next period of growth, Screen Scotland should stand alone and have the flexibility that comes with that. That is why creating the stand-alone body is one of my priorities in the portfolio.

Colin Beattie: The market has been changing substantially over the years, and it seems to go faster and faster. How well has Screen Scotland done at adapting to that new market, where there seems to have been an explosion in on-demand services? How is it coping with that?

Màiri McAllan: It is challenging. I had a really good conversation with my creative industries leadership group; it has representation from screen experts and from folks who understand content creation as a connected but separate issue, and we discussed issues such as the commissioning landscape—and funding from commissioning—being very different from what it was before, and the issue of intellectual property being all the more challenging in a modern landscape. I think that Screen Scotland has done a really good job at being nimble and seizing opportunities and, as I said, its being a stand-alone body will help us in that respect.

We have also been really adaptable, with, for example, the loss of the TV festival from Edinburgh. We, Screen Scotland and the

Edinburgh Festival Fringe Society were able to move quickly and make it clear that we were not going to go backwards or allow a vacuum to emerge. As a result, from next year, we will have a new screen industry festival to complement the other Edinburgh festivals.

I do not for a moment underestimate how changeable and complex the landscape is, but equally I think that Screen Scotland has been particularly good and nimble at navigating it, and I want to keep supporting it.

Colin Beattie: The “Independent Review of Creative Scotland” report recommended that Screen Scotland be split from Creative Scotland to allow it

“to operate at the pace required.”

That implies that it is not currently operating at the pace required. What significant change will be achieved by giving Screen Scotland a unique identity? What will be the point of the change?

Màiri McAllan: It has always been put to me that Screen Scotland is beginning to outgrow, if it has not already outgrown, the structure of being part of another organisation. Screen Scotland feels that, in order to enable it to take decisions at the pace that is needed and move with the nimbleness that I discussed, it must be a stand-alone organisation.

It is also worth noting that the wider review of Creative Scotland has made some substantial recommendations on how Creative Scotland could improve as an organisation by moving from being a grant-giving body to being a development body. That is probably quite telling in respect of some of what Screen Scotland needs to experience as a stand-alone body.

There is going to be quite considerable change, and we—you as the committee and I as the minister—will be grappling with that in the coming years. There will be change at Creative Scotland, including a change in the focus of what it does. I think that it is quite exciting to talk about Creative Scotland as a development agency, while equally allowing Screen Scotland, as a fledgling stand-alone organisation, to fly the nest—I have used that analogy a few times—and to flourish, and, we would hope, to meet the incredibly ambitious goal that has been set for 2030.

Colin Beattie: Will the change give Screen Scotland the opportunity to improve its funding sources?

Màiri McAllan: Scottish Government funding to Screen Scotland has certainly increased—again, like other budget decisions, that is a separate negotiation to be had. It provides flexibility in a range of ways, and I have great faith in Screen

Scotland that the organisation will seize the opportunities that it needs to.

It is also worth saying that Creative Scotland deserves significant credit for having supported Screen Scotland since 2018 and getting us to this place. Nevertheless, there is change across the board in respect of both bodies, so I hope that we can have more examples of industries such as screen growing at that pace—I am thinking about the games industry and others. That has certainly been part of my discussions with the creative industries leadership group.

Colin Beattie: It has been noted already that the change creates an extra body, when the push is to reduce the number of public bodies. However, I find it encouraging that public sector reform is not just a one-way track to slash and burn and that, where appropriate, entities are being created that will add value.

Màiri McAllan: That is right, and it underlines a point that the Government is forthright about: PSR is about outcomes for people in Scotland. It is about improving outcomes and reducing complexity, and making good things happen faster for people in Scotland. You are right that the Screen Scotland change is an example—as I said to Ms Beresford—of renewal rather than reduction.

The Convener: I have a brief supplementary about the games sector, which you mentioned in your previous answer. There has always been a bit of ambiguity around where it sits in Scotland. Creative Scotland and Screen Scotland have given the sector some support, but at other times it has been seen as an enterprise agency issue. The games industry is distinct from film and TV, but there is some overlap in the skills and facilities that are needed. Are you saying that support for the games sector will move, with support for film and TV, to Screen Scotland and that that is where it will sit in the new architecture? Do you foresee any further changes or different approaches being taken in that regard?

Màiri McAllan: I think that the games sector is still a stand-alone creative industry rather than formally sitting alongside Screen Scotland. When I talked about the sectors coming together, I was referring to the new festival.

It is right that, when we make a new international screen offer to sit alongside the other Edinburgh festivals, we should bring different industries together. The screen sector festival will not just work with games; it will also work with the book festival and the art festival to demonstrate the absolute best of differing art forms.

11:15

I am also absolutely clear that the games sector is a massive success for Scotland, and it can sit and be supported in the culture portfolio just as it can in the economy portfolio. I am meeting the Cabinet Secretary for Economy, Tourism and Transport this afternoon—forgive me if that is not the time; I have had a busy morning—to talk about the interplay between our portfolios and how we need to work together. The games sector and the other creative industries will be part of that.

The Convener: Will there be a lead Government agency for the games sector? Will that be Creative Scotland or Screen Scotland, or will the sector be considered part of the economy and enterprise portfolio?

Màiri McAllan: I certainly do not intend for it to be strictly within Screen Scotland—I think that it will come under Creative Scotland.

Jamie MacDougall: At the moment, the games sector is a mixed responsibility between Creative Scotland and Scottish Enterprise. We are considering legislative options for how to set up a distinct Screen Scotland regardless of whether the games sector fits within that remit. We will need to consult on and look at that. The Royal Scottish National Orchestra does a lot of film scores, but it also does a lot of game scores—the boundary between the two is increasingly blurred.

The Convener: We will certainly keep an eye on that.

The Government is committed to a bill on culture, although it is not a year 1 legislative commitment. Pauline Stafford has some questions in mind on that theme.

Pauline Stafford: I draw attention to my entry in the register of members' interests, which states that I am a sitting councillor on West Lothian Council and a former employee of the National Youth Choir of Scotland.

Welcome to your new role, cabinet secretary. You mentioned the interplay between portfolios. I have been asked this question several times, so I will ask you to give us a quick comment on your new cabinet secretary role and the interaction between education, culture and Gaelic. How might that interaction support the cultural aspects of that portfolio?

Màiri McAllan: It is undoubtedly a broad portfolio, and I am certainly feeling that this morning, having just been in front of the Education and Gaelic Committee. However, the synergies between education, culture and the languages, as I refer to the role—it covers Scots and British Sign Language as well as Gaelic—are obvious. Those synergies were obvious from the start, and I am

increasingly creating and looking for opportunities to bring each area together.

When I was appointed, I said that the areas in the portfolio are a precious combination of our past and our future. There is no better articulation of our future than our education system, while culture and languages help us to understand our past and forge our future. I consider the portfolio to be very broad but interlinked.

Pauline Stafford: That is great to hear.

As the convener said, I want to pick up on something that was not explicitly in the programme for government—at least, it was not in the legislative programme for this year—which is a culture and arts bill. What are the Government's intentions regarding the timing of that bill? Do you have any ideas about the content that such a bill might include and how its timing will fit within the wider programme of public sector reform, preventative spend and local government reform? When in this parliamentary session will be the best time for the bill to come?

Màiri McAllan: The commitment is intentionally that we will consult on the content of a culture bill by the end of this parliamentary session. That is, very deliberately, a commitment that spans the whole five-year term. Equally, although I know that there are organisations that have certain views on what could usefully be included in the bill, I do not have a predetermined view of what exactly that is. I view the bill as an opportunity to spend the next however many years, in all the engagement that I have with the committee, stakeholders and the Parliament, looking for and shaping the ways in which legislation is required to move forward with our objectives in the culture portfolio.

We do not need primary legislation to do a lot of what I want to do in this parliamentary session. Equally, in the coming years, I will look for the key objectives that require a primary legislative vehicle and gather those into a potential bill.

Pauline Stafford: That is helpful. I will ask about culture in its other sense. How do we perceive the value of culture and arts in society? You touched on that point at the beginning of the evidence session.

The programme for government talks about reforming the structures of local government. Within that, do you see a role for reviewing the delivery of art and culture through a local lens, using local government? Is there an opportunity to do that? At the moment, there is no statutory obligation on the authorities; all they have to do is provide adequate access to culture, and that ambiguity makes things really difficult, especially when budgets are under pressure. The risk, as a result, is that we lose the local connection. Is there

any point in the review where the culture aspect could be brought in?

Màiri McAllan: I appreciate that you will have particular insights into this, given the interest that you have declared, and I would extend that to other committee members who might have views, as I consider the bill and what needs to be done.

We could legislate for a requirement to recognise the value of culture or to provide it in a certain way locally, but in advance of that I can also use the multi-annual funding and the increases in funding to provide support for organisations across the country, with a large geographical spread. That is practical support that can be given now, in advance of any legislation being changed.

That said, I am conscious that local authorities feel under pressure when it comes to their cultural assets and the provision of culture. With regard to public sector reform in local government, the PFG, as you will see, talks about a three-month period of intensive dialogue on its future; that has to offer an opportunity in the culture space to work better across boundaries, share resources better and enhance the cultural offering across Scotland. However, I do not have any predetermined view on how we do that.

Pauline Stafford: Going back to a couple of David Green's points, I would say that culture is a very underutilised tool in delivering wider public benefits. You mentioned some of the work with the national performing companies on exploring a wider remit for them, but is any other work going on in that field, given the focus on preventative spend and the role of culture in that?

Màiri McAllan: Absolutely. I might ask Jamie MacDougall to say a bit more about what the chief medical officer has been working on, but one of the great things about this job is that, every day, you get to see examples of how people across the country are bringing culture and wellbeing together. David Green mentioned examples in his area; just the other day, I was at Dundee Contemporary Arts, hearing about a class that it has been running for 22 years now to help patients manage chronic pain.

Given that this Government is trying to support wellbeing and quality of life for everybody in our communities, I cannot thank organisations enough for providing such things with longevity and for the really relational support that they offer. That particular approach came directly from relationships with the national health service, so we are, again, talking about services working together for the benefit of the people of Scotland.

There are loads of examples of the sort of thing that you have asked about happening already, and

I am very keen for public service reform to have social prescribing, cultural prescribing et cetera as part of what we all know is a really important approach to wellbeing in our communities.

Jamie MacDougall: In his annual report, the chief medical officer says:

"Crucially, arts organisations should be viewed as public health assets: they foster connection, meaning, identity and joy and support mental and physical wellbeing. Making creative experiences accessible at scale requires cross sector collaboration to embed art and culture into everyday life and Scotland's wider public health approach."

In fact, we are talking to the chief medical officer about how we can build those links. It is still early days, but he has said to me that he is increasingly seeing the benefit of such an approach.

We are also looking actively at connections with other parts of the cabinet secretary's portfolio. For example, in culture, we fund youth music through Sistema Scotland and the youth music initiative, and we are in discussions particularly with the RSNO about how we might be able to expand that offering. Again, it is still early days, and I am yet to put together advice on the matter, but we are working with our education colleagues on it. With the new ability that exists through online tools, there is a willingness in the RSNO and other national performing companies to look at how they can extend their expertise potentially into schools and other areas. It is really exciting stuff, and we are actively exploring all those different avenues.

Màiri McAllan: Just as it does in wellbeing, culture has a hugely important part to play in community cohesion, particularly now. We talked about the separateness that we can experience as humans behind screens, losing connection from one another and an understanding of people in different cultures. That work, and all the wonderful people who are delivering it throughout Scotland, can help to overcome a lot of that.

The Convener: I have a quick follow-up and then Keith Brown has a question. I am keen to pin down and fully understand what you have said about the timing of a culture and arts bill. The SNP's manifesto uses the phrase,

"consult to develop a Culture and Arts Bill",

and talks about that happening

"By the end of the next parliament"—

that is, this session of Parliament. Some people might have read that and thought that it means the development of a bill during this session, rather than only consultation. Is the Government open to having a bill pass in this session, if consensus emerges in the sector about what is needed in it?

Màiri McAllan: I am open minded on that. Our commitment deliberately does not say that a bill

will be passed in this session. What is important to me is to ensure that the quality and the necessity of what comes forward will be in it, among all our other priorities in this session. As I say, I am collecting ideas. I have a preference for moving ahead with things that we can do now but, where a piece of primary legislation is absolutely required, we will be able to develop that as well. I cannot say for sure whether that bill will be passed in this session. It will depend on content and timing.

The Convener: We will certainly be keen to hear from the wider sector about the appetite and momentum and for seeing progress on that.

Keith Brown: It is probably true to say that, over time, the committee will become more aware of the difference between the situation for culture and that for other parts of Government, because the £100 million increase with a £50 million increase on top is pretty unusual for Government functions. It is different compared with what happened before the £100 million kicked in and with what happened in other parts of the UK. It is a pretty strong position.

As always, we have heard a fair bit of special pleading today. We have heard it from performing companies and you will hear it from various festivals and from rural Scotland. Previously, we have heard it from people representing the northern isles. However, it is true to say that figures from the Government and the previous cabinet secretary showed that the lowest expenditure was in Clackmannanshire. I am trying to think whether that was expenditure generally or just from Creative Scotland, but it was roughly—in fact, exactly—zero.

The need in Clackmannanshire is just as great as it is anywhere else. It is a semi-rural area. I have tried not to do special pleading on that, but I will add my voice to those others to say that coming to see an organisation such as Resonate Together in Clackmannanshire would be a good move to let you see for yourself what the landscape is like.

I will move on to my substantial point. I do not know whether this is exactly one for Screen Scotland, but you will be aware of the decision by the BBC to end “River City”. That has ended a source of employment for indigenous talent, such as sound technicians, camera folk, writers and actors. That constant presence was vital to the ecosystem of creative arts in Scotland, and it strikes me that the availability of such talent is probably quite important to people such as Netflix and Paramount when they are considering locating productions here.

I imagine that the Scottish Government would not want to be in the business of trying to ensure that there is a baseline of talent here, but working

with Screen Scotland and others towards that aim could pay huge dividends. We already see huge success with movies being shot in Scotland, but having more substantial productions would be a huge benefit as well. Is that on your radar?

Màiri McAllan: Yes—absolutely. Again, there are a few important points in there.

On expenditure, those decisions are for Creative Scotland and I do not take day-to-day involvement in them. However, as far as I am concerned, there is no reason why one area should have no investment. I talked about my desire to see geographical spread. To the extent that you have not already raised that with Creative Scotland, I will ask it about that.

On the BBC and screen infrastructure, I regret “River City” being cancelled, exactly for the reasons that you set out. I have listened to some of the actors who were involved in it talking about how much development went on across all the skills that are required, including acting, producing, costume and writing, and how that transformed things in Scotland over the period for which the programme ran. Therefore, I do not think that it should have gone.

11:30

Happily, however, we have other productions that are based in Scotland and that are garnering that talent. If we think about “Outlander” and “Dept Q”, which has just got a second season, as well as “An t-Eilean”, the Gaelic drama, we can see that we are starting to build that presence. That is positive, and I want it to grow. However, the BBC has a responsibility to commission programming so that people in Scotland can turn on their TV or radio and see and hear content that reflects their lives, so I will certainly put that case to the BBC.

Keith Brown: I will just say in conclusion that I raised that point about zero expenditure with the previous cabinet secretary and with Creative Scotland directly.

Every member of our predecessor committee made the point very forcefully to the BBC that it was losing by cutting “River City”, not least because of the point that you have just made about people hearing productions in their own voice. I do not dispute what you say about “Outlander” and other productions, but that permanency and baseline were absolutely crucial. If we want to attract other productions, including the ones that you mentioned such as “Dept Q”, which will be extended over time, that permanency is really important. Thank you for the answer.

The Convener: I think that we have one outstanding question from Senga Beresford. Was it on measuring outcomes from spend?

Senga Beresford: I do not think so.

The Convener: Maybe it was captured earlier.

In that case, I have one final question, although I know that we have overrun by a minute or two. You will be aware of the significant concern in Glasgow about the future of the former Centre for Contemporary Arts building at 350 Sauchiehall Street. I am conscious that the decision on that is not signed off by the cabinet secretary and that it sits with Creative Scotland's board. However, the public finance manual for the Scottish Government sets out that, even when an asset is deemed surplus and is being disposed of for that reason, consideration should be given to ensuring public benefit in the transfer, or to transferring it within the Scottish public sector.

Given that everyone accepts that the premises are not actually surplus to requirements and that the issue is simply that Creative Scotland does not want to be the landlord any more, do you and the Scottish Government understand why there is such a strong public expectation that the asset should remain in the public sector rather than be privatised?

Màiri McAllan: I understand the concerns about the Third Eye Centre and CCA, in respect of both the building and the archive. I have been actively engaged with the issue for a while. I was seeking daily updates from Creative Scotland on it, such is my understanding of people's concerns.

I will deal with the concerns separately. You will, I hope, have seen yesterday that we confirmed that the archive has now been purchased for the public. My intention was that it be held together and made available for the public. That was very important, and I am glad that we have achieved that, so I thank Glasgow Life and Creative Scotland for their work on that.

On the building, my objective is to see it reopened and contributing to the arts and cultural scene in the west of Scotland, as it has done for decades. For it to be used to do that, Creative Scotland has to seek expressions of interest from those who wish to lease or buy it. Creative Scotland was explicit that it is seeking expressions of interest in leasing or buying.

Creative Scotland then has to examine those expressions to see who could viably run the building while reflecting its true importance in the cultural scene. That work is ongoing. From my perspective, I want it to continue, because I want the building to be used, but what it is used for is important to me, and I have made that clear to Creative Scotland.

The Convener: There is a recognition that there will be a very different reaction publicly if that future is private rather than public.

Màiri McAllan: The individuals and groups who care deeply about the CCA are well organised and are doing a good job of making clear their views. As cabinet secretary, I am listening, and I expect Creative Scotland to do so as well.

The Convener: I thank you, cabinet secretary, and your officials for joining us. I appreciate that we have overrun by a few minutes, and I am grateful for your time.

We now move into private session. We have a few final items on the agenda, but they will be taken in private.

11:34

Meeting continued in private until 12:10.

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