

Conveners Group

9th Meeting, 2023 (Session 6), Wednesday 22 November 2023

Meeting with Minister for Parliamentary Business

Introduction

1. The Minister for Parliamentary Business has been invited to attend the meeting to discuss issues relating to the management of parliamentary business.
2. This paper sets out some issues that Conveners may wish to raise with the Minister. These are based on issues that have either been raised by committees or have come up during consideration of other matters as part of the Group's strategic priorities.
3. The paper is intended to provide a framework for discussion but does not preclude Conveners from raising other issues with the Minister.

Current issues

Legislative workload

4. Conveners will be aware of the forthcoming legislative workload of their committees. This meeting provides the opportunity to raise any concerns in this area. In particular the balance of referred work against the need for committees to be able to initiate their own inquiry work.
5. The need for realistic timetables to be agreed is also vital in order to allow for effective scrutiny of legislation. This challenge and any possible ways in which to resolve these are matters which the Group may wish to explore with the Minister.
6. **Conveners may wish to take the opportunity to raise any legislation timetabling issues with the Minister.**

LCMs

Context

7. The Group has previously considered the management of LCMs. In particular, issues around the timetabling for LCMs, with a significant number of them missing the lodging deadline set out in standing orders. This has in turn impacted on the time available for committees to scrutinise legislation.

8. The Group has written previously to the Minister seeking possible solutions to address this concern. It was also raised at the Group's previous meeting with the Minister in March.
9. While accepting that LCMs are complex and often require discussion and negotiation between Governments, the Group noted that an LCM could still be lodged in order to allow committee scrutiny to commence. If necessary, a supplementary LCM could be lodged once negotiations and discussions were concluded.
10. The Minister has advised that there are situations where it is not always possible to meet the lodging deadline due to late notice of consent proposals from the UK Government. In those circumstances a letter of explanation is sent to the Presiding Officer. In his view that approach remained satisfactory if the Scottish Government expected to be able to lodge an LC Memorandum quickly thereafter.
11. However, he agreed to look into the option of lodging an "interim" LCM to enable the relevant committee to begin its scrutiny if a more significant delay was anticipated.

Current situation

12. The table attached in Annexe A sets out the position with LCMs for the period March to October 2023. It shows that 6 of the 15 LCMs and supplementary LCMs lodged in the period March to October met the lodging deadline set out in Standing Orders.
13. In some cases, LCMs have been referred directly to the chamber (the cases where standing orders have been suspended).
14. **The Conveners Group may wish to explore with the Minister any issues committees have been experiencing with the time available to scrutinise LCMs.**

Post-EU scrutiny

15. The Group will recall that Ministers have agreed to provide information on the impact of the Scottish Government's commitment to align with EU law on Scottish legislative proposals.
16. Scottish Government officials are required to consider if legislative proposals are likely to impact on the Scottish Government's policy to maintain alignment with the EU, and if so if this will assist further alignment or result in divergence, and the reasons why. The conclusions reached will be shared in the relevant Policy Memorandum, Policy Note or LCM.
17. The Group will note its previous decision to build in a review of the progress being made in delivering these new scrutiny arrangements and has asked officials to take this forward and report back.

18. **The Group may wish to seek an initial update from the Minister on how the new agreement is bedding in from a Scottish Government perspective.**

Post-legislative scrutiny

19. The Group has agreed a number of recommendations in order to encourage an increase in the amount of post-legislative scrutiny (PLS) being undertaken by committees. A working group of parliamentary officials has been established to drive forward this work.
20. Members will be aware that at some points PLS inquiries may lead to recommendations for legislative change to be made to any Acts reviewed.
21. The Programme for Government remains a matter for the SG. However, the Group may wish to invite the Minister to commit his officials to working with the PLS working group to explore options for ensuring relevant recommendations for legislative change are considered.
22. **Conveners may wish to seek the Minister's support for engagement between parliamentary and government officials to consider ways to bring forward legislative change arising for post-legislative scrutiny.**

Net Zero Scrutiny

23. In the context of its net zero strategic priority, there are a number of issues the Group may wish to explore with the Minister around the scrutiny of the Scottish Government in this area.

Climate Change Plan timing

24. The Cabinet Secretary has confirmed in [correspondence with the NZET committee](#) that the publication of the Climate Change Plan will be delayed. This is due to "The UK Government's unprecedented and unexpected decision to renege or roll back on their net zero commitments, including those already announced and accounted for by the Scottish Government" together with "the uncertain economic outlook for the UK as a whole and the constraints of devolution placed upon us" that it was "regrettably no longer possible to do so by our own November deadline, we will continue to progress in line with statutory deadlines."
25. **The Group may wish to explore with the Minister the decision-making process behind the delay in publication of the climate change plan, including the impact of this decision on the Scottish Government's ability to meet its climate targets as well as the ability of the Parliament to scrutinise this.**

Cross-government collaboration and policy coherence

26. The Public Audit Committee wrote to the NZET Committee on [6 November](#) to provide information that would support its forthcoming scrutiny of the draft Climate Change Plan. In its letter, the Committee set out the key issues arising from their scrutiny of the AGS's report on [How the Scottish Government is set up](#)

[to deliver climate change goals](#) and its scrutiny of the Major Capital Projects and Programmes (MCP), falling under the “Enabling the transition to Net Zero emissions and environmental sustainability” theme of the Scottish Government’s Infrastructure Investment Plan.

27. PAC noted the progress that has been made to strengthen cross-government collaboration by making changes to climate change governance arrangements. However, it highlighted the comments made by the AGS during evidence that “there are some gaps, and some collaboration is happening, but there is a lot of work still to undertake” and that there is a need for greater transparency.
28. **The Group may wish to explore with the Minister what work is being done to support greater cross-government collaboration and policy coherence on climate change and net zero.**

People’s Panel on section 91 of the Climate Change (Scotland) Act 2009

29. In [October 2023](#), Conveners Group agreed to a People’s Panel on Section 91 of the Climate Change (Scotland) Act 2009, as part of the Group’s strategic priority on participation, diversity and inclusion. The People’s Panel will be making recommendations on the following question (to be confirmed by the stewarding board):

“The Scottish Government has a legal responsibility to inform the public about climate change targets and encourage public involvement in achieving these targets. How aware are you of the climate change targets? What should the Scottish Government be doing to engage the public in meeting Scotland’s climate change targets?”

30. The Scottish Government last published an updated [Public Engagement Strategy](#) in September 2021. In correspondence with the [NZET Committee](#) regarding progress against the Scottish Government’s climate commitments and the 2021 Public Engagement Strategy, the [Cabinet Secretary for Transport, Net Zero and Just Transition responded on 24 July 2023](#). In this she outlined progress and the SG’s approach to monitoring and evaluation. She noted that the Scottish Government will conduct an interim review of the strategy in 2024 and that more information will be available after the review has concluded.
31. **The Group is invited to raise this with the Minister. In particular whether the Government will support the work of the People’s Panel by:**
- **ensuring access to the data and evaluation that the Government has undertaken or commissioned in relation to its Public Engagement Strategy for Climate Change, and**
 - **taking the findings into account as part of its interim review of the public engagement strategy.**

Recommendation

- 32. The Conveners Group is invited to consider raising these issues with the Minister for Parliamentary Business.**

**Conveners Group clerking team
November 2023**

Annexe A

LCM and Supplementary LCM tracker: March 2023 to October 2023

| LCM ref number | Title of Westminster Bill | Date Bill introduced | Date LCM lodged | Date amendments lodged ⁱ | Date supp LCM lodged | Within 2-week window | Lead Committee |
|----------------|--|----------------------|-----------------|-------------------------------------|----------------------|----------------------|--|
| LCM-S6-34 | Powers of Attorney Bill | 15-Jun-2022 | 16-Mar-2023 | | | N | Health, Social Care and Sport Committee |
| LCM-S6-36 | Data Protection and Digital Information (No. 2) Bill | 18-Jul-2022 | 15-May-2023 | | | N | Economy and Fair Work Committee |
| LCM-S6-36a | Data Protection and Digital Information (No. 2) Bill | | | ≈ 23 May 2023 | 14-Sep-2023 | N | Economy and Fair Work Committee |
| LCM-S6-35 | Economic Crime and Corporate Transparency Bill | 22-Sep-2022 | 05-May-2023 | | | N | Criminal Justice Committee |
| LCM-S6-35a | Economic Crime and Corporate Transparency Bill | | | ≈ 16 June 2023 | 19-Jun-2023 | Y | Criminal Justice Committee |
| LCM-S6-35b | Economic Crime and Corporate Transparency Bill | | | ≈ 4 July 2023 | 24-Oct-2023 | N | Standing Orders suspended |
| LCM-S6-37 | Electronic Trade Documents Bill | 12-Oct-2022 | 16-May-2023 | | | N | Economy and Fair Work Committee |
| LCM-S6-37a | Electronic Trade Documents Bill | | | 07-Jun-2023 | 13-Jun-2023 | Y | Economy and Fair Work Committee |
| LCM-S6-29a | Retained EU Law (Revocation and Reform) Bill | | | ≈ 15 May 2023 | 24-May-2023 | Y | Constitution, Europe, External Affairs and Culture Committee |
| LCM-S6-18a | Online Safety Bill | | | ≈ 18 May 2023 | 01-Jun-2023 | Y | Criminal Justice Committee |
| LCM-S6-27a | Northern Ireland Troubles (Legacy and Reconciliation) Bill | | | ≈ 8 June 2023 | 16-Jun-2023 | Y | Criminal Justice Committee |

| | | | | | | | |
|------------|--|-------------|-------------|-------------|-------------|---|--|
| LCM-S6-27b | Northern Ireland Troubles (Legacy and Reconciliation) Bill | | | Jul-2023 | 04-Sep-2023 | N | Standing Orders suspended |
| LCM-S6-38 | Economic Activity of Public Bodies (Overseas Matters) Bill | 19-Jun-2023 | 19-Jul-2023 | | | N | Economy and Fair Work Committee |
| LCM-S6-26b | Energy Bill | | | 31-Aug-2023 | 21-Sep-2023 | N | Net Zero, Energy and Transport Committee |
| LCM-S6-23a | Levelling-Up and Regeneration Bill | | | 28-Sep-2023 | 11-Oct-2023 | Y | Standing Orders suspended |

ⁱ ≈ amendment lodging dates are approximate