



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE

Thursday 10 September 2015

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STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE
12th Meeting 2015, Session 4

CONVENER

*Stewart Stevenson (Banffshire and Buchan Coast) (SNP)

COMMITTEE MEMBERS

*George Adam (Paisley) (SNP)

*Cameron Buchanan (Lothian) (Con)

*Mary Fee (West Scotland) (Lab)

*Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab)

Gil Paterson (Clydebank and Milngavie) (SNP)

*Dave Thompson (Skye, Lochaber and Badenoch) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Kenneth Gibson (Cunninghame North) (SNP)

Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP)

CLERK TO THE COMMITTEE

Gillian Baxendine

Alison Walker

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Standards, Procedures and Public Appointments Committee

Thursday 10 September 2015

[The Convener opened the meeting at 09:30]

Interests

The Convener (Stewart Stevenson): I welcome members to the 12th meeting in 2015 of the Standards, Procedures and Public Appointments Committee. As usual, I remind everyone present to switch off mobile phones, as they can affect the broadcasting system.

Agenda item 1 is a declaration of interests. We have a new member because Margaret McDougall, our deputy convener, has moved on to pastures new. I express our collective thanks to her for her contribution. I welcome Mary Fee to the committee and invite her to declare any relevant interests.

Mary Fee (West Scotland) (Lab): Thank you, convener. I have no relevant interests to declare. Further to that declaration, I refer the committee to my entry in the register of members' interests.

Deputy Convener

09:31

The Convener: Item 2 is the selection of the deputy convener. The Parliament has agreed that only members of the Scottish Labour Party are eligible for nomination as the committee's deputy convener. That being the case, I invite nominations for the position of deputy convener.

Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab): I nominate Mary Fee.

The Convener: A nomination has been made, and there is no need for a second. I take it that you accept the nomination, Mary?

Mary Fee: I do.

Mary Fee was chosen as deputy convener.

The Convener: I congratulate Mary on joining us on the committee, and I look forward to delegating a significant amount of work to her in due course. *[Laughter.]*

Decisions on Taking Business in Private

09:32

The Convener: Item 3 is for the committee to decide whether to take in private items 8, 9 and 10. Item 8 is the Scottish Government's response to the committee's correspondence on the proposed lobbying bill, item 9 is consideration of the evidence heard at this meeting on our inquiry into committee reform and item 10 is consideration of a paper on consolidation bills. Do members agree to take those items in private?

Members *indicated agreement.*

The Convener: Item 4 is for the committee to decide whether its consideration of the evidence heard on its inquiry into committee reform should be taken in private at future meetings. Do members agree to take that in private?

Members *indicated agreement.*

Committee Reform

09:33

The Convener: Item 5 is an evidence session on our inquiry into committee reform. We have, unfortunately, received apologies from Murdo Fraser and Iain Gray. I welcome the committee conveners Kenneth Gibson MSP and Christina McKelvie MSP.

As no member has indicated a wish to ask the first question, I will kick off with an open question. Is there anything in relation to the operation of committees that you wish to draw to our attention for our consideration? Do you have any proposals for change? We will start with Christina McKelvie.

Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP): Thank you for inviting me to take part in your inquiry, convener. We have had a number of discussions over the past few months about how committees should function. I am the convener of the European and External Relations Committee. We meet on a Thursday morning, which is my first issue. Because we meet then, we have to condense the meeting so that members can be in the chamber in time to meet the deadline for general questions.

One of our discussion threads was about committees possibly meeting at the same time as plenary meetings of the Parliament, which would remove some workload pressures. Some members of my committee are also members of other committees that meet on Thursday mornings. That means that, if we want to meet more often than the usual one meeting a fortnight, facilitating that can be quite difficult. Therefore, having the flexibility to have a committee meeting on Thursday afternoon would be very helpful indeed.

On the general running of my committee, I have three Scottish National Party members, two Labour members and a Conservative member. We are about to do work on an inquiry that I think would be extremely interesting for Liberal Democrat and Green members of the Parliament, so it is important for me to ensure that some of the information from our inquiry gets to those other political parties in the Parliament. Again, though, it might be difficult to get members of those parties along to our meeting if they are on committees that meet at the same time as ours, so that continues to be the problem. I am keen on scrutinising whether we can have more flexibility in when committees meet and how that could be resourced, because I understand the challenges that such flexibility would impose.

That is my opening salvo.

The Convener: Before I go to Kenneth Gibson, I will just test your point about having committee meetings when Parliament is sitting. Could some plenary business suitably overlap with committee business? I do not advocate this, but I suggest that committee business could overlap with members' business debates, because of course no decisions are made by Parliament after such debates and there might therefore be fewer implications from such an overlap.

Christina McKelvie: I agree with you on that. One of the parliamentary constraints that we have is that a stage 3 debate that includes consideration of amendments is obviously a no-go area in terms of having other business at the same time. However, a debate that requires no decision by Parliament is a different matter. We are sometimes lucky on Thursday mornings, because none of our committee members has a question for general question time in the chamber. However, a committee could be stripped of one, two or three members on a Thursday morning for that reason, which means that the committee business must be wrapped up in time to allow them to leave or prepare for general question time.

The Convener: I take your point, as I have a question at general question time this morning.

Patricia Ferguson: I have a follow-up question on something that Christina McKelvie said. My committee meets on a Thursday morning, too, so we are very alive to the problem of the Thursday morning plenary session. Would a solution to that be a change in the Parliament's sitting pattern? We never used to have plenary sessions every afternoon, as we do now. I wonder whether we could resolve the problem that a number of committees now have by not necessarily reverting to the same sitting pattern as previously but having a different sitting pattern from the current one.

Christina McKelvie: This is my second session as an MSP, so I had a session when Parliament did not sit on a Tuesday afternoon. I was a member of a committee that met on a Tuesday afternoon, and it seems to me now that I was able to prepare for its meetings much better than for other committee meetings. For example, the European and External Relations Committee generally starts its work at 8.45 for pre-meetings and such, so it is an early start for members.

I agree with Patricia Ferguson that a change in Parliament's sitting pattern could help. On what the best formulation for that would be, we had lots of conversations about the issue before we changed to having a plenary session on a Tuesday afternoon. It is difficult to change the sitting pattern. I note that it has been proposed to try having committee meetings on a Monday afternoon, but I would be resistant to that. No

doubt like Patricia Ferguson, I usually spend all my Mondays and Fridays covering constituency work from first thing in the morning to whenever a community council meeting or public meeting takes place in the evening. That would make it difficult for us to have committee meetings on Monday afternoons.

No doubt better people than me will come up with a different formulation for when committees should meet, but I think that the change to the Parliament's sitting pattern has put more pressure on committees, especially those that meet on Thursday mornings.

Mary Fee: Patricia Ferguson has asked what I was going to ask about the Parliament sitting pattern and the impact of the three plenary afternoons. My other question is about the timing of committee meetings. You talk about the pressure on committees and the timing of committees. I, too, used to convene a committee on a Thursday morning so I absolutely know the pressures that you are under. Having committees that sit at the same time as Parliament causes problems as well. What plenary business is it okay not to be present for? Do you think that the idea of having committee meetings in the evenings would gather favour? There are a lot of events on in here at night that a lot of MSPs attend. Perhaps we should look at having committee meetings in the evenings.

Christina McKelvie: No doubt we are all overextended when it comes to the cross-party groups that we sit on. I tend to think that maybe there are too many CPGs. Perhaps a bit of work on that is needed. I completely understand that, when people have an issue, they want to have a CPG on it, but there are a lot of competing CPGs, events and receptions.

I generally host something every other week and a big part of that is due to being the convener of the European and External Relations Committee. There will be a European event in this place or around the corner in the European Parliament office or up at the university. A few times a month, I do events in the evening that are linked to being a committee convener as well. I am maybe not the best person to say that I have free time in the evening to be able to sit down and have a committee meeting, because I have those other events. It is the normal process of being the convener of that specific committee that causes that pressure.

I was on a committee in the first session that once sat—with the Presiding Officer's permission—through Parliament in the afternoon and we sat into the evening as well. We also came in during the summer recess to finish a report. That flexibility is there, but it is difficult to get everybody round the table.

The Convener: I have two further requests from members to contribute, but I am going to defer them because I really want to bring in Kenneth Gibson. I do not want to open up the discussion without having heard from Kenneth.

Kenneth Gibson (Cunninghame North) (SNP): That is fine. I would just like to comment on some of the points—

The Convener: I just add that I am perfectly happy for there to be an interplay between the two conveners, if that helps us to understand the issues.

Kenneth Gibson: First, my position is clear: I was one of only two MSPs who did not vote for the Parliament to have plenary sessions on a Tuesday, because I think that we need to spend more time engaging with constituents. Therefore, I am automatically against any meetings on a Monday or a Friday and I would be happy for the Parliament to go back to its previous sitting pattern, because I think that a lot of plenary sessions are unnecessary. A lot of filling goes on in between bills.

Certainly, I am totally against committees meeting at the same time as Parliament, because members should not have to make a choice between going to the committee or going to a members' business debate that may be of specific interest to them, let alone something of importance in the chamber. I am against that idea.

I am afraid that I am against evening meetings, too, simply because I think that one of the Parliament's great strengths is its engagement with civic Scotland. I went to two events last night. A lot of people say to me that it is very different engaging with MSPs and ministers here as opposed to MPs and ministers in Westminster, for example. We do not want to damage that engagement and I think that evening meetings would certainly do that.

It is a really difficult issue, because there is a lot that we need to do and there is only a limited amount of time to do it. However, I would certainly prefer it the way it was before, with Parliament meeting on a Wednesday and a Thursday afternoon. There was a wee bit more flexibility then. That is my view on those particular issues.

The Convener: Do you have anything else that you want to say at this stage?

Kenneth Gibson: Yes. Where do I start? There is a vast amount that we could cover.

First, in relation to how committees are organised, there is a lot of responsibility on the convener to ensure that the committee runs effectively. That includes things such as making sure that members turn up on time and do not wander off in the middle of sessions. I do not allow

electronic devices, because I think that it is a discourtesy to witnesses, but other conveners have a different view. It is important that all committee members get full rein to ask questions and that—where possible—decisions are made on a collegiate basis.

In my committee, we have a specific issue because we get all the financial memorandums, which can often be like buses—we do not get one for a couple of months and then they all come at once. Timetabling is always an issue. We are not always in command of our timetable, of course. For example, the new four-year spending review will not be produced until November, so we will unfortunately have a truncated budget process.

09:45

What that means for the way in which the Finance Committee works is that we do not have as much time to do things that we have found useful in the past, such as our inquiries into demography and preventative spend, both of which had strong cross-party input and support. We will have less time for that in the future, because we will be discussing not just how we spend money but how we raise it. There is concern that we are not able to flex our muscles, so to speak.

Another area that we want to look at is post-legislative scrutiny. A bill is introduced, and the Scottish Government will come along to the Finance Committee and say, "We think this piece of legislation will cost £10 million a year, and we will fund local government for £10 million." The Convention of Scottish Local Authorities then comes along and says, "Well, we think it's going to cost £40 million." Who is right and who is wrong?

We take evidence, and occasionally, as you will know, we have sent financial memorandums back when we have not been happy with them. However, the only way that we can see who is right and who is wrong in that Dutch auction is for us to have the time to carry out post-legislative scrutiny. We can say, "Look—who is accurate here? Why were the others not accurate? What can we do differently in future?"

That takes me on to another issue. The departmental structure of Government has changed markedly since 2007 and ministers are, at least in theory, supposed to work in a cross-cutting way rather than focusing on their own specific agendas. However, I am not convinced that the scrutiny function of committees has necessarily changed to match that.

There must be more scrutiny not just of what we will do over the year in terms of spending but of what has happened in terms of outcomes. That relates not just to the area that I have spoken

about already but to issues such as whether a policy represents value for money. Was it the correct way to spend money, or could we have got a better result from spending money elsewhere?

The difficulties are always time pressure, resource pressure and prioritisation. Our committee's concern is that we have less flexibility because of the new devolved powers than we have had before.

The Convener: Cameron Buchanan and Dave Thompson have signalled that they want to come in, but I have a question first. On the specific issue of having enough time to scrutinise the financial memoranda that the Finance Committee has to deal with, does the Parliament have enough information available to it when it makes decisions about timetabling for bills? It is that timetabling that either creates for or denies your committee adequate time to do what you have to do.

Kenneth Gibson: I think that we do, in fact. For example, a couple of times in the past year I have said, "I am sorry, but we do not have time to scrutinise this effectively; you will just have to delay the process until such time as we can look at it." Ministers have said, "Okay—fair enough," and they have been able to do that.

With a financial memorandum, we put out a call for evidence. Sometimes, we will get a lot of detailed evidence from a lot of stakeholders, and we try—as other committees do—to take evidence across a range of views. Sometimes, however, the responses are pretty anaemic, and I will consult other members on whether we should even take evidence at all. It may be a complete waste of time, perhaps because the money involved is minimal—sometimes only a few thousand pounds—or because there is no one who is either desperately for or against what has been proposed. With other bills, however, we take detailed evidence and try to get as wide a spread of opinion as possible on a particular issue.

Christina McKelvie: Can I come in on that point, convener? Kenneth Gibson talked about financial memorandums and the issues that they can cause for his committee. There is an added dimension for my committee. If a European Union directive is flagged up as a subsidiarity issue, one of the challenges is that Westminster now waits until very late in the day. It has an eight or nine-week period in which to respond to the EU on those matters.

Recently, we had a directive on the free movement of workers. It had been delayed at Westminster, which then thought that there was a subsidiarity issue with it. The directive came to the Scottish Government and then to me as the European and External Relations Committee convener later that evening. I had to call a quick

meeting of the committee to consider it. As it turned out, there was not actually a subsidiarity issue, but we had to ensure that we reported back to the Westminster committee, which then had to report back to the European Commission.

If something like that comes along, my committee needs the flexibility to meet on an ad hoc basis. In that instance, we managed to get all but one member round the table to deal with that very important and pressing issue.

Mary Fee: I have a specific question for Kenneth Gibson. Last week, we discussed briefly the issue of sub-committees; you will know that there is a Justice Sub-Committee on Policing at present. I have a number of concerns about how sub-committees would work, what their make-up would be, how they would be seen to be undertaking correct scrutiny and how they would be accountable to their committee.

Although I do not want to give the impression that I would rank any committee as being more important than another, given the specifics of your committee and the type of work and scrutiny that it undertakes and will continue to undertake—the level of work will only increase—I am interested in hearing your views on sub-committees and how they would work.

Kenneth Gibson: I am not much keen on sub-committees. We have only seven members on the Finance Committee and, given the importance of budget scrutiny, we want to have as big an input as possible from as many members as possible.

We have had sub-committees going out on various visits to different areas—for example, as part of our employability inquiry. We send groups of two members, who are always from different parties.

We are going to the Basque Country later this year to look at its fiscal framework relative to Spain. The process of setting a date for that visit is being held up because I want to ensure that the three members who will go will represent three political parties. One of the members is having difficulties with dates, so we may have to change the date of the visit.

If we are going to have sub-committees, it should be only as a last resort. If we do, there must be good cross-party involvement. I am resistant to the idea generally, given the committee's wider remit, simply because everybody, at all levels, wants some input on the budget process.

My committee is now taking evidence on the Scottish rate of income tax. We have never done that before, because it is a new tax. We decided yesterday that we would hear evidence from four panels, which means holding four sessions that

we would never have had to find time for previously. Obviously, that squeezes our other business. We have to take evidence on the SRIT from everyone—from civic Scotland and the trade unions to business and informed members of the public. It is all about trying to squeeze a quart into a pint pot and making things efficient.

The first thing that I did as Finance Committee convener was to move the committee's meeting time from Tuesday to Wednesday, to maximise the turnout of members. Not all members can come on a Tuesday morning if they have constituency business on a Monday night. Being able to hold a committee meeting on a Wednesday—which not every committee can do, because apart from anything else there are not enough rooms—certainly is an advantage.

The Convener: I will bring in the two members who indicated that they want to speak. I thank them for their forbearance. Cameron Buchanan can go first.

Cameron Buchanan (Lothian) (Con): We discussed at last week's meeting the idea that Tuesday afternoons should perhaps be for members' business debates. I rather agree that there are too many debates that are unnecessary—I have to be careful about what I call them, so let us put it that way. There are repetitive debates on subjects that we do not really need to debate, just to fill the time. I wonder whether we could make Tuesday afternoons members' business debate time and allow committees to meet in parallel with that.

There was also a sensible suggestion that First Minister's questions be moved to 2 pm on a Thursday so that committees are not constrained—as we are this morning—to finish at 11.30. It would also be sensible to use the chamber time more effectively with regard to stage 3 debates, because I find them baffling.

Kenneth Gibson: Moving FMQs is an excellent idea. A lot of people come to the Parliament from far and wide and it is difficult for them to get here and get through the sausage machine at the front door early enough to get into question time. That has caused difficulties for people from my constituency, which is not the furthest away. I do not see any reason why it would not be a good idea to move FMQs; we have portfolio questions on a Wednesday at 2 o'clock and that seems to work quite well.

Cameron Buchanan: The timing of FMQs was moved to 12 o'clock for the press, apparently. I do not think that we should worry about that, to be frank.

Kenneth Gibson: I am of the same view as you—I do not think that we should.

I am also not convinced that the topical questions session has been a particular success, to be honest. If something is to be moved, or even removed, topical questions should be the first to go. I would like to see the time for general questions extended beyond 20 minutes to 30 minutes. I am sure that we would all like to see FMQs extended as well, to give more back benchers time to come in. Scheduling FMQs later on a Thursday is an excellent idea.

The Convener: I say to colleagues that we are considering committees and—

Kenneth Gibson: Exactly. That is the limitation.

The Convener: Although the timing of FMQs touches on committees.

Kenneth Gibson: It touches on Thursday morning committees. Moving FMQs would give more flexibility.

The Convener: I am not intending to shut down anyone trying to get something on that issue on the record; I am just saying that we need to be careful to remember what we are trying to do.

Cameron Buchanan: What if we say that we are trying to give more time for committees on Thursdays?

The Convener: Cameron, I was quite content with your contribution. I am just saying that we have a big enough subject without trying to involve all of Parliament in the inquiry.

Kenneth Gibson: To be fair to Cameron Buchanan, everything that is done impacts on committees because it impacts on their flexibility over when and for how long they can meet. His suggestion would free up a lot of time on Thursdays.

The Convener: It is not my intention to shut down coverage of more general issues.

I will bring in Dave Thompson, who has been waiting patiently.

Kenneth Gibson: That is not like him.

The Convener: It is very unlike him.

Dave Thompson (Skye, Lochaber and Badenoch) (SNP): I thought that I would make an exception for today, convener.

I agree with a lot that Cameron Buchanan said. Having sat on a Thursday morning committee for quite a lot of time and been a convener of one, I am sympathetic to the issues around their timing. Moving FMQs to after lunch time would certainly free up a lot of time for committees.

We will have to consider the number of committees and their remits, especially with some additional powers coming to the Parliament. Some

of those powers might be allocated to committees that meet on a Thursday morning so, by definition, they will need more time. Therefore, we need to create more time on a Thursday morning and the only way that we can do that is to move FMQs.

I do not agree with Kenneth Gibson on topical questions. They have been useful—not every week, granted, but often there have been meaty subjects that have allowed many MSPs to come in with supplementaries. That was a major change, because normally a member gets one supplementary question during portfolio questions and general questions. The innovation with topicals is that a member can come back with at least two supplementaries and other folk can come in as well. There is value in that.

I am not convinced about general questions on Thursdays, to be honest. We could have topicals and generals running from 2 o'clock on Mondays. There could be preset space for general questions and topical ones. *[Interruption.]* Did I say Mondays? I meant Tuesdays. I saw arrows flying from members' eyes.

Christina McKelvie: There is no patience with you, Dave.

Dave Thompson: None at all.

That change would give members the ability to lodge a very late topical question and allow us to have general questions, if we want them to continue. We would have those questions on Tuesdays, portfolio questions on Wednesdays and FMQs on Thursdays. We could increase the time for each of those question sessions if we wished and reduce the time for debates to run from round about 3 o'clock to 5 o'clock, with the proviso that any debate could run on into the evening if it was necessary. Debates have run on into the evening on numerous occasions. We can run on until 6, 7 or even 8 o'clock.

By adjusting what we do now, we can create a lot more space for committees and more sensible times for plenary debates. Increasing the time for members to ask questions and for more supplementary questions is a really good idea, because that is where members can really put ministers, including the First Minister, under pressure. That broad approach would be useful.

The Convener: Let us not forget emergency questions, although it might be worth revisiting the rules on them. It is possible to get multiple supplementaries—that has happened, although it is exceptional. I have caught the Presiding Officer's eye and had a second supplementary. That happened about 10 years ago.

10:00

Christina McKelvie: I have an add-on to my point about committees meeting during parliamentary sitting time. We recently met, via videoconference, the Houses of the Oireachtas Joint Committee on European Union Affairs. We were told that the committees there meet during parliamentary sitting time. During that meeting, committee members had to get up four or five times to go and vote. I suppose that some of the legislation that was going through their Parliament at the time lent itself to those interruptions. Such interruptions would be a pitfall to consider if we are thinking about a similar approach. What would happen if, for example, there was an emergency question, vote or statement?

The big elephant in the room is whether we have enough members in this Parliament to facilitate committees. That is not something on which I am going to take a position. It is a tough question to agree on. We have 129 members, but once we take out the Presiding Officer, the ministers and the party spokespeople we are left with a small number of members.

On Kenneth Gibson's point about sub-committees, I would be worried about whether we could ensure the right cross-party element, whether there would be enough members to facilitate them and whether they could function. The other side of the coin is that the facilitation of lots of sub-committees would need lots of clerks and background support. We would need to take that into account.

Dave Thompson had some ideas about questions. I am not sure about topical questions, although I like the format used for them. I like the idea of being given additional time to ask more questions. Maybe some questions could be tailored a bit better. I do not know about that; I ramble anyway, so I am perhaps not the best person to give advice.

The crux of the issue is how we formulate each afternoon's sitting times to work better so that committees have more flexibility.

Patricia Ferguson: I am conscious that we want to hear from our colleagues who are not on the committee. I will make a couple of points and then ask a couple of questions. First, Cameron Buchanan was absolutely right to say that the start of FMQs was changed to satisfy the timings of the press. In addition, general questions came immediately before FMQs, so FMQs happened even later. In a sense, FMQs gives a focus to general questions and makes them feel a bit livelier because, with more people in the gallery, there is more of an atmosphere. That is a good thing, so I would quite like that session to be extended.

In the beginning, we did not have portfolio question time. That was established because we wanted to focus on individual portfolios. In those sessions, and probably in general questions, too, the member who is asking the question should have the ability to ask two or three supplementaries and an additional question.

I am not keen on topical question time; I do not think that it is great. However, I am keen for us to be able to question ministers and the Government more than we currently do. I would have said that when we were in government, too. That would be a good thing. However, we are all conscious that the public think that we do not do much at all. If they thought that we were just asking questions and not debating meaty issues, there could be a problem. There is a balance to be had.

The question sessions are pretty important. Kenneth Gibson was right to say that a lot of debates feel like fillers and are not necessary—we raised that last week. Cameron Buchanan used trenchant words to say about that last week, too.

I am sorry, but I am not keen on Dave Thompson's suggestion about meeting into the evenings. Enough goes on anyway. We try to be family friendly. As we rehearsed last week, that can only ever work for those of us who live in the central belt.

Almost every night, I go back to my constituency to a meeting or I go to something else. If I can do that, that is a good thing. I do not want to be sitting in plenary sessions into the evening. That is not good or helpful, and people lose their focus in the chamber after a while. Stage 3 is the prime example. Does anyone know what we are doing at stage 3? Only the people who have been directly concerned with the bill in one way or another do.

I genuinely want to ask our colleagues some questions. The idea that there should be more MSPs has been raised with the committee. It is interesting that nobody wants to advocate that—I include myself in that.

Kenneth Gibson: I think—

Patricia Ferguson: I am sorry, Kenny. I want to provoke a response from you, so I am grateful to you for responding.

Perhaps that matter needs to be considered.

Another interesting idea that was raised last week—again, I am playing devil's advocate—was that we curtail the number of bills that can be taken in a parliamentary session. I do not know what that number would be curtailed to; I think that the average number of bills every year is 12. Maybe that needs to be looked at. However, if the number was curtailed—I am slightly contradicting myself—there would have to be a bit of weighting, because we know that more bills necessarily go to

the Justice Committee, for example, than to other committees. How that breaks down might have to be looked at.

I am genuinely interested in hearing colleagues' thoughts on those two things.

The Convener: The Presiding Officer has, with reasonable cause, been somewhat exercised by the fact that we have had only one committee bill in this session—our Interests of Members of the Scottish Parliament (Amendment) Bill, which had a narrow purpose. Perhaps that is an issue.

I put to colleagues another thing that comes out of what has been said, which is not really a committee matter. Given that members get to ask questions by ballot, does that prevent or inhibit those who are informed about justice, for example, from asking questions at justice question time, or make it difficult for them to do so, as their name has to come out of the hat?

Patricia Ferguson: We all have an interest in justice, and I do not think that only members with such an interest should be able to ask questions or even have the majority of questions. However, if a party has more back benchers than other parties have, the opportunity for members of that party to be called is probably decreased.

The Convener: The random selection means that that should not happen.

Patricia Ferguson: Yes, but there is no weighting. That is just something else.

The Convener: I went 15 months without my name ever coming out of a hat.

Patricia Ferguson: I have had that, too. I found one thing difficult. I was a spokesperson and I did not get called to ask a question in the areas for which I had responsibility for 13 months. In such a situation, a person has to rely on someone else having an issue that they can piggyback on if they want to raise a burning issue via an oral question. I do not know whether there needs to be a mechanism for spokespersons to question the Government. However, that is digressing.

The Convener: I just thought that I would throw in a point in light of what was being said.

Kenneth Gibson: On the number of members, I seem to remember a young radical by the name of Dave Thompson being pilloried in the press for suggesting an additional number of MSPs. I think that he was the first one to put his head above the parapet.

George Adam (Paisley) (SNP): He has not been seen since.

Kenneth Gibson: He was metaphorically decapitated for that.

This is about how we do our jobs. The state of Israel has a population of 8 million, and there are only 120 members of the Knesset. They are all elected through a list system and they do not have constituents. They spend their time just dealing with policy and legislation. Regardless of what people think about that country's policies, that is how its Parliament is structured.

We have a totally different system, and we have an issue. Even though I am the convener of the Finance Committee, for example, at least three quarters of my working week is spent dealing with constituency matters. That includes all day Saturday, all day Sunday, Mondays, Fridays and during the day when I am not in debates. This is the third committee meeting in a row that I have been to, and I have had to defer speaking in debates for the past two afternoons because I have had so much constituency work to deal with. That is an issue that we have. The more accessible we are, the more people are likely to come to us than to others.

I was a list member in the first session. I always thought that the balance could be taken up by list members perhaps doing more on the committee side than first-past-the-post members, but that is another issue.

I am not in favour of curtailing the number of bills, simply because I think that the people who would lose out would be individual members. Anne McTaggart has a bill on organ transplantation, which I support, and it has taken a while to get through the sausage machine. I worry that members would not be able to get bills through. That takes a ridiculous amount of time as it is; the process could be expedited rather than the number being curtailed.

I mentioned topical questions in the context of freeing up time for committees, which is what this discussion is about. A lot of people do not submit topical questions because they hope to get a question to the First Minister. It would be better to have 45 minutes for First Minister's question time, with five or six back-bench members asking questions. Last week, the Presiding Officer said that she would take more questions from back benchers, but I had an important constituency issue to ask about and I was not called. Only two back benchers were called: Murdo Fraser, on the back of one of the other three questions—

Patricia Ferguson: I was called.

Kenneth Gibson: Yes—sorry. You were called, too—you were the third person. The first person was David Torrance, and he was the only person who was called to address a constituency matter.

Clearly, we are not getting enough time for constituency members. I know that the Presiding Officer is always trying to get the party leaders and

the First Minister to hog question time less than they do, but that will not happen. If we had to get rid of topical questions to give us an extra 15 minutes for questions to the First Minister, that would be fine. That would give us complete flexibility on a Tuesday for committees and, if we had First Minister's question time on Thursday at 2 o'clock, that would give us the whole of Thursday morning as well. That is the way forward, with plenary sessions on Wednesday and Thursday afternoons.

The Convener: I note that the Australians have a seven-minute limit on questions. Whether the discussion is finished or not, the guillotine comes down after seven minutes and the next question is taken.

Patricia Ferguson: I throw in the fact that the Irish interrogate their First Minister every sitting day.

The Convener: They have virtually no members in the chamber when they do it.

Patricia Ferguson: I was not suggesting curtailing members' bills; I would like to give them more resources. I am talking about curtailing Government bills, with the provision that emergency legislation should still be allowed to go through.

We should not forget that there is a members' business debate at lunch time on a Thursday as well.

The Convener: Indeed.

Dave Thompson: Do not forget that, before we moved to Tuesday afternoon plenary sessions, we had a plenary session on a Thursday morning. We cannot just do away with Tuesday afternoon's plenary and keep Thursday mornings for committees. We would have to fit in the plenary session on Wednesday mornings or Thursday mornings.

I think that the opportunity to have plenary sessions earlier in the week, on a Tuesday, and to have ministerial statements and big debates then, is valuable. I do not want to lose that.

We can adjust the system to give us more time for committees. I like the idea of having the Tuesday afternoon plenary sessions available for ministerial statements, but I also like the idea of having three members' business debates that afternoon. Those debates last for about 40 minutes each—

The Convener: Can you make your comments relevant to committees, please?

Dave Thompson: I am talking about making time available.

The Convener: It would be good if you could link things together.

Dave Thompson: My proposal would allow us to have those debates on a Tuesday afternoon and, because there are no votes on those debates, to have committees meeting at the same time. By definition, members' business debates are promulgated by members. If a member did not want to be in the chamber on a Tuesday afternoon, they would not lodge a motion for a members' business debate.

The definition of topical questions could be broadened to allow more questions on a Tuesday, including real topical questions. Questions to the First Minister could be extended and moved, which would give the space that is needed.

The Convener: You are being naughty. You just saved it at the end.

Mary Fee: I have a specific question about how committees plan their inquiries. At the beginning of an inquiry, are committees focused enough on what they want the outcome of the inquiry to be? Is the correct amount of planning going into that, to ensure that committees are not having evidence session after evidence session and simply gathering the same sort of evidence? Should more be done at the start to ensure that inquiries are more sharply focused?

10:15

Kenneth Gibson: That is an excellent question. We tend to have an away day in the summer to look at our work programme in detail before coming back from the recess. We schedule meetings for dates when we know we will be considering, for example, financial memoranda or, indeed, the budget process, but we have flexible dates for other meetings. However, the Finance Committee is committed to doing its work efficiently, which means that when we have a mountain of evidence to take, we tend to take it from people whose views diverge on an issue. For example, we often have people who have differing views on an evidence panel because we want to get a wee bit of interaction and debate.

However, the important thing is to focus on what we want as the outcome of any inquiry—that is the right thing to do. The last thing that we want is to be droning on about the same issue week after week. We do not have the time for that anyway, but we would not spend time on an inquiry if we did not believe that it would ultimately make a difference.

There is always a balance to be struck between engaging stakeholders and ensuring that we do not overdo consideration of an issue. We have round-table discussions as well as straightforward

witness statements. However, it is important to recognise that a committee cannot work on a week-to-week basis. The Finance Committee clerks are excellent, but even with the best clerks, a committee must have a long-term structure for its work programme and must know how much time it will have available. For example, two months down the line, the Government might throw a wee hand grenade in the committee's direction by asking us to come up with something out of the blue, as happened last winter with the Community Charge Debt (Scotland) Bill. On that occasion, we told the Government that we were sorry but there had to be time for public engagement and consultation on the bill, so a bill that was going to be introduced before Christmas was put back into the new year.

A committee must have flexibility in its work programme but there is no point in working just for the sake of it. For example, the Finance Committee will sometimes do a three or four-hour shift, but sometimes we will do only 90 minutes because we are not going to work just for the sake of it.

Mary Fee: Do you think that a lot of that comes down to the strength of the convener?

Kenneth Gibson: The convener obviously has a major role to play. For example, when we consider a financial memorandum, I will look at all the written evidence that has been submitted after a call for evidence and then decide whether we should take oral evidence or just send the evidence that we have received en masse to the lead committee. I will then ask the committee whether it agrees with my decision. Committee members will also have copies of the written submissions, so they could disagree with me and say that we should take oral evidence, for example. So far, during the past four and a half years, committee members have not disagreed with me about that. When I have suggested that we take oral evidence, they have always agreed with that; and when I have suggested that we do not, they have agreed. That is partly because of the support for our decisions that we get from the clerks, but the convener has a major role to play in all that.

Christina McKelvie: On Mary Fee's question, one of the perverse results of having a very tight timetable is that the European and External Relations Committee has had to become quite fleet of foot. We have a rapporteur system and find that a lot of European issues also feed into other committees' work, so we know that we must address that. We plan to put out calls for written evidence as early as possible and we create tight criteria for our questions. We undertake pre-planning, but some things just come in suddenly and we need to deal with them.

One of the challenges for Thursday morning meetings is getting witnesses around the table for an 8.45, 8.55 or 9 am start. It is sometimes difficult to get witnesses to Edinburgh and around the committee table in time, especially for some of the topics that the committee deals with. I often have to sign off expenses to fly somebody in from somewhere in Europe, for example, for a bit of committee work, but we also use a lot of videoconferencing. So, we are a bit more fleet of foot and conditioned to be careful in our planning.

We started an inquiry on connecting Scotland to a more globalised world, but I had to sit down with the clerks the other day and decide to kick it into the long grass because we now have work to do following the UK Government's announcement on the repeal of the Human Rights Act 1998. My committee will consider that in relation to the European convention on human rights because the Justice Committee has no space in its work programme to do that. We need to scrutinise any proposed repeal of the 1998 act and any proposed British bill of rights and the impact that they could have on the functions of the Scottish Parliament and the Scotland Act 1998, which set up the Scottish Parliament. There is also the EU referendum to consider. It would be impossible for my committee not to react to such issues and not to do the required scrutiny, but it means that we have had to push aside other work, some of which is quite important, such as that on the transatlantic trade and investment partnership and the challenges around European structural funds.

A lot of the work that we do involves direct letters to ministers or organisations, getting feedback to specific questions and then using that to formulate a report. The option of getting enough people around a table at a decent enough frequency to be able to create a report is just not there for us; we have had to use other options to be able to do a report.

George Adam: I—

The Convener: Just a wee second—we are 50 minutes into the meeting. I am minded to let the discussion continue for another 25 minutes, which would take us to quarter to eleven. Does anyone have other obligations? I am getting a faint indication that they might.

Christina McKelvie: Yes, I have something else that I need to be at.

The Convener: We can be flexible, but we have to bring the discussion to a conclusion at some point. Cameron Buchanan, George Adam and Ken Gibson all want to come in. Cameron Buchanan will go first.

Cameron Buchanan: I came into the Parliament late, from a business background, and I have found it to be very different. I have had to

get used to certain things such as the repetitive debates. Notwithstanding that, I think that the committees are the most valuable part of Parliament. I find committees very useful and very good. They, rather than the formal debates, are where we really get into the meat of issues.

The committees should absolutely not meet at the same time as the chamber; it would be disastrous because members would have to choose and the choice might be made for them by the committee convener or by their party whips, which is not right.

My second point is that conveners should be paid extra in recognition of their role; that is vital.

As regards topical questions, it is difficult to define what is topical. I have noticed that some of the questions under that heading are not really topical and that is a problem. I do not have a solution for that but that is my opinion on it.

George Adam: When we are talking about the scrutiny of the subject matter that committees are dealing with, in the limited time that I have been here, I have noticed that there seems to be a group of professional witnesses who do the rounds and take up an awful lot of committee time.

Quite frankly, on a few occasions, I could write a submission for those witnesses because I know what they are going to say; it is almost a bit of a pantomime when we are dealing with them. Should we perhaps look at how we deal with that?

I understand the problem because if we try to do something different, the clerks have difficulty in getting people to come to the Parliament to give evidence. However, could we not make that process better and get a wee bit more from it?

On topical questions, I agree with Kenneth Gibson that if I have anything to raise, I will go for a question in FMQs. There is no way that I am going to use topical questions because I do not see that as a vehicle that will get my constituency matter out there.

FMQs are not perfect. If you are going to create a new democracy, why would you take the most aggressive part of the Westminster system and stick it into your new democracy? It is a three-ring circus but we could make it work by making it longer. Perhaps we could follow the topical questions model in FMQs, so there is a chance to go back and forth and get a bit of a discussion going instead of the current situation.

The only difference between us and Westminster is that when it comes to FMQs, we do not have the two sword-lengths' distance between us but it is almost the same kind of environment.

Topical questions have not been so successful. Perhaps it would be good to amend FMQs to give us more time to develop ideas.

My main issue with committees is the fact that we seem to have a group of professional witnesses who do the rounds and I do not know how that benefits us.

Christina McKelvie: I have a list of “not the usual suspects” to call as witnesses and then if I run out of “not the usual suspects”, we go for the usual suspects. I decided to do that when I became the convener because I felt that the same people were saying the same things around the table every other week and we wanted to hear from different, new and emerging voices and maybe get some good discourse going on. I have a list and I say to my clerks, “Find me not the usual suspects,” then we work back from there.

Mary Fee: One of the things that we discussed last week was what Parliament can pay advisers to come to give evidence. I think that that is one of the things that limits the people who come. I absolutely agree that there is almost a list of usual suspects when it comes to people who come but the big issue is what the Parliament pays.

Christina McKelvie: It is poor—very poor.

Mary Fee: Should we look to pay more to get the best people to come to give us evidence?

Christina McKelvie: The Welsh Assembly pays its advisers about a quarter or maybe a third more than we do.

Kenneth Gibson: That is an important point. Obviously to be adviser to the Finance Committee is considered in some places to be a prestigious appointment but if the people who would be interested in that have other commitments, the pittance that is paid will not attract them.

Our committee has been lucky—we have had some great advisers. There is not one for which I do not have the highest regard. However, we will not necessarily be in the same position in the future, as there is a fairly narrow pool to choose from.

George Adam raised the important issue of professional witnesses. When I took over as convener of the Finance Committee, it was the same old same old. Whenever we undertook budget scrutiny, all we got was folk coming along and saying, “Gie us more money.” I would say, “So where should we take the money from?” and they would say, “Oh, that’s nothing to do wi’ me—ask somebody else.”

We are not interested in that kind of situation. If people do not have any ideas about how we can equalise the budget with regard to their portfolio or particular area of interest, they do not come to the

committee any more. We try to cast our net more widely, and I have to say that we have not had any real difficulty in getting witnesses in. The witnesses are not chosen on the basis of who submits the evidence but on the quality of their evidence.

It is important that the committee members trust the convener. I have tried to develop trust among members—for example, I do not truncate what people are saying, or decide for how long they get to speak. I try to be as robust as is necessary with my own party’s ministers. The clerk commented yesterday that senior civil servants now come along to speak to financial memoranda, whereas previously it was junior ministers who came along, because they now know that if they do not know their stuff they will get turned over by the committee. It is our duty to look at the public purse and ensure that money is spent wisely, and to probe and ask questions.

The clerks have said that scrutiny is now the most robust that it has been since 1999. It is very important that all committees and all parties take the role of committees seriously, and that conveners take their role seriously. We cannot have patsy conveners of any political colour who will not ask a difficult question because they think that it might embarrass a colleague. If I do not ask a question, I expect someone else to ask it. We have a duty to the Parliament and to the wider Scottish public, so that is very important.

I have said to the members of my committee that if they have any issues or concerns, or if they want to know more about the process, they should feel free to come to me or to speak to the clerks, who are not my clerks but the clerks to the committee. For example, if someone is a bit unsure about how one aspect of committee business works, they are quite free to visit the clerks. They do not have to tell me that they are doing it—they can go along any time they like and have a private meeting with the clerks to talk about things. Trust is very important in the running of a committee.

The Convener: That leads us to an important area that we have not given as much time to as we might have done: the question of conveners in the round. An issue has been raised by Cameron Buchanan—and it has come up previously—with regard to whether conveners should have some remuneration associated with their role.

It has been suggested that convenership should be an alternative career structure for members as they develop their parliamentary careers, as distinct from the ministerial role, which is the only such structure at present. Of course, we have already established the principle of paying for some positions, as we pay for the Presiding Officer and the Deputy Presiding Officers.

I am not just asking about pay, however. Should we develop ways for conveners to gain greater status? How could we do that? I see that Dave Thompson is desperately signalling that he wants to comment on that.

Dave Thompson: As someone who is standing down as an MSP next May, I have no personal axe to grind. I have been a committee convener, and I think that the status of conveners needs to be increased. Their status is good at the moment, but it should be even higher.

One way of doing that is through payment. It does not have to be a large payment, but it should recognise that a lot of extra work is involved in convening a committee. A lot of stuff goes on outside the committee in which the convener has to be involved and for which they have responsibility.

We also need to look at the related issue of how conveners are appointed and elected. Those two issues need to be teased out. If we are going to hold Government to account properly, which is really important—I am speaking as a member of the governing party but it applies to all Governments—we must have strong and independent-minded conveners if at all possible. Our inquiry should focus quite a bit on that.

10:30

Kenneth Gibson: I will mention remuneration. The conveners do more work and have more responsibility and more stress than other members of the Parliament. You could say that I have a vested interest, but I might not be a convener after the next election if I am re-elected. It is odd that conveners are remunerated in local government but not in the Scottish Parliament. The issue was debated in the Parliament some years ago, but people now realise that there is additional work and additional responsibility. The fact that conveners are not able to spend as much time on constituency work and debates is also an issue.

The Conveners Group has wrestled—to no avail, to be honest—with how conveners are appointed. There is no consensus on the issue, so we will have to continue to deliberate it to see whether we can come up with a system on which we can agree. The Government and the political parties appoint spokespeople and their own conveners. There is nothing particularly wrong with that system, provided that conveners realise that, once they are in that position, their responsibility is first to the committee and secondly to the wider Parliament. It is certainly not to the Government.

The Convener: It is interesting that, in formal terms, only the convener or the committee can remove the convener from office.

Mary Fee: I absolutely agree that conveners should be given an additional payment. As well as having a bigger workload, they have a huge responsibility. We should never forget that one of the founding principles of the Parliament was that the committees did the work, so conveners have a huge responsibility to drive forward the Parliament's business. Therefore, a payment should be attached to that, which would elevate the status of the role.

When I was a convener, the Conveners Group discussed whether it should have the ability to call the Government to give evidence to it. That was done once. That, too, elevates conveners' status. Perhaps the Conveners Group should be able to call Government ministers or the First Minister to give evidence to it more often.

Kenneth Gibson: The First Minister has agreed to come whenever the Conveners Group asks her to. She will come to give evidence later this year. In fact, in the last Parliament, the Prime Minister suggested that he would be willing to come to give evidence to the Conveners Group, too. I have been trying for about a year now to get agreement on when we could do that. The Conservative convener is not opposed—he is happy with the idea—but one or two other conveners are not so keen.

We met First Minister Salmond for about an hour two years ago and First Minister Sturgeon for an hour and a half last year, and I think that we are looking to make such meetings more often than annual. The First Minister has agreed to answer questions specifically on the programme for government as it affects our individual committees, but I see no reason why she cannot answer questions on further issues, and my understanding is that she agrees. It is a matter of the Conveners Group asking her along and she seems quite willing to come.

The Convener: Should committees have a role in the appointment of ministers by having confirmation hearings before appointment as other jurisdictions do?

Christina McKelvie: No.

Cameron Buchanan: I do not think so.

Kenneth Gibson: No, the Government has to do it.

The Convener: That is a pretty unanimous thumbs down.

Patricia Ferguson: The Parliament and the Government have to be separate.

Kenneth Gibson: Exactly.

Patricia Ferguson: That separation must be jealously guarded.

The Convener: However, the Parliament appoints the ministers. Sorry, Parliament—

Patricia Ferguson: Appoints the First Minister's nominees.

The Convener: It approves people as being suitable for ministerial appointment. I think that that is the correct way of putting it.

Christina McKelvie: We have not voted against anyone.

The Convener: Yes, there have been votes against people. I speak personally. There was one in 2007, but it was simply to allow the Opposition parties to participate in the debate. That was the real reason; it was not to oppose any individual.

Patricia Ferguson: Cabinet secretaries have to go to the Court of Session and be approved by whoever—technically, the Queen, I think.

The Convener: The Queen approves even junior ministers, but not via the Court of Session.

Patricia Ferguson: The Queen approves them, but they do not have to go to the Court of Session.

The First Minister used to go to the Conveners Group regularly—I think that that used to happen twice a year. That should happen, but I am not sure that that approach should be extended to cabinet secretaries or ministers, as I am not sure what the purpose of that would be. Surely it is the committees to which they should be accountable.

Kenneth Gibson: Absolutely—my view is that it is the committees that ministers are accountable to. I do not think that the Conveners Group wants to or should take evidence from anyone other than the First Minister.

The Convener: Okay. We are in the final 10 minutes. Did George Adam catch my eye?

George Adam: No.

The Convener: Okay. That is fair enough—asking a question is not compulsory.

Is there anything in particular on our little list that we have not touched on at all? There is an issue that we have not directly referred to, although there has been indirect reference to it. Do our two colleagues who have joined us have a view on our ability, or any reforms that might be necessary, when the Parliament gets extra powers? I am leaving aside the issue of the number of MSPs.

Christina McKelvie: Kenny Gibson has already mentioned some of the additional work that he will have. I think that other committee conveners will feel the same. There is a bit of room for doing joint work with some of the Westminster committees based on the transfer of some of those powers in the transition period. Maybe a bit of work could be done there. When it comes down to it, if we need

more committees, we are back to square 1. Where would we find the time? The debate on that needs to be on-going.

Kenneth Gibson: A good way to ensure that more people would be available to serve on committees would be to have fewer ministers, the number of whom has increased from 16 to 23. However, I cannot see how that will change if the Parliament's responsibilities increase.

The question is difficult to answer, because we need to see where the dust will finally settle with the package that comes to us and what we could feed into our existing committee system. There may have to be a change in the committee remits to enable the committees to address some of those issues, as the balance of workloads might change quite considerably between some committees. For example, I cannot see that the Justice Committee, which is quite a busy committee, will be affected that much. The Finance Committee would be affected.

It is important in committees that there is a small team that works well together. There are seven members of the Finance Committee. I certainly would not like the number of members of committees to increase. We need to have a party balance, so there is always a balance to be struck.

I note that super-committees have been suggested. I imagine that they would meet all day, and everybody would feel that they would have to put their oar in. I am not convinced that that would be efficient. In the first session, we had 11 and 13-member committees, and they did not work as well as the smaller ones, in which members develop a level of expertise.

Dave Thompson: Do the panellists have a general view on the number of members of committees? If a committee has seven members, that is nice and tight and it gives more or less the political balance that is necessary, according to d'Hondt. I think that the membership of committees can go up to 15. Would it be helpful if the number of members on committees that have nine, 10 or 11 members came down to seven? That would free up the time of MSPs who are on them to maybe do other things. Would it be helpful if we squeezed the numbers down to the lower end?

Kenneth Gibson: I think that the answer to that is yes, but it is hard for me to comment on how other committees work. I was on the Education, Lifelong Learning and Culture Committee for four years, and it had seven members. I understand that the Education and Culture Committee has more members than that now, but I am not really sure why.

I can only speak from my point of view. I think that seven members is an ideal number.

The Convener: Perhaps it is worth testing the water on one small issue. Today's meeting illustrates the point. Gil Paterson is not with us because he is the convener of the SNP group and is undertaking activities that relate to that role. That is not a permitted activity that would allow a substitute for him to come here and fill that gap, but it is a perfectly proper thing that he is doing. Is there a case for looking again at the rules for substitution? That is not a big deal.

Christina McKelvie: Tying committee substitution to a named individual causes difficulties, so perhaps the substitute should be anyone from the same party.

The Convener: I can see disagreement on the other side of the house.

Patricia Ferguson: The system used to be like the one that Christina McKelvie suggested, but it did not work very well because we had random members showing up. At least with the present system we know who the substitute is going to be and there is a bit of consistency, which helps the clerks hugely in terms of progressing things.

Kenneth Gibson: I am a substitute for the Welfare Reform Committee and I have been to six or seven of its meetings over the past couple of years. Being a substitute for a committee means that we have a responsibility to keep an eye on what is happening in that committee. If any member could be a substitute for any committee, I could be asked, for example, "Are you free next week?", and I would probably answer, "Naw." I do not think that there would be any enthusiasm for such a system or a willingness to participate in it, and I do not think that it would add anything to a committee's deliberations.

One would hope that a named substitute could attend a committee on most occasions. There have been occasions when I have not been able to attend as a committee substitute because I have had long-standing constituency engagements or whatever and have been given only a few days' notice to be a substitute. Last week, I was asked on Thursday whether I could be a substitute and, luckily, I was okay to do so. I think that a named substitute system is definitely infinitely better than one in which a random member is the substitute.

The Convener: What about the circumstances in which a substitution may take place? Should we just leave that as it is?

Cameron Buchanan: I think that we should leave it as it is, because the existing procedure is perfectly legitimate.

The Convener: It is just on my list of questions to pose; I am not proposing anything on it.

Cameron Buchanan: The problem with substitutes, though, is that they sometimes do not have knowledge of what has gone on before in the committee. They have to read a lot of papers before a meeting in order to catch up, which can be a problem.

Kenneth Gibson: Ironically, I remember that during the 2007 to 2011 Parliament there was a political party that is not represented here today that had someone on a committee who I think struggled a wee bit, and whenever the committee was dealing with something complex and difficult, that member's substitute miraculously appeared and was much more able to deal with the issues than the member who was meant to be serving on the committee.

However, it should be up to the parties to decide who the substitutes should be and in what circumstances they should fill in for a committee member.

The Convener: Right. Do members have any further issues to raise?

Cameron Buchanan: As a recent member of the Parliament, I want to raise the issue of the stage 3 process for bills, because I think that there is not enough time at stage 3. The committee has previously discussed the issue of having the debate after the voting. Members disappear from the chamber during the debate like snow off a dyke; I do not find the debate very relevant and I cannot follow it. That is a real issue for me as a relatively new member of the Parliament.

Kenneth Gibson: I keep agreeing with you, Cameron, because you are speaking a lot of sense today. I think that the stage 3 debate is utterly pointless. After all the excitement and vim that have been built up on a particular bill, especially by the members who have a direct interest in it, suddenly—after members might have been in the chamber for hours—there is an anticlimax of a debate. Cameron Buchanan is absolutely right that nobody other than the members and the minister who have had direct inputs into the bill take a great interest in the debate. To me, it seems bizarre.

After all the amendments have been dealt with, we probably want a summing up in order to be able to thank the clerks and all the committee members and stakeholders who participated in producing the bill. However, I have never understood the logic of having a debate on a bill after it has, in effect, been agreed. I would certainly remove that debate from the process.

Dave Thompson: I have a lot of sympathy with that view. During stage 3 consideration of amendments, members are sometimes told—this has happened to me—"You've got one minute to speak to your amendment, because we're short of

time.” However, the debate that follows the stage 3 consideration of amendments takes up an hour or so. If that hour had been used for the consideration of amendments, I would not have been restricted to one minute to make a case for my amendment; I would have got a reasonable amount of time to do that.

Kenneth Gibson: If there was such extra time, members who were not on the lead committee for a bill but who were directly involved in it would have a greater opportunity to add their comments.

Patricia Ferguson: The stage 3 debate used to be only half an hour, but we seem to have gradually drifted to a longer time because members complained that it was too short.

The Convener: I point out that, when dealing with amendments at stage 3, the Parliament is sitting as a committee—that is properly our remit. The debate is another matter, but the rules do not actually require us to have such a debate.

Patricia Ferguson: No, they do not.

The Convener: They require us to make a stage 3 decision, but they do not require us to have a debate.

I am 10 seconds away from my deadline, and Christina McKelvie clearly has something else that she wants to do. I thank Christina and Kenny Gibson for coming and stimulating us to think about other things—your evidence has been very helpful. If you have afterthoughts that you think would be of value to us, feel free to approach me, come and see the clerks, or write or email. We would be very happy to hear from you, because we all have a stake in getting this right.

Cross-party Group

10:45

The Convener: We move to agenda item 6. For the purposes of this item, Dave Thompson is now on the other side of the desk, so to speak, as we are taking evidence from him on a proposed cross-party group on consumer affairs. Do you want to make opening remarks Mr Thompson?

Dave Thompson: Yes, thank you. I welcome the opportunity to put the case for the establishment of a cross-party group on consumer affairs. In doing so, I am conscious of discussions in the committee and more generally about the number of cross-party groups. That was very much at the front of my mind when discussions started about the possibility of establishing the group.

The reason for establishing the group fairly late in the parliamentary session is because there are a number of changes in the pipeline on consumer protection, trading standards and so on. A number of new powers, over advice and advocacy, for example, will be transferred to the Parliament, if the process in Westminster concludes in the way that I think it might. Therefore, there will be a greater remit on those matters.

The Parliament is responsible for the structure of enforcement, which is done by local authorities, so COSLA has a big input in the area, as does the Scottish Government. Two reports on consumer affairs are due in a couple of months. It is also an important subject that impacts on individuals across the country in relation to not just consumer rights but consumer credit, as well as deprivation and various other similar issues. Citizens Advice Scotland, which, as you will see from the submission, would do the secretariat's job for the cross-party group, is keen to develop a forum to deal with a wide range of consumer affairs issues, and I think that it is the right time to do that.

I should make it clear that I have an interest in the area, which is referred to in my entry in the register of members' interests—I am a vice-president of the Chartered Trading Standards Institute, which is a United Kingdom body. I spent 34 years of my working career as a trading standards officer. Therefore, I have a particular interest in consumer affairs.

The committee will see from the list of organisations in the submission that there is wide interest in the cross-party group. I ask members to agree to its establishment.

The Convener: I note that Cameron Buchanan is the proposed deputy convener of the cross-party group. That does not inhibit his participating

in the questioning of the proposed convener, Dave Thompson.

Do colleagues wish to raise any issues?

Mary Fee: Mr Thompson, did you consider any way to raise the profile of the issues other than through the establishment of a cross-party group?

Dave Thompson: Yes. I have sponsored a number of events in the Parliament with the Chartered Trading Standards Institute, Citizens Advice Scotland and various other organisations. However, such events do not give the opportunity to focus on an issue in the way that can be done in a cross-party group. The group would meet about four times a year, but it could follow through matters in a way that cannot be done with individual events. I did not think that it would be right to set up something that is ad hoc and outwith the Parliament's rules; I think that such matters should come within Parliament's control.

Mary Fee: Given how late we are in the parliamentary session, how many meetings would you propose to have before the session ends?

Dave Thompson: We have a meeting arranged in a couple of weeks' time and another before Christmas. There will be another meeting early next year.

I know that we will be considering reregistration of groups, so I think that it would be advantageous to establish this group. Given my background, Citizens Advice Scotland seems to have seen me as a good vehicle to help to promote the group. CAS asked to see me and made the case to me, and I agreed that a group should be established, even at this late stage.

Patricia Ferguson: Given that we do not have the powers that you are talking about, I wonder whether it would have been better to wait till next session in order to be able to focus on the additional powers that we will have rather than the ones that we expect—or suspect—that we will get. From the point of view of timescale, would it have been more logical to do it that way round?

Dave Thompson: That is a fair point. However, there have been quite a lot of changes recently and there is a lot of concern about the lack of ability of trading standards departments in councils to do their jobs. It is a very small profession—just a few hundred people, who are spread out among 32 local authorities. Some local authorities have only one officer, and officers deal with a massive range of legislation. We already have the power to look at how the enforcement is structured and so on. However, the UK Government changed the system about a year and a half ago. The Scottish Consumer Council, which was an excellent body that had built up expertise for 30 years, was abolished. That was a detrimental step. Given all

the changes that are coming in, it will be helpful to have a cross-party group such as this. It would be best to establish it now rather than leave it until, for instance, this time next year.

Cameron Buchanan: Speaking as the proposed deputy convener of the cross-party group, I think that the group would enable us to flesh out certain issues and discard irrelevant ones. That is why it would be a good idea to have two or three meetings now so that, when the next session starts, we can focus on the issues that are vital.

Mary Fee: Dave Thompson said that changes were made 18 months ago and that there have been a number of more recent changes. Why now? Is it because we are about to come to the end of a session and you want to establish the group before the next session starts? If there have been changes in the past 18 months, why have you waited until now to propose setting up the group?

Dave Thompson: One of the reasons why I decided not to promulgate the group off my own bat was that I was conscious of the number of cross-party groups. However, when Citizens Advice Scotland approached me earlier this year and made the case to me for a group, I listened and thought that such a group probably needed to be established.

Consumer affairs is important—it has a huge impact on individuals and businesses throughout Scotland. A wide range of consumer issues need to be discussed and dealt with. A cross-party group will be able to focus only on certain aspects. Cameron Buchanan is right—the group needs to focus on the really important aspects. We have six or seven months before Parliament dissolves. That time could usefully be spent developing the group so that, if it is re-established, it is ready to move on in the next parliamentary session.

The Convener: I suspect that we have heard enough evidence to allow us to make a decision. I thank Dave Thompson for providing evidence.

The next item is to decide whether to accord recognition to the cross-party group on consumer affairs. Does anyone wish to make any further observations before I put the question? As no one does, do we agree to accord recognition to the cross-party group on consumer affairs?

Mary Fee is looking doubtful. You must say yes or no. If you want to defer the decision for further consideration rather than take a decision today, we would have to be clear what it is that we want to happen before we make a decision.

Mary Fee: My concern relates to a lack of clarity about what the CPG will consider. I have concerns about whether, at this late stage, it will be able to

do anything. I am also concerned that the matter will not be picked up again in the next session, which would mean that we would have had a cross-party group that had met only three times in total. I am afraid that I am therefore inclined to say that I do not approve its establishment.

The Convener: So, you are saying that the case is not made. The balance has to be that the case has to be made. If we are not satisfied that it has been made, we should not approve it. Patricia Ferguson, do you believe that the case has been made?

Patricia Ferguson: I am thinking.

George Adam: My position is similar to Mary Fee's. However, I differ from her because I understood that Dave Thompson said that the reason why he wants to set up the group now is so that it is available for someone else to pick up in the next session. I can see why he did that, because it is helpful to get the various groups used to working together. Initially, my attitude was exactly the same as Mary Fee's, but Dave Thompson has swayed me. I now understand why he wants to set up the group now.

Patricia Ferguson: I have a concern about the timeframe that is left, and I wonder whether, when we are thinking about cross-party groups in general, that might be an issue that we can feed into the process. I understand the case that Dave Thompson has made, but I am also conscious that he will not be here in the next session, and the question of whether someone will pick up the group and run with it is perhaps moot at this stage.

I do not like to say no to cross-party groups, but I am conscious of the fact that the committee's role is to make a considered decision. I have two reservations. One concerns the timing and the other concern is the fact that I am not 100 per cent convinced that the proposed work of the cross-party group fits in with the powers and responsibilities of the Scottish Parliament closely enough for us to be happy that it should proceed.

The information that has been provided to us makes me think that it is an interesting idea for a cross-party group, but setting it up now is almost pointless. On the other hand, that is not my judgment to make. If Dave Thompson and his colleagues wish to set it up, I should probably not stand in their way.

The Convener: It is useful to have those points on the record. Previously, we have discussed the issue of whether we should establish any cross-party groups in the last year of a session, and the proposal clearly fits into that timescale. However, we have not come to a decision on that, so it would be inappropriate for us to apply that discussion at this point. It seems that, very narrowly, the balance of opinion on the committee

is that we should accord recognition to the cross-party group. Does anyone disagree with that position?

Mary Fee: No.

The Convener: In that case, we are agreed. However, the record will show that we do so with not insubstantial reluctance.

Cameron Buchanan: The reluctance is due to the timing more than anything else, rather than the efficacy of the proposed group, is it not?

The Convener: To be fair, Patricia Ferguson articulated a vires issue, which is perfectly proper. There is no restriction in the parliamentary rules on our having cross-party groups on matters on which the Parliament cannot legislate or in relation to which it does not have administrative powers. Nonetheless, in our decision-making processes, it is perfectly proper for us to consider that matter.

We have put our views on the record. I suggest that members do not put on the record any further comments, because we are minded to approve, and any comments that might be made might dissuade us from that position.

On that basis, we are agreed to accord recognition to the cross-party group on consumer affairs.

Dave Thompson: Thank you.

The Convener: That ends the public part of the meeting.

11:00

Meeting continued in private until 11:26.

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