

PROCEDURES COMMITTEE

Tuesday 18 January 2000
(Morning)

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CONTENTS

Tuesday 18 January 2000

	Col.
DEPUTY CONVENER	231
VOTING ARRANGEMENTS	232
SCOTTISH PARLIAMENTARY JOURNALISTS ASSOCIATION	247
CURRENT WORK	257
CORRESPONDENCE	259
MEMORANDUM	262
STANDING ORDERS	265

PROCEDURES COMMITTEE

1st Meeting 2000 (Committee Room 4)

CONVENER :

*Mr Murray Tosh (South of Scotland) (Con)

COMMITTEE MEMBERS :

*Donald Gorrie (Central Scotland) (LD)
*Janis Hughes (Glasgow Rutherglen) (Lab)
Gordon Jackson (Glasgow Govan) (Lab)
*Mr Andy Kerr (East Kilbride) (Lab)
*Mr Gil Paterson (Central Scotland) (SNP)
*Michael Russell (South of Scotland) (SNP)

*attended

THE FOLLOWING MEMBER ALSO ATTENDED:

Iain Smith (Deputy Minister for Parliament)

WITNESSES:

Sarah Davidson (Clerk to the Finance Committee)
Bethan Hubbard (Information Systems, Scottish Parliament)
Ron McKenna (Scottish Parliamentary Journalists Association)
Mr J B Raeburn (Scottish Daily Newspaper Society)
Mr Harry Reid (Scottish Daily Newspaper Society)
Mr John McLellan (Edinburgh Evening News)
Andrew Slorance (Information Systems, Scottish Parliament)

COMMITTEE CLERK:

John Patterson

SENIOR ASSISTANT CLERK:

William Venters

ASSISTANT CLERK:

Jim Johnston

Scottish Parliament

Procedures Committee

Tuesday 18 January 2000

(Morning)

[THE CONVENER *opened the meeting at 10:02*]

The Convener (Mr Murray Tosh): Good morning, ladies and gentlemen. Welcome to the first meeting of the Procedures Committee in 2000—the last year before the millennium.

I will start the meeting by referring to the fire action notice, which is supposed to be read by the chairperson before each committee session. I will summarise it: if the fire alarm goes, please leave. The notice is here for anyone's information.

Deputy Convener

The Convener: The first item on the agenda is the choice of deputy convener. A report has been circulated with the papers which indicates that the deputy convener is to be drawn from the Labour party. There is an elaborate description as to how we should cast our vote in the event that there are two or more nominations.

In the absence of any other Labour member, I believe that Janis Hughes is to be the deputy convener. I nominate Janis Hughes as the deputy convener of this committee. Are members agreeable?

Janis Hughes was elected deputy convener by acclamation.

Michael Russell (South of Scotland) (SNP): Received by acclaim.

Janis Hughes (Glasgow Rutherglen) (Lab): May I say that I was not just nominated because there are no other Labour members here.

Michael Russell: Of course not.

Janis Hughes: I thank members for agreeing to my nomination.

The Convener: I meant that I would do the nomination. I was happy to do that anyway, in the spirit of the new politics.

Voting Arrangements

The Convener: We will now hear evidence from the Scottish Daily Newspaper Society, at its request, in support of the point that it wishes to make about decision time.

Welcome to this meeting of the Procedures Committee, gentlemen. I am the convener. The other committee members are arrayed around the table and have name-plates. The other people at the table are a variety of excellent officials.

Mr Raeburn is the director of the Scottish Daily Newspaper Society. Mr Reid is the editor of *The Herald* and is chairman of the society's editors committee. Mr McLellan is the editor of the *Edinburgh Evening News*. Gentlemen, who will speak for the society?

Mr Harry Reid (Scottish Daily Newspaper Society): I will.

Convener and members of the committee, we appreciate the chance to come here today and to express our concerns to you. The SDNS represents the publishers of Scotland's daily and Sunday newspapers. It has an editors committee and I am here today as the chairman of that committee, not as editor of *The Herald*. With me, as you said, convener, are John McLellan, the editor of the *Edinburgh Evening News* and Jim Raeburn, the director of the society.

We have some serious concerns, which I will briefly outline to the committee. The concerns that we want to express are felt particularly strongly by the editors of the four evening papers in Glasgow, Edinburgh, Dundee and Aberdeen, but I emphasise that all members of the editors committee endorse those concerns, which I will explain as concisely as I can.

We believe that both the public attending debates and the media reporting the debates should know members' decision at a debate's conclusion. Otherwise, if I might repeat Jim Raeburn's memorable phrase, it is a little like reporting a football match without a result.

It appears that there is now recognition of the case for a 12.30 pm vote when major issues have been debated. We suggest that the votes of all debates that are concluded prior to lunch should be taken at 12.30 as standard, rather than at the discretion of the Presiding Officer. Presumably, it would be possible to determine in advance those debates that are scheduled to finish in the morning and, therefore, for MSPs to receive advance notice of when they need to be in the chamber to cast their votes.

Obviously, that applies also to ministers, and I understand that there is an apparent worry about

ministers' diaries. However, if I may say so, surely the voting arrangements are a matter for the Parliament and for this committee, not for the Executive. It would not seem to require particularly onerous diary management if ministers have to bother about attending votes on only 25 or 30 days out of 365 days in the calendar year, particularly if the arrangements can be signalled well in advance.

I also understand that members follow the guidelines set down by the consultative steering group. While I do not wish to deprecate the excellent work of that group, it was supposed to provide start-up guidelines. We are now in a position where the Parliament and this committee can show flexibility in what I might call an evolutionary spirit.

My colleague Charles McGhee, who is the editor of the Glasgow *Evening Times*, is not here today, but he asked me to read out a brief note that he prepared to express his concerns. I will do that and then I will hand over to John McLellan, or back to you, convener.

Charles's note says:

"Since I took over as Editor of the *Evening Times* in August of last year, I have been conscious that the paper's coverage of Parliamentary business was less than satisfactory. The timing of debates, committee meetings, votes, and even briefings, means that the *Evening Times* is largely excluded from reporting the day-to-day happenings of the Parliament. Our coverage is either largely speculative or retrospective. I accept that our deadlines (8.30 am for first edition and 1.45 pm for last edition) do not help, but I suspect that I am not the only evening newspaper editor caught in this situation. I find it regrettable in our fledgling devolved democracy that I am unable to provide *Evening Times*' readers with an acceptable level of coverage of the Parliament and I would appreciate if you could convey my concerns as part of your representations."

The Convener: Thank you. Members will be able to ask questions and make points, but first I think we should hear from all the witnesses.

Mr John McLellan (Edinburgh Evening News): I echo some of what Charles McGhee says in his letter, although our deadlines fit the workings of the Parliament better than those of the *Evening Times*. The vote on the Holyrood project created a serious problem that I would not want to see repeated. It was particularly crucial to the city of Edinburgh. The debate took place in the morning and was completed by lunch time, yet the decision—which we knew was likely to be tight—was not taken until 5 pm. There were two or three hours of dead time when we carried a report that we knew would be overtaken by events later that afternoon.

I concede that there are fairly few occasions when that occurs, which leads me to believe that a change to a vote at 12.30 would not be too onerous for the Parliament. I echo what Harry

Reid said about ministers' diaries. If there are not many occasions when a 12.30 vote will be needed, then I cannot see that it will be too onerous for ministers to organise themselves around it.

The Act of Settlement debate was another occasion on which a debate was concluded by lunch time but the vote was not taken until later. Had it not been for an amendment, that could have been a vote with considerable implications for us and our readers. The problem applies as much to broadcasters as to evening newspapers; afternoon and drive-time radio and lunch time TV bulletins are potentially denied the result of a debate if the decision is not taken until 5 pm.

Mr J B Raeburn (Scottish Daily Newspaper Society): The arguments for the lunch time vote were well debated in the Procedures Committee report. However, there are further points that arise when you analyse the *Official Report*, which I looked at on the internet. With the exception of last Thursday, when there was an all-day housing debate, almost every Thursday morning a debate has been completed at 12.30. On the occasions that I looked into, with the exception of the Act of Settlement debate and the millennium date change, that debate went to a vote at 5 pm, so the debate was divorced from the vote by four and a half hours. There were two earlier votes, possibly for technical reasons: on Mr Mike Russell's motion without notice in mid-December there was a vote at 9.45 am; and on the mental health bill there was a vote at 11 am.

It is clear that the Presiding Officer is not exercising the discretion available in standing orders. Voting is consistently at 5 pm. Like a lot of things in life, it is a case of striking a balance and that balance should be struck between what suits the Parliament and the public's right to know. At present the balance is heavily biased to what suits the Parliament. The public has that right to know. The Parliament's views and decisions should be delivered through the printed and broadcast media as quickly as possible.

The Convener: To recapitulate, the position is that the committee discussed this issue when possible changes to the draft standing orders were considered before they were formally approved by Parliament in December. The conclusion we came to was that no change in the standing orders was needed and that the matter could be addressed by the Presiding Officer exercising discretion. We felt that the existing standing orders gave him that discretion. In giving the Presiding Officer that advice, we were influenced by the Holyrood debate, which many of us felt would have benefited from an immediate vote, given that the debate was fully attended.

10:15

Although the committee discussed this question previously, there is no reason to imagine that we should not discuss it again; we are always open to the suggestion that we have got something wrong. This is an evolutionary process and we are entitled to reconsider any decision made previously in the light of further evidence or representations. This is a fully open discussion and our decision will not be prejudiced in any way by the fact that we have already discussed this question.

I now throw the meeting open to committee members to ask questions or make points that they feel are relevant. I also extend that courtesy to Iain Smith, who is not formally a committee member but who participates in committee business as our link to the Executive.

Mr Andy Kerr (East Kilbride) (Lab): I have two points. First, the Parliament is not designed around the Executive, as one of the witnesses suggested. This debate is about accessibility to the Parliament, which applies equally to back benchers, who may arrange other events at pressing times. A great benefit of the Scottish Parliament is that members, and ministers, are allowed to get out to communities and to be accessible to them. This committee has previously discussed the fact that changing decision time would severely curtail the activities of ministers, on whom demands are pretty severe, and those of back benchers who may wish to attend events that are not in or around Edinburgh, particularly on Thursdays.

Secondly, on the public's right to know, we are a very open Parliament. I sympathise with the SDNS—journalists have represented your case well to MSPs—but I do not think that the timing of decision time inhibits the public's right to know, although, in a sense, it may postpone the reporting of information. However, one of the great strengths of the Parliament is that it is open, accessible and out there, in terms of members going to communities arguing, discussing and contacting the people that they are supposed to represent. That strength would be inhibited if we made changes. A balance must be struck—in life, we must make decisions. The way in which things work at the moment is unfortunate, but they are that way for valid reasons.

I might have other points to make during the course of the discussion.

The Convener: I will allow our visitors to respond to those points, if they wish.

Mr Raeburn: We have already heard the football result analogy and, if members will forgive me, I will lapse into racing jargon. If one is in a betting shop, watching a race with an extremely close finish, one is dependent upon a photograph

for the outcome. The punters would be outraged if the result were not declared for four and a half hours. In the parallel situation, the public should not have to wait four and a half hours for the result of a vote in the Parliament.

Mr Kerr: If we were talking about the result of an occasion such as the Grand National, the Presiding Officer would be able to bring the result forward. But would that be necessary for an event like the 3.30 at Haydock, considering the imbalance that would occur? Decisions in Parliament are not a horse race or a football match. You are stretching the sporting analogy too far.

Mr Raeburn: Certain debates are particularly newsworthy and the results should be available quickly. There are other situations, such as the submission of draft standing orders, that will not stimulate or excite readers and that might not be covered. However, debates such as the Holyrood debate or the debate on the Act of Settlement are newsworthy, yet the Presiding Officer is not exercising his discretion on such occasions, despite there being a strong case that he should do so. Perhaps the Parliamentary Bureau could give advance notice, flagging up to everyone that the vote will be taken at 12.30 pm on such occasions.

Michael Russell: I do not think that I shall pursue the racing analogy, which would be better suited to my party leader than to myself.

This is an interesting discussion. The first time that we discussed this matter, the committee unanimously accepted that the balance of advantage to the Parliament lay in holding decision time at 5 o'clock. Murray Tosh was right to talk about reconsidering this matter because, as time has gone on, we have begun to see a little difference between the pure recommendations of the CSG, which were intended to make the Parliament tidy, civilised and organised, and the theatre of politics. As the media relate primarily to the latter—regrettably, perhaps—it is wise for us to revisit the issue.

I have sympathy with ministers, who will have difficulties with a change to decision time, but I am impressed by the argument that the change will affect only one day a week. I cannot remember the figure used by Mr Reid, but that change would apply only to a limited number of days.

Interesting examples of particular debates have been given—such as Opposition day debates, which are often on a Thursday morning—in which there is some dubiety about the outcome. There is rarely dubiety about the outcome of Executive business, as the Executive can usually deliver the votes.

Should we consider reversing the default

position, that is, building into the standing orders a decision time of 12.30 pm on Thursdays, which could be dispensed with if there was no need for it? We would simply shift the balance of advantage very slightly by saying, "Let's normally have a decision time at 12.30 pm". I am quite certain that, nine times out of 10, the bureau, which would consider this proposal, would be able to say, "There is no need for a decision time at 12.30, as it would not change things, and there is no requirement to bring ministers back. Let's dispense with it."

Perhaps the default position could be established in standing orders for Opposition half days and other unusual occasions. It is difficult to persuade the Presiding Officer of the need to have a vote at 12.30 pm, as that is a change to normal practice. It would be easier for the bureau to accept a postponement of a 12.30 pm decision time if there were no need for it. That might be a way forward.

Mr McLellan: I want to make a small point about one of the earlier comments. I understand that, despite previous statements, an unofficial pairing system is beginning to emerge; therefore, it is not beyond anyone's wit to be able to ensure that if they need to be absent from a 12.30 pm decision time, it will not have a material affect on the outcome of a vote. Opting in, rather than opting out, might be a reasonable way forward.

The Convener: I noted three items that I wanted to ask about. Has a pairing system been agreed? Michael Russell is a business manager and Iain Smith is the Deputy Minister for Parliament, so perhaps they could tell us if an effective pairing system is in existence or under negotiation.

Michael Russell: The SNP and Labour have an informal pairing agreement. However, it would be put under strain if 20 ministers were absent each time there was a vote at lunch time. That might be an abuse of the pairing system.

The Deputy Minister for Parliament (Iain Smith): Mike is right. While the pairing system is appropriate for things such as Executive business, it would not be appropriate for dealing with items such as the Holyrood building, which is the issue that has caused most concern to the newspapers. The existence of the pairing system is not an argument for changing the voting time.

Donald Gorrie (Central Scotland) (LD): I agree that we should draw the attention of the Presiding Officer to the fact that he has the power to decide when the votes should be held. He has not yet used that power. We might want to write to him again telling him, urging him or inviting him—whatever we are allowed to do—to bear in mind that, when there is a free-standing debate on a Thursday morning on a controversial or important

issue, he should have the vote at 12.30 pm and give everyone notice of that. That is a slightly different solution from the one that Mike Russell suggested.

I am not quite sure of our powers in regard to the Presiding Officer. I do not know how far we can go.

Michael Russell: We can advise him only.

The Convener: We are free to advise him, but he can decide what weight to give to our advice. He might receive conflicting advice.

Donald Gorrie: We could tell him that if he did not follow our advice to our satisfaction, we would change the standing orders. We are the ultimate boss, not the Presiding Officer.

Michael Russell: He will read the proceedings of this committee. Having heard that comment, I am not sure that he should.

Iain Smith: He takes the advice of the business managers through the business bureau. If the business managers felt that there was a case for having decision time at 12.30 pm, they would put that case to the Presiding Officer and it is unlikely that he would disagree with them.

Mr McLellan: On the issue of ministers' time being valuable, it seems strange to have everybody in the chamber for a debate and then bring everybody back again at 5 o'clock.

Mr Reid: I accept what Mr Kerr said: there is a diary management issue for back benchers as well as ministers. As Mr Russell knows, I am not a mathematical genius, but I am aware that there are only 52 Thursdays in any year. We are talking about only a few of those days, which is not that great a number.

Michael Russell: That is a key point. If Parliament is on holiday for 17 weeks a year—the *Daily Record's* estimate, which I am sure that nobody believes—the number of working Thursdays would be reduced by 17. This Thursday sees an all-day debate on drug misuse. There are 16 Opposition half days, I think, which are likely to be Thursday mornings. It has to be said that the number of days on which decision time could be affected by the proposal that we are discussing would be considerably less than 25.

10:30

Iain Smith: It is important to emphasise Andy Kerr's point: all members' diaries would be affected, not just ministers' diaries. A requirement to be in the chamber at 12.30 pm on Thursdays would limit their ability to have meetings and effectively represent their constituents.

We must also bear in mind that the committee

has decided, and the standing orders now reflect, that Parliament can meet on Wednesday mornings. That means that a decision on this matter could affect decision times on a Wednesday as well. That would increase significantly the diary difficulties of ministers and other members. The demands on ministers go beyond a responsibility to vote at a certain time. They must also attend committees, cabinet meetings and other meetings. Their capability to hold meetings is already restricted.

The standing orders are sufficiently flexible to allow the bureau to recommend that the vote on certain debates be conducted at 12.30 pm. Perhaps that should have happened with the debate on Holyrood. On occasion, the speed with which a decision is made is less important than the need to get the decision right. I am not suggesting that the couple of hours would allow whips to twist members' arms—sometimes it might be appropriate for members to think about a debate for a while before they vote rather than voting right after the heat of a debate.

The Convener: Spoken like a true whip.

Does it look like the volume of business will necessitate Wednesday morning meetings?

Iain Smith: It is unlikely to do so soon. As more legislation comes back from the committees, which is likely to happen after the Easter recess, the pressure on parliamentary time will increase.

Michael Russell: The first option is the Wednesday evening, not Wednesday morning, as that impinges on committees' time.

The Convener: That would not affect voting time.

If Wednesdays are used, are we likely to have all-day debates on Wednesdays? Are we likely to have the committee reports at that time?

Iain Smith: It is more likely that all-day debates would take place on a Thursday as we have that odd 90-minute slot on a Thursday afternoon. It would be appropriate for longer debates to use up that awkward slot.

We should bear in mind that all members will have to be present during stage 3 debates in the chamber. That will have an effect on their diaries.

The Convener: My point is that our decision will affect Wednesdays as well as Thursdays. That compounds the difficulties that the press and the broadcasting media will have. It also illustrates the fact that what seems to be a minor concession at the moment might turn out to be a significant change from the point of view of managing business.

Michael Russell: Iain Smith made an interesting point. When the chamber acts as a

committee and during a stage 3 debate, we vote on amendments as they arise, not at 5 pm. The chamber, as a legislative body, already changes the time that it votes.

Mr Gil Paterson (Central Scotland) (SNP): In our original discussion, we envisaged that, from time to time, decisions would be taken at lunch time. Perhaps people thought that we meant that we did not want to have the decisions at lunch time. Mike's suggestion would tweak the system. We would still be able to continue into the evening if members wanted that. The message would go out that we want to have certain decisions taken at 12.30 pm.

Janis Hughes: The press are making two arguments. There is the issue of the 5 pm decision time precluding a report of the vote being carried in the evening papers. There is also the issue that Mr Raeburn seems to be picking up on—the public's perception of decisions not being taken at the end of the relevant debate.

Before I was elected, I was sceptical about the consultative steering group's recommendations. Having been involved in committees for years, I thought it logical that a vote on an issue should be taken at the end of the debate on it. However, there are practicalities involved, such as those that Andy Kerr mentioned. I know that witnesses might be sceptical about the contention that it is difficult for members to schedule their diaries around one day a week. Members do not, however, have the luxury that ministers have of being able to pick the dates when things happen. Constituency work must be done at particular times and if that time is the middle of the day on a Thursday, that is the way it must be. It makes sense that members are not tied to attending a 12.30 pm decision time.

I agree that the public have a right to know about decisions, but I do not understand why you think that we are denying them that right by having decision time at 5 pm. Having decision time then may mean that the evening papers cannot report the results of a vote until the following day, when, perhaps, the gloss is off the result, but the public still have the right to know the decisions and there are plenty of opportunities for them to find out results, through, for example the evening television news and the following day's papers. The public's right to know is not, therefore, an issue.

Iain Smith is correct to say that the Presiding Officer has the right to decide when votes take place. In isolated cases—such as the with the Holyrood project—if it would be better to have the vote at lunch time, that should happen, as indeed it can under the current standing orders. I have heard nothing today from the witnesses that changes my mind about the 5 pm decision time, which I support for many reasons.

We are, perhaps, underestimating the work of the ministers. It is difficult for them to do all that we expect of them and be around for a 12.30 pm decision time, but there should be a provision that allows for earlier decision times in isolated incidents.

Mr McLellan: The evening papers are a means of communicating with thousands of people in Scotland. As Charlie McGhee pointed out in his letter, we are not in the business of hanging on the coat tails of the morning papers. Having votes at 5 pm on major issues such as Holyrood does not mean that we will carry a story based on the morning papers' stories or on what was on television the night before—we will simply not carry the story. We will forget about it—we will move on and do something else or find a story with a stance that opposes the decision.

It is important not to dismiss our readers in considering how the Parliament communicates with the people. Thousands of readers in the country's four main cities rely on the evening papers for up-to-date information. To cut the evening papers out of reporting decisions is a serious action.

This all comes back to the point that was made about the number of occasions on which the timing of decision time will have an effect on the evening papers. Although there have not been that many occasions, one is too many. In recent months, when there has been an important debate and the power was available to have the vote at 12.30 pm, that did not happen. This is like the old question of opting in or out of paying union dues—if one has to opt out, one ends up paying.

Janis Hughes: I think that you are right. Perhaps the decision on the Holyrood debate was a mistake by the Presiding Officer, but he will now consider things differently and may decide to hold decision time more frequently. However, even if we hold decision time twice daily, you will still not be able to report the result of the afternoon debates, as those decisions will not be taken until 5 o'clock—you would not always be able to report fresh news.

Mr McLellan: I do not dispute that.

Mr Raeburn: The circulation of Scottish evening newspapers is nearly 300,000. If one converts that into the number of readers, one is talking about nearly three quarters of a million people, which is a large part of the Scottish population.

We have concentrated on the Holyrood debate. Are you saying that the debates that took place on pensioners, law and order, the economy, and education were not topical or newsworthy items for reporting through evening newspapers?

Janis Hughes: I am not saying that at all. The

Presiding Officer may decide that the status of an issue is such that a decision on it can be taken at lunch time, but always to schedule voting at lunch time would make a big difference to the lives and performance of back benchers and ministers—it would make things difficult for us all.

Mr Raeburn: We appreciate that a balance has to be struck. However, as well as having morning commitments in their constituencies, MSPs will probably have evening engagements. At times, a lunch time vote may suit people, as it would enable them to leave before 5 pm. The fundamental point is that the Presiding Officer is not exercising his discretion under the standing orders—there has not once been a vote at 12.30 pm.

The Convener: I have allowed the deputy convener to pull rank considerably, but Andy Kerr is desperate to get back into the discussion, so I will allow him to do so.

Mr Kerr: We do not dismiss your readership. On balance, based on previous discussions, we think that the status quo should remain. This is not about ignoring your views, but about deciding how best to do business in the Parliament. It is unfortunate that that causes difficulties for evening newspapers.

Perhaps I should declare an interest; I was an *Evening Times* delivery boy for many years, so I know the importance of evening newspapers in local communities. We are not taking a view on the quality or nature of evening newspapers.

Michael Russell: A way forward would be to ensure that it was more likely than not that decisions were taken at lunch time, but that the Executive still had the option of not pushing its business to a vote at lunch time.

Interestingly, most of the debates that you have mentioned were on Opposition half days—the more I consider this, the more I think that that is where the issue lies. I would welcome the Executive bringing forward business on Thursday morning for decision at lunch time, but it may choose not to do so. Why should the Opposition parties not have the right to decide that there should be a vote at lunch time?

To move this issue forward, perhaps the committee should take it back on to its list of priority issues for changes in standing orders. We could examine it in light of the evidence and move to a formal motion on it next week.

Donald Gorrie: Mr Raeburn has given us some interesting statistics, which I do not mistrust, but it would be useful for us to study the debates that he mentioned and to form a view on how newsworthy the votes on them were.

Perhaps our lords and masters could tell us

what more is in prospect for us. That might guide our view on how big an issue this is.

The Convener: That would be like sending the witnesses away without giving them the result of the meeting.

Michael Russell: That will be inevitable unless we move to a formal motion now, which I am happy for us to do, although I do not think that it would be helpful.

10:45

Donald Gorrie: The diary argument is overhyped. It does not bust anyone to take a quarter of an hour—probably less for most of us—out of their day to vote. We are here only for a day and a half, which leaves a lot of the week for doing things elsewhere. It would do no harm if a few more people attended a few more debates.

Michael Russell: Donald Gorrie is very lucky if he is here only for a day and a half. I would like it put on the record that committee meetings run from Tuesday morning and plenary meetings end on Thursday night. There is a level on which Donald is right. Avoiding voting is like running railways for the benefit of the station-master. We are here to vote, as well as for many other purposes.

Mr Kerr: Mike Russell says that we should put the issue back into our work programme. Is the substantive point that, over Christmas, he has worked out on how many Thursdays Parliament meets? I knew that when we discussed this previously. What are the new issues? Many journalists presented their views effectively about the difficulties that they face, so our decision was not based on a lack of knowledge.

The Convener: One of the witnesses said that a balance had to be struck; it is up to me to do that as I draw our discussion to a conclusion. We have had a clear indication from a couple of members that they are content with the status quo. Another two members have said that they would like to change the status quo procedurally so that the weight of expectation was that we would vote at 12.30 pm, unless the bureau decided otherwise. Donald Gorrie has suggested that we could avoid a change if the Presiding Officer exercised his discretion, which he did not do on the one substantive occasion on which this has been an issue, and that we should reconsider the question in the light of diaries and so on.

I am inclined to agree with those who say that the Holyrood debate has been the exception. The other examples that Mr Raeburn cited were all-morning debates on Opposition motions, in which there was never any doubt about the outcome of the vote. Even if the Opposition parties voted

together, they would lose the debate, so there has never been any suspense. There was some interest in whether there would be a division after the debate on the Act of Succession. As that was one of our most acrimonious debates, it was remarkable that we ended up agreeing on it.

The Holyrood debate, which was in many ways unique, took place at the start of our experience. There was no whipping or arm-twisting—allegedly—so the debate was a one-off. With the benefit of hindsight—the easiest of all sciences—the committee's judgment was that the Presiding Officer got it wrong.

It is appropriate to rest with our decision. We should repeat and re-emphasise our advice to the Presiding Officer that he has the discretion to hold decision time at lunch time, which he should use in debates that are likely to catch the public imagination. That might include debates such as the one on the Act of Succession, but it is unlikely to cover a routine political attack on the Executive's policies by an Opposition party.

If we could ensure that exceptional debates, which really captured the imagination of the press and the public, were dealt with immediately, the evening newspapers and radio companies, which want the result right away, would get it. We would all be relatively happy with that outcome.

I do not know what the burden of work on ministers is and what the diary complications would be. Voting is not simply a matter of 15 minutes; if the minister's office is in Glasgow or he or she is in a meeting in Dumfries that morning, it is quite a commitment to be back in Edinburgh for 12.30 pm rather than 2.30 pm—that would substantially shorten the day.

If the committee wants, I have no objection to our having a discussion with the Executive to find out what the practical implications for ministers would be; indeed, it might be constructive to see whether there is a real problem that we can address.

I am quite happy to discuss the matter again, once we have the outcome of such a study. However, we have already identified a means of overcoming the problem. The solution has not yet been tested, simply because, since we made our recommendations in December, the occasion has not arisen. Last Thursday and this Thursday we have had all-day debates for which the votes take place at 5 pm regardless.

If an occasion arises where it can be demonstrated subsequently that there should have been a vote at 12.30 pm, but there was not, I will hold up my hand and say that we—or someone in the system—got it wrong and that we will get it right the next time.

Essentially, we are discussing a difficulty that arose on one occasion before the summer recess. We have identified the solution, so I am minded to opt for the status quo, with the qualification that we will consider the practicalities for ministers and reflect on the matter once we have completed our research.

Michael Russell: I am always loth to disagree with you, convener, but I think that we should add the matter to our work programme with a view, at least, to supplementing our advice to the Presiding Officer, so that Opposition parties' requests for a 12.30 pm vote on Opposition half days can be considered. That is the key issue. I am happy to formalise that view and put it to a vote if you so wish.

The Convener: I have said that we should discuss the matter again in the light of the research that we commission into work load. If you are happy to raise the matter again then, and if the committee is not minded to agree with your point of view, we can put the matter to a vote.

Michael Russell: So the matter will be given further consideration at a future meeting.

The Convener: That is what is implied by agreeing that we will research the matter and report back. At this stage—and perhaps subsequently—I am not prepared to change the guidance, but I am happy to consider the work load.

Michael Russell: I am happy to consider the matter at a future meeting, as long as the research includes Donald Gorrie's point about an analysis of the Thursdays to date and the voting.

The Convener: That is perfectly appropriate.

Gentlemen, we have probably breached procedure. We are supposed to ask you questions to which you are supposed to give us answers, but instead we have had a debate in which we have tried to involve you. I hope that that at least leaves you thinking that the Scottish Parliament is more open than Westminster. The matter will come back for discussion in the light of the discussion that you have just heard. If any of you wants to make a final point, I am happy for you to do so, although I am anxious to move on to the next item on the agenda.

Mr Raeburn: It would be helpful if the SDNS could be given the opportunity to make further comments on any research that is done before it goes back to the committee. That would achieve the proper balance and ensure that the committee could give the whole matter its full consideration.

The Convener: I think that that would be appropriate. Similarly, we may need to come back to you for clarification of the information that you have given us in evidence about readership and

deadlines. We may ask for some comparative analysis on whether it is more or less difficult to report this Parliament compared with Westminster. There is more information to be teased out, but we have identified how we can do that.

Thank you for your attendance. I am afraid that you have not achieved a result, but extra time may yet be played.

Mr Reid: We appreciate the fact that you have considered our points, convener.

Scottish Parliamentary Journalists Association

The Convener: Item 3 on the agenda is another discussion with the press, this time with the Scottish Parliamentary Journalists Association. We have received a letter from Mr Farquharson, which has been included with the other committee papers. I invited Mr Farquharson to speak to us in support of the points that he made, but he was unable to do so. Mr Ron McKenna has come in his place. I welcome Mr McKenna and acknowledge the presence of Bethan Hubbard, the head of information systems, and Andrew Slorance, media relations officer. I will invite them to contribute, as there are points of clarification on the technical and practical issues that will arise as a consequence of our discussion. Ron, we are at your disposal if you would like to run us through the issues that you think we should be addressing.

Ron McKenna (Scottish Parliamentary Journalists Association): There is not much to add to what is in the letter. I should point out that members of the press who cover a committee would not usually see such a letter, as we are not usually given the papers. The letter puts a lot of emphasis on internet access to papers. However, it is important that the press receives hard copies in advance—perhaps the same papers as go to MSPs. That is a lot more straightforward for us. The internet is a great thing, but it is sometimes difficult to access and it can be difficult to print the material in a format that is usable.

The fundamental issue is that we cannot do our job properly unless we know what is in the documents that members have in front of them. The local government system in Scotland works exceptionally well. Papers are produced for all accredited news organisations and are delivered in advance so that members of the press can take them along to committee meetings. Papers are embargoed and the information within them cannot be written about until the day of the committee meeting. That is the system that we would like to see in place in the Scottish Parliament. To be honest, I am surprised that it is not.

The Convener: Councils across the land will be delighted to read in tomorrow's *Daily Record* that the local government system works exceptionally well, although I know that you were speaking about a specific aspect of the system.

I met a very distinguished journalist in the street this morning, who told me that he did see committee papers in advance. I am not clear what the press does and does not get and when it gets what is available. Will you spell that out?

Ron McKenna: The system is ad hoc and varies from committee to committee. The system that we would like, and to which I hope the committee will agree, is one whereby the press is given the papers at a set time before the committee meeting—for example, a day in advance, or whenever they are usually given to MSPs—so that there is some certainty.

At the moment, what is available varies greatly. I tried to get the papers for this committee as I was coming in today. There is a notice on the door telling us to get papers from reception, but there were none.

The Convener: They may all have been taken.

Ron McKenna: That is possible.

The Convener: Where would you like the paper copies to be sent—to your offices in Glasgow or to the press centre here?

Ron McKenna: There are about 30 accredited news organisations in the Lawnmarket press centre, each of which has a mail basket, where they receive the agenda. All documents could be delivered there through the internal mail system.

The Convener: I will ask Mr Slorance to comment on some of the practical issues later, but other committee members have indicated a desire to ask questions.

Janis Hughes: Will you clarify something that Mr Farquharson says in his letter? He says that internet access would be acceptable; he does not mention hard copies. He accepts that there may be problems with circulating hard copies and that internet access would do away with that concern.

Ron McKenna: I agree with everything in the letter, but hard copies would be better.

Janis Hughes: But would you accept internet access?

Ron McKenna: I assume that the two are complementary, but we would rather not have only internet papers; we would rather that you gave us hard copies, as councils do. There are problems with internet papers. When one tries to print a large document with 60 or 100 pages, one can end up with gobbledegook. That also ties up the printers, which newspapers need, for a long time.

11:00

Michael Russell: Many of us have looked forward to having Ron McKenna in front of us. It has almost been a fantasy. [*Laughter.*] I can think of about 200 questions that I would like to interrogate him with but, alas—

The Convener: But they must be relevant. [*Laughter.*]

Michael Russell: Well, exactly—but this is such a great waste of an opportunity that I am going to be upset all day.

I agree with everything in the papers that we have been provided with. It is extraordinary that we have not done what is suggested. Many of us are especially concerned with access to committees. The available space is very limited. Some journalists are unable to come into committees; they hear the broadcast, but that is not at all the same. We must be much more proactive in spending the resources of the Parliament to ensure that all papers are available as early as possible. I must say to John Patterson that this is a model committee—the papers are always very well presented, they are in order and committee members get them on the Saturday morning before the meeting. We have to ensure that the journalists are equally well served. A lot of journalists attend this committee, and today we have more in attendance than ever before—to listen to themselves, which is interesting.

The Scottish Parliamentary Journalists Association's point must be not only considered, but accepted in full. We must ensure that the Parliamentary Bureau and the clerks are informed that it should be actioned as soon as possible.

The Convener: It is also a matter for the Scottish Parliamentary Corporate Body, because there are resource implications.

Mr Kerr: Bar the fantasy, I echo many of Mike Russell's sentiments. It is not good that the Parliament does not offer journalists access to documents. I appreciate the points that were made about access to the internet, but there is nothing like hard copy. Ron made a good point when he said that printing copies ties up newspapers' main piece of equipment.

I am interested in the views of the officers of the Parliament who are here, so that we can find out why there is a problem. I would expect any modern institution such as ours to hand out hard copies of committee papers.

The Convener: I guess that means you, Mr Slorance.

Andrew Slorance (Information Systems, Scottish Parliament): I will start by explaining how we handle things at present. Contrary to what is in the letter and to what Ron was saying, papers are made available—although not as widely as we would like, and certainly not as widely as the media would like. We make sufficient copies available at each committee meeting so that all the journalists who attend can see them. If people call us in advance, we also make copies of committee papers available ad hoc—which I think is the phrase that Ron used. The problems arise when we come to the resources involved in producing

bulk copies. I will talk about that later.

Our media relations office has two press officers and one person for administration. We deal not only with committees, but with the Presiding Officer, the corporate body, the Holyrood project and visiting media. We also deal with accreditation issues. Committees take up a good proportion but not all of our time.

We get committee papers from the clerks either electronically or, if that is not possible, in hard copies. That usually happens two to four working days before the committee meeting. Some clerks give us two or three sets; others give us one. Alternatively, we get them via e-mail. We then have to make hard copies of the sets ourselves—six, seven or eight for each meeting, depending on what we think the media interest will be.

We issue a news release outlining the agenda as soon as we get the papers. Early on in the parliamentary session, we asked the clerks to give us more information on the agendas, and that is starting to come through. I hope that the agenda gives the media a feel for what is likely to come up in the committee meeting. The agenda does not include other papers, but it gives the time, the place and the topics for discussion.

Committee papers are not yet on the web. We had hoped that that would have been set up when we started; perhaps Bethan Hubbard will go into that later. However, we are moving towards that.

The media are very good now at picking up from the internet things such as the business bulletin and parliamentary questions. We have received a lot of positive comments from the media about our internet information. I am glad that they make use of it.

Why are we not able to provide bulk copies? The clerks will agree—and some committees have greater difficulties than others—that they do not get committee papers as early as they would like. I had a quick look at the document on guidance for the operation of committees, which was produced last year. The guidance says that committees that meet fortnightly should try to distribute papers at least one week in advance of the meeting. If that is not possible, the target is five working days in advance.

We are still settling into a pattern for committees, and that target is not being achieved. I will not name it, but there is one committee that is meeting tomorrow morning for which we did not get the papers in the internal post until 5.30 pm yesterday. We were not able to start processing them until this morning, and Tuesday mornings are busy, as we are running around the five or six committees that are meeting.

We also receive a number of hefty documents.

Often, committees will be considering external reports—for example, annual reports—from other organisations. Such reports are often commercially available, and it is difficult for us to ask an organisation to give us 30 copies of its annual report when that report is retailing for £8 or £9 in the shops.

If a committee is considering legislation, there may be a bill, an explanatory note and a memorandum, which together could stretch to 100 or 200 pages. Running that off in sufficient numbers would be a problem.

As Ron McKenna says, there are around 30 media organisations at the Lawnmarket; I would say that we could narrow that down to around 20 that show a regular interest in committees.

I wanted to look at a comparable organisation, so I approached Glasgow City Council. Ron used to deal with it, and he knows about local government. The council has more than 60 committees, but the bulk of those are sub-committees, with only around 12 parent committees. They meet in a six-weekly cycle, so the average number of committee meetings a week is around a dozen, similar to the Parliament. They make their papers available three clear working days in advance, so they obviously have them three clear working days in advance. Papers are distributed to the accredited media; I believe that around eight members of the media have pigeonholes. On the odd occasion, they will give papers to, for example, *The Times Educational Supplement*.

That task is not carried out by the council's media relations office, which is completely bypassed. The office gets the papers, but it is not tied up with producing copies. That is done by the committee services department, which has about 30 staff and is, I believe, similar to our clerking department. The committee services department gets a list of the media that require papers; the papers are then printed off and made available.

Papers are not always embargoed. Once papers have gone to MSPs, we are quite happy—unless there is an embargo—to make them available if there is a story.

Interestingly, Glasgow City Council is moving quickly towards putting its papers on the internet and stopping the issue of paper copies. I do not know whether it will meet the same resistance as we have. The council pointed out that, under the law, it is not obliged to provide individual sets, but it is obliged only to make papers available for scrutiny in advance. If it wished, it could simply make one set available for people to come and see. It could charge for photocopies, but it makes photocopies available. The numbers are fairly small, but it is difficult to ascertain whether the

council would make a charge.

In the media relations office, we would love to be able to make 30 copies of each committee's papers available in advance on a regular basis. For timing and resource reasons, that is not being achieved. We continue to look into that. We recently found better and quicker photocopiers; one of our problems was that our photocopier was fairly slow and it was taking our administrative staff most of the day to copy even a limited number of papers for committees.

We are keen that media people who simply want to dip in and out to see whether there is anything interesting should use the internet, whereas people who want to come to committees should have a hard copy. If we were to make 30 sets of copies for each organisation, that would amount to thousands of pages a week. Perhaps we can strike a balance.

The Convener: I am sure that there are several issues on which Ron McKenna would like to comment. I have always felt uncomfortable with the fact that the Parliament does not operate to at least the standard of the local authority of which I used to be a member. As someone who has had many years' experience of reading committee papers, I know that one scans the agenda and if something seems interesting, one turns to the report to see whether it is. If the papers are not there, the agenda is not much use.

I suspect that the media are not really interested in the operational difficulties—photocopying—but will take the view that that is our problem, which seems a fair response. I appreciate that you might have difficulties and there might be links in the chain between the clerks and your department that need to be reviewed. That would be part of the practical implementation of any decisions that we take.

Huge amounts of unnecessary paper come before the committee, such as 120-page Scottish statutory instruments, the two-page summary of which is quite sufficient, as nobody will read the whole thing. When councils produce a report, they list the relevant background papers at the end. If anyone wants to go beyond that, to the statutory instrument or the European directive, they are able to do so. There are answers to all the practical difficulties that you have raised, although it is important that you have set them out. If we relay the matter to the Scottish Parliamentary Corporate Body, it will have to deal with the resource decisions that we recommend.

Ron McKenna: I agree with everything that you have said. We do not want to be heavy-handed about this, but the Parliament is supposed to be open and transparent, and that cannot be laid aside because of expense. Andrew was hinting

that it is expensive to photocopy papers, but as the papers are being printed for MSPs, I am sure that making another 20 copies at the same time would not be too difficult. It is very important that we have the full information in front of us.

Andrew Slorance: The Procedures Committee gets hard copies of papers, but in other committees, the clerks e-mail individual MSPs, leaving it up to them to print the papers if they need them. Originally, I thought that I could just ask each clerk to make another 30 copies when they were at the photocopier, but it is not as simple as that.

The Convener: The Procedures Committee receives electronic and paper copies, as does the Transport and the Environment Committee, on which I also serve. I do not know whether there are any committees that do not get paper copies.

Michael Russell: It is a *sine qua non* that we do this. I appreciate the problems, but it is essential that paper copies are supplied to an accredited list of journalists and that the papers are posted on the internet. I do not say that that is a secondary route—it is another primary route, which allows wider access. There is another important issue: if members of the public are interested in the committee proceedings, they should have access to the papers, too. I do not think that we can get out of this by putting it off. It has to be done now—it should have happened months ago. We must bite the bullet and pass the matter on to whoever is responsible.

Donald Gorrie: We must take action. I was just skimming through the supporting papers and I have selected one example—always dangerous, although journalists have been known to make use of that sampling technique—that does not need to be circulated: several pages about the treatment and definition of a budget bill.

Michael Russell: That is not our decision.

Donald Gorrie: No, but a reasonable judgment about what should be circulated, taking into account time and costs, seems fair. For example, I do not think that all the correspondence with the gentleman from Liverpool needs to be circulated. The Parliament should take action, but should also exercise reasonable discretion. Outside bodies should just send more copies of papers, such as their annual reports.

The Convener: It is likely that an annual report would be given to the press directly.

Donald Gorrie: Perhaps, but those copies might not go to the people who come to the committee. If the Parliament seems disorganised, consider the press—they do not speak to one another at all. It seems reasonable to insist that outside organisations that are sending papers to be

considered by the committee should send enough copies for the press as well. We should tackle the matter quickly, but we do not have to go overboard.

Michael Russell: I profoundly disagree. The moment that we start being selective, we run the risk of being accused—however unfairly—of withholding papers. The press and the public should see what we see. In exceptional circumstances, such as private sections of meetings, particular criteria apply.

11:15

The Convener: I have been in a committee that has sat to consider a 120-page Scottish statutory instrument and I did not have a clue what it meant or said because I was not familiar with the legislation that it was replacing. I am sure that the cost of producing that document was phenomenal in terms of money and staff time, and the benefit was nil.

I do not see what is wrong with producing a report that lays out the background so that a journalist who wants to look up material can access it on a website somewhere. I do not think that the issue is whether we provide that material for journalists, but it is whether it is necessary to provide it for the committee. There might be certain papers that do not need to be copied. Why bother to reproduce papers such as the West of Scotland Water annual report, which could easily be found in a library or the Scottish Parliament information centre? We do not need to provide copies of everything.

We are trying to be a wee bit clever by defining everything in advance. We seem to be working towards agreeing with the request and passing it on to the corporate body along with several practical issues that we have identified. We want to ensure that the people who implement this decision will think the matter through, and produce a set of recommendations that will satisfy us. We do not have to define all the categories at this point. In principle, I agree with Mike Russell. The policy papers and the substantive material that the journalists will write about should be accessible.

Ron McKenna: I agree. However, perhaps the sensible solution would be for us to see what the MSPs see. There might be documents that do not look very interesting, but which might be referred to in a committee meeting; it is difficult to second-guess that. It is important that we are in a position to report accurately what is being considered in a committee.

Andrew Slorance: Yes. I would not want to make editorial judgments on what the media should or should not see. There are occasions, such as when a committee is considering a bill,

when some hefty documents are involved and MSPs are asked to bring along their copies of the bill. Perhaps the media would accept that such papers are available on the website or at the Stationery Office. However, I would not like to pick through papers, deciding whether they were relevant and should be copied.

Iain Smith: Many valid points have been made, and I generally agree with what Mike Russell has said. However, if the committee is discussing a document repeatedly or one that is available elsewhere, the committee papers that are supplied should state how to get hold of a copy.

We should refer the matter to the SPCB to look at urgently; it should ensure that the resources are in place to provide the information. Double-sided photocopying, for example, would reduce some of the cost. We should also suggest looking at the Welsh Assembly, which, I am told, is a paperless environment, with everything circulated electronically. It would be interesting to see how it is done and whether it actually costs more because people run off copies on their laser printers.

I am surprised by how difficult it has been to get hold of committee papers in this Parliament. In local government, the problem would not have been allowed to go on for so long—and it would not be legal—and it should be sorted out, but it is up to the corporate body to ensure that the resources are available.

The Convener: I hope that the press do not then pan us for overspending on photocopying.

Michael Russell: A useful point, which I am sure that the *Daily Record* and others will take on board.

The Convener: Bethan, we asked you to come here but have not drawn you into the discussion. The report fully explains the practical difficulties faced in rendering everything compatible so that it can be posted on the website. Would you like to add anything?

Bethan Hubbard (Information Systems, Scottish Parliament): A work plan has been agreed with the clerks to address the problem, and it is in operation. A test period this week and next will allow us look at the volume and nature of the papers coming in. Producing papers for a committee is the end of a process and any delay in provision of information earlier in the cycle has an impact on the final stage of production. Therefore, while we might be able to find a technical solution, we must also control the work flow for the publishing services. The same services provide the *Official Report*, overnight committee reports and all the core parliamentary publications, so there are resource and work load issues to be addressed.

The Convener: I wanted that on the record for when Kenny Farquharson reads the report—he is into hyperlinks. His point should be addressed.

We have covered the practical issues and the clerks are in a position to compose a letter to the SPCB, incorporating the report and its appendices and the record of this discussion. Our recommendation is that it make whatever changes in practice are necessary and make available whatever resources are necessary to ensure that accredited journalists receive adequate advance information in hard copy as well as in electronic form. They must be able to prepare to report debates and committee discussions just as we ourselves wish to be adequately prepared to take part in them. That is a unanimous recommendation. I dare say that someone somewhere might not be happy about it, but that is tough. We must be open and accessible.

I thank Ron McKenna for coming. At least this morning you have a result. I also thank the others who attended.

Current Work

The Convener: We now come to item 4. The paper gives an update on the committee's substantive work load for the next few months. It includes a brief report on how we might tackle parliamentary questions. None of the substantive issues is addressed, but it sets out the approach, what we are going to look at and whom we will consult. Please note that the work has begun and that there will be plenty of opportunity to go into all the specific issues that arise from parliamentary questions, including anything that is not picked up here.

Please note that on page 3, paragraph 9, subordinate legislation is addressed. Although we have work to do on that, the view of the Subordinate Legislation Committee is that it should take the lead; our staff will be involved and we will have to make the changes to standing orders that arise from that work. It might take up relatively little of our time, at least in the short term.

On Mr Des McConaghy's correspondence, which was circulated and is appended, the view of the Finance Committee and the Audit Committee is that it is primarily a matter for them, although the procedural and standing order issues that arise are a matter for us. We should ensure that whatever method they devise to involve subject committees in budgetary considerations applies consistently and logically and that standing orders are addressed if necessary. Again, that work will involve our staff and it will be monitored, but it will not come to us immediately.

Paragraph 14 is on the question raised at the Finance Committee, on whether a decision by a committee to support an amendment is binding on all committee members. The clerks will report on that in the near future.

The main issues that we identified are addressed. Are there any questions for the clerks on that update?

Michael Russell: I had understood that we would consider the allocation of time to members' bills and related issues this year.

John Patterson (Committee Clerk): You are right. That is subsumed in item 4 of the list.

The Convener: I should have drawn members' attention to annexe 4, which sets out—

Michael Russell: The matter should be clearly in the list, as it should be looked at urgently.

The Convener: We will do that. Annexe 4 lists all the issues that are ticking over, including the conveners liaison group, which will no doubt want

a report reasonably soon.

Members will remember that before the Christmas recess, we discussed the group headed by the Educational Institute of Scotland and others, which wants to discuss progress on the principles of the consultative steering group. That is item 6 in the list at annexe 4. We have arranged for representatives of that group to give evidence and to discuss the issues at our next meeting. A number of other issues will follow from that initial discussion.

Correspondence

The Convener: We now come to item 5 of the agenda. Three issues have been raised, two by Sir David Steel and one by David McLetchie in a letter forwarded by Sir David Steel. We are asked to agree an issues report. I am happy to say that we will do that, although the definition of “exceptionally” raised in Sir David’s letter of 14 December appears to be a matter for him. The issue is whether he should be allowed to answer an oral question. If he thinks that it is important to have the question raised in Parliament and to allow a supplementary question and perhaps to draw other members in, that is a matter for his judgment.

Similarly, any member who wishes to raise an oral question with Sir David Steel will be entitled to lodge a question, marked as oral. The member would be best advised to supply an accompanying note, explaining why they think it appropriate that it should be an oral question. That leaves it to Sir David to decide whether he will allocate some time; he does not need us to work that out for him. However, if members wish, we can go into the matter in a full report.

11:30

The other matter Sir David raised concerns the way in which the Presiding Officer is re-elected. I am inclined, Iain, to ask whether the Executive could seek legal advice on that. I think that is a matter that would require primary legislation; I do not think that we have any remit on it. It would be helpful if you could clarify that for us, before we take up the time of our clerks in pursuing fictitious constituencies.

Iain Smith: Sir David has raised a fair point—it is something that needs to be considered. I think you are right: if any changes are to be made, primary legislation will be required. I will certainly take that point back to the Executive. I welcome the views of all the political parties on whether there is a way round this problem. My party, in particular, has been hit by this, because our strength in the Parliament has effectively been reduced by the fact that the Presiding Officer is a Liberal Democrat. That is an issue of concern.

The Convener: I suppose that it would be appropriate for the clerks to consult widely on that. The Executive can give us its view of the legislative position.

Michael Russell: The Executive and the other parties should be consulted, but it is not a matter about which we should ask the opinion of all members. It is a technical—

The Convener: No, it is a party matter.

Michael Russell: If the clerk would like formally to approach me, I will ensure that my party gives a formal response.

The Convener: Does anyone wish to pursue the first issue, on the definition of when Sir David can call for an oral question? Personally, I think that it is up to him.

John Patterson: You should send him a letter.

The Convener: We will send him a letter, as we normally do in such circumstances. I am sure that he will be delighted to have the discretion underlined.

Ultimately, the issue raised by David McLetchie is about the joint committees between ministers in this Parliament and ministers at Westminster. There may be more substantive issues to be explored there, on which the clerks should prepare a paper.

Janis Hughes: The working group on parliamentary questions could consider that. Would not that come under the group’s remit?

John Patterson: We could incorporate it like that.

Michael Russell: There is a wider point. In the House of Commons, it is possible to question the Prime Minister about a wider range of matters—Chechnya, for example—than Government policy. The interpretation that the First Minister can be questioned only on matters within his competence flies in the face of a common-sense understanding that the opinion of the First Minister affects his Executive and therefore should be heard on a wider range of issues. I would like that to be considered by the working group, in the context of Westminster.

The Convener: I remember the Prime Minister famously being asked who he would recommend as the next manager of the England football team, as he had been instrumental in removing the previous one. I would not want us to get to the stage where we were asking for Donald Dewar’s opinion about everything under the sun. I have no difficulty with widening the remit a bit—where the topic seems to relate to the genuine business of government—provided that it is not abused.

Michael Russell: The question arose in the light of the benefit changes and the Presiding Officer’s view that Alex Salmond might have been out of order asking and that Donald Dewar was out of order responding. In reality, the First Minister would be bound to have a view on legislation coming from elsewhere if it affected the people of Scotland. Taken outwith the political context, that is a genuine issue that should be examined in the light of which questions are or are not in order.

The Convener: Clearly there are areas—such as housing benefit, to stay with your example of benefit changes—that impact on the Scottish block. In terms of joint committees on tackling poverty, you would argue that benefit changes are directly relevant. I can see where you are coming from and I understand the point you are making, which are two entirely different matters. I am in sympathy with the extension of parliamentary scrutiny of legitimate government business, including the formation of policy and the expression of opinion.

Iain Smith: The issue is about parliamentary scrutiny. The Parliament exists to hold the Executive to account for its areas of responsibility. It cannot hold the Executive to account for issues for which it is not responsible. There is a fine line between the First Minister having an opinion about something and his being held to account for it. The difficulty relates to the First Minister voting as a Westminster MP, not his role as First Minister.

Michael Russell: As a fan of the consultative steering group, you will know that questioning is also about seeking views. That is meant to be the way forward.

Iain Smith: The Scottish Executive might not have a view on an issue on which it does not have competence.

The Convener: There is a feeling in the Parliament that the Scottish Executive is in a position to exercise a lot of influence and that it has an input in broader Government policies. In a sense, it is acting for all of us when it takes part in intergovernmental discussions, joint committees and so on, yet what it does and says in those arenas is not known at the moment, nor is it held to account on that score. I am not certain that we have reached the right point in our consideration of what we should scrutinise.

I am inclined to be sympathetic to the idea that we should consider this issue, without in any way guaranteeing what we will come up with as a consequence. I said earlier that when we begin to consider questions, all sorts of stuff will be teased out. Ultimately, all those things—what changes we think we should make, or not make, as the case may be—will come back to us for decision. Forget the fact that the issue was raised by David McLetchie, as he did not discuss it with me in advance. I see those as joint areas of working, in which our Parliament and the Executive are involved. To some extent, that has to be within our scrutiny remit. There is some agreement that we should consider the issues. John Patterson will be thrilled about that, but there you go.

Memorandum

The Convener: I invite Donald to make some comments about his proposals. The desirable outcome is that the clerks will go away and come up with an issues paper in which they consider the practicalities of what is suggested. We could then discuss how we should take the proposals forward.

Donald Gorrie: The paper reflects my strong views. I do not expect anyone to sign on and agree to it as a motion, as it were. It raises a number of issues. I wanted to find out what the mechanism should be for pursuing those issues, some of which may come within the remit of this committee. That was my first port of call. If the clerks or the convener tell me that committee A, the Parliamentary Bureau or whatever, are the people to raise point X with, I will happily do that. However, I am merely kicking the ball into play and I am happy for the officials to give the next kick.

The Convener: Are members quite happy to seek issues and options on the points that Donald has raised? That would not sign everybody up to agreeing with his points on any particular issue. I suspect that the bumf-busting committee might generate more bumf than it ever busts. The report will tease those things out and will suggest ways in which we might, for example, minimise the amount of unnecessary photocopying, as a balance to the desire to provide a better service to the press and to members.

Janis Hughes: I agree with your proposal, but an issue that has come up from time to time is mentioned in paragraph 2 of Donald's document, which says:

"In return for more openness and a speedier and fuller flow of information . . . MSPs would agree to self-discipline in their tabling of questions".

I am not saying that I agree with Donald's comments, but I do not think that MSPs should agree to self-discipline in return for something. We should be self-disciplined anyway. You can see for yourself, in *Written Answers*, that answers often refer to previous questions. It shows how often members submit questions that have already been asked—sometimes by that same member. Members should exercise self-discipline anyway, and not in return for something. I am concerned by that comment.

The Convener: I understand your point, but I counsel against presuming to blame a member for asking a lot of questions on one topic. I have asked about 30 questions about the M74. If the minister had answered my first question, none of the rest would have been necessary. Members do not always get direct responses to questions and

must therefore approach the issue from another angle to try to flush out the Executive's view.

There are some members at the top of the theoretical league table that appears from time to time in the press. Some of them might be more concerned with their league position than with getting answers, but I cannot judge that. Members have asked an average of 35 written questions each—a total of about 3,500. Whether that is an excessive number will be established by the study that we discussed earlier.

Donald Gorrie has made a number of helpful suggestions about information hotlines. If we can comb out questions that ask for facts and figures from the system by finding a better way to resource dissemination of information, we will remove much of the burden of work. Much of the time, members do not know where to get information. The Executive's resources are considerably greater than the Parliament's, so perhaps some sharing of information might solve the problem. That will be sorted out in the discussion of different options.

Mr Paterson: I would like to support the view that we should try to offer options that will result in the provision of better quality answers. We should not query the quality of written questions; we should query the quality of the answers that members are given. Some of the answers are diabolical. In fact, they are not answers. I welcome the letter and I hope that something worthwhile comes of it.

The Convener: Are members all agreed on how we should proceed?

Iain Smith: I would like to make a couple of brief points. Some of the issues that have been raised should be referred to the Scottish Parliamentary Corporate Body because the issues about SPICe resources and so on and are not within the committee's remit.

Guidance on contacting Scottish Executive staff—who are still members of the UK civil service and are covered by the employment conditions and code of conduct of the UK civil service—has been published on the Executive's devolution website. There is also a public information line, the telephone number of which is 0131 244 8400. There is also a local call rate number, which is 0345 741741. That is open to MSPs and researchers, who will be put in contact with the appropriate official who will give them the information they want. Using those numbers might reduce the need for written questions, if members can get the information that they need. If members have problems getting the information that way, they should write to the appropriate minister.

The Convener: See the things you learn, as they would say in the *Evening Times*. I thank Iain

Smith for that helpful information. Somebody should, perhaps, ensure that those telephone numbers are put on the Parliament's website as a reminder to members who might not have noticed the announcement the first time around. Is that something to which the Executive would give consent?

Iain Smith: They are for public information.

The Convener: I will try to identify a suitable transmission system for relaying that information. I will follow that up—I might even do it myself.

Standing Orders

11:45

The Convener: Item 7 is quite a complicated matter, but we are fortunate to have the clerks to the Finance Committee and the Audit Committee present. They will give us a quick and easy definition of the issue. They will also tell us whose fault it is that it was not picked up in the earlier review of the standing orders. They need not address the last point, which was flippant.

Sarah Davidson (Clerk to the Finance Committee): The original standing orders that defined a budget bill were drawn up back in the mists of time. The more detailed definition of a budget bill—which was recommended by the financial issues advisory group to the consultative steering group—was omitted from the standing orders, but is included in the Public Finance and Accountability (Scotland) Act 2000, which received royal assent yesterday.

It is important that the definitions in the two documents tally, because the budget bill that the Executive is about to introduce contains the provisions in the act. The definitions should be brought into line with one another so that the budget bill can be introduced in the next few days and meet the time scale that the Finance Committee has agreed with the Scottish ministers for the passage of a budget bill.

The Convener: Thank you. The *Daily Record* will report this from the electronic version that appeared on its screens.

That definition was overlooked in our earlier work. The Presiding Officer has spoken to me about this and Mr McCabe's and Mike Watson's letters are included with the papers for this meeting. Michael Russell—who has had to leave early—is content with the proposal. It is largely a technical issue. Do members have any questions? The officials will be happy to answer them.

Members: No.

The Convener: The committee agrees to accept the report and that I should sign the motion, which should be lodged on Thursday. It is a motion to be moved without debate. Members can now witness my signature of the motion.

That concludes the meeting.

Meeting closed at 11:46.

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