

PROCEDURES COMMITTEE

Tuesday 1 February 2000
(*Morning*)

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PROCEDURES COMMITTEE

2nd Meeting 2000 (Committee Room 4)

CONVENER

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

DEPUTY CONVENER

*Janis Hughes (Glasgow Rutherglen) (Lab)

COMMITTEE MEMBERS

Donald Gorrie (Central Scotland) (LD)

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

Lesley Beddie (Director of Communications, Scottish Parliament)

Professor Alice Brown (Changing the Culture of our Politics Group)

Mr Ian McKay (Changing the Culture of our Politics Group)

Lucy McTernan (Changing the Culture of our Politics Group)

David Mundell (South of Scotland) (Con)

Mr Bill Spiers (Changing the Culture of our Politics Group)

CLERK TEAM LEADER

John Patterson

SENIOR ASSISTANT CLERK

William Venters

ASSISTANT CLERK

Jim Johnston

Scottish Parliament

Procedures Committee

Tuesday 1 February 2000

(Morning)

[THE CONVENER *opened the meeting at 10:05*]

The Convener (Mr Murray Tosh): Good morning. I have received apologies from Donald Gorrie.

Janis Hughes (Glasgow Rutherglen) (Lab): Gordon Jackson is unable to attend, as he is attending the meeting of the Justice and Home Affairs Committee.

The Convener: The rest of the committee is here.

“Changing the Culture of our Politics”

The Convener: The principal business this morning is discussion of the paper submitted by the witnesses. We must call you that—procedurally, you are witnesses.

The background to the discussion is the fact that when the committee reviewed its work programme at the end of last year, it approved a paper, which included a number of conclusions. One was that it would be part of the continuing remit of the committee to monitor the Parliament’s practices and procedures in terms of the consultative steering group report and to deal with specific aspects of that in our work in the coming year.

Your paper was therefore pertinent and its arrival well timed, as it focuses on a number of issues that we must consider in any case. It is extremely useful to have your points as an introduction to the topic. The committee will discuss later how the matters raised will be progressed, what further evidence should be sought and what further debate should be encouraged.

The clerks have produced a brief paper, which requires no discussion, setting the scene for your paper and the various points that you make. I propose to let you take us through your paper and address the points that are of concern to you.

Strictly speaking, procedurally, we are here to ask questions and you are here to give answers, but that does not always work. At our previous meeting, we engaged in general debate and discussion with the representatives of the press

who were here.

I ask your spokesperson—it is up to you who that is—to make a general statement of your position. We will then go through the 10 points in the paper.

Professor Alice Brown (Changing the Culture of our Politics Group): That will be a more constructive use of the time that we have available than going through points in the paper that members already have in front of them.

In introduction, it might be helpful if I said a few words about the background to the paper, to give members an idea of who we are and where we come from.

Much of the work that laid the foundation for the Parliament, its procedures and its standing orders came out of discussions in the Scottish Constitutional Convention and debates in political parties about other constitutional arrangements.

After the 1997 election and the referendum, there was concern that much of the good work that had been done over the past 20 years in thinking about building a new Parliament and the genuine opportunity that that gave to make the Parliament different in many ways—through a new electoral system and so on—should not be lost.

There was a recognition that people felt alienated from politics and, more generally, the political system. The new Parliament was an opportunity to think more imaginatively about how people could be engaged in the political process more than just once every four or five years, when they went out to vote.

Participation was a key foundation of much of the work that had been done. Concerns that there were problems with the democratic system led to a desire to build a new democratic system, which was genuinely much more open and inclusive.

A group of people from different organisations and sectors in Scotland got together to discuss the issue. As it happens, the decision was then made to establish the cross-party consultative steering group—in itself, a rather novel idea in Scotland—but we had already submitted a written paper setting out our hope that the key principles and ideas to come out of our discussions would not get lost in the process of planning the new Parliament. The paper was very timely and was one of the first that the CSG considered.

When the CSG started its work, different interests were represented, which added to its legitimacy. The rest is history. We had the first elections to the Scottish Parliament, the Parliament was opened and we all began our work in different ways.

Initially—to put a time scale on events—there was concern, because there was so much in the media about the negative aspects of the running of the Parliament. However, our experience of the Parliament was much more positive and the different groups and organisations therefore came together again to think about the situation.

The unifying theme was not a desire to make party political points, but concern for the better governance of Scotland and a desire to ensure a better policy-making process, which engaged people and which, at the end of the day, made better policy for people in Scotland.

My colleagues will say more about their particular perspectives—they all represent different groups and organisations from Scottish civic society. The civic groups had mixed experiences of engaging with the Parliament.

The paper was written in a constructive spirit. It was not our intention to tell politicians what to do—far from it. We wrote the paper as friends of the Parliament and as friends of the objective of making a better Parliament for the people of Scotland. We wanted to engage in a constructive dialogue with the people who are key to the process, such as this committee. We have already met the First Minister to discuss some of the issues.

I will let my colleagues say something. We thought that it would be helpful not only to give the committee our impressions of how things are going, but to hear how members think things are going. If members want to go through any of the specific points raised in our paper, we are happy to do that.

The Convener: We would like to go through the specific points, but I am happy to take an initial statement from any of the other witnesses if they have anything that they want to add at this stage. If not, do any of the committee members want to make a point or ask a question before we go on to the specifics? No.

We understand where you are coming from. Now, we will address the specific points, the first of which is the establishment of a civic forum. I am not absolutely clear what stage that is at and what the timetable is for its implementation. This is your opportunity to tell us what you think about it and how the committee might assist.

Lucy McTernan (Changing the Culture of our Politics Group): I can say a little about the civic forum, as the Scottish Council for Voluntary Organisations, for which I work, is one of a number of organisations from different parts of civic society that have driven the setting up of the civic forum in the belief that it will be a welcome complement to the work of the Parliament and will help to engage people and organisations in debate

about public policy in a way that promotes genuine participation, not just consultation. We need better consultation, but the main aim of our paper is to move genuine participation that extra step forward.

The establishment of the civic forum recognises that people can gain a voice and talk about the issues of the day that affect them, their families and their daily lives not only through political parties, but through other organisations, whether those are small pre-school play groups, trade unions, the Church or other organisations where people come together.

We are pleased that the Executive has agreed to fund the civic forum to a modest degree. A director to lead the forum has now been appointed, although the appointment has not yet been made public. We are hopeful that the civic forum will begin to develop different models and mechanisms of consultation and participation from now on and that we will begin to see the real fruits of its work in the autumn.

The Convener: Essentially, therefore, you feel that good progress is being made, that the forum is on timetable and that there are no concerns that the committee needs to address.

10:15

Lucy McTernan: As Alice Brown said, the paper is a snapshot in time—things have moved forward. We are pleased that some of the practical arrangements have been put in place and that progress has been made. The committee might like to consider how it and the other parliamentary bodies will relate to the civic forum and its work. It is not intended that the civic forum will give a single opinion on any given subject. It is not a representative body in that sense; it is a mechanism for helping to engage different groups in debate.

It will be interesting to hear your thoughts about the way in which the committees could engage with civic forum debates to ensure cross-fertilisation between the Parliament and the forum.

Michael Russell (South of Scotland) (SNP): That point requires constructive action. The Scottish National party parliamentary group has affiliated to the forum, and I hope that the other groups will also affiliate. There is no structure with which the parliamentary committees can get to grips, to make participation and consultation easier. If one were to challenge working politicians about how they consult, they would give many different answers. The Executive publishes documents and sends them to the four corners of Scotland—to the British Potato Council and so on. Whether that is participation, consultation or window dressing remains to be seen. We need a body that is not the sole port of call for

consultation, but which can open access to other organisations and individuals.

There is a contradiction at the heart of the idea, which we should explore. You have talked about advising and consulting on policy, yet the overwhelming bulk of policy decisions made in the Parliament are decisions for the Executive. The Executive introduces legislation, makes recommendations and dominates the time for debate—as a member of the Parliamentary Bureau, I know that access for other people to debate is very limited.

Consulting on policy is, inevitably, very political; if the civic forum were to produce good ideas, you can bet your bottom dollar that the Executive would try to take them over first and the other parties would end up squabbling over them. There is a political issue about the Parliament, the Executive, the political parties and the civic forum and the context in which that is set. Although we have talked about that for many years, I am not sure that we fully understand the implications for our politics. Our politics are already set up on the basis of a working Executive, of one political hue—or one and a half, perhaps—and the other parties, debating issues in the Parliament.

I want to put that into the discussion because it is an issue on which we must reflect.

Lucy McTernan: As our paper makes clear, this is about a new way of conducting politics. In the past—and to a large extent, today—policy debate has centred on what is current and what has been pushed by the Executive, and occasionally by the Opposition parties. Very rarely do we get into debate about issues at an earlier stage in the process, when they are just a germ of an idea.

That is the role that we would like to see the civic forum facilitating. Discussions are taking place across the country and we need to make the link between those discussions and what the Parliament and the Executive do. The civic forum can play a role in that.

Michael Russell: I do not disagree with that—

The Convener: I am sorry to interrupt, but Bill Spiers wants to make a few comments. You can come back on both points after that.

Mr Bill Spiers (Changing the Culture of our Politics Group): Does the microphone come on automatically?

The Convener: Yes. The microphone is live when the light goes on.

Mr Spiers: Usually when the red light comes on, it means that I have to shut up.

The Convener: This is a democratic forum.

Mr Spiers: We do not know how the civic forum

will work out and how far it will be politicised by its interface with the Parliament and the Executive. We hope that it will not work as a barrier or as the only channel by which civic society accesses the political process. Some people were always worried that there would be a danger that it would become the only mechanism for consultation.

We hope that the civic forum will provide an arena where the more difficult areas of politics and life issues in Scotland can be flagged up. A perennial, difficult and important issue is that of drugs, which every political party finds it hard to handle. I hope that it might allow some of the more difficult issues to be more openly discussed, making it easier for party politicians to pick up on such topics.

I had not realised that the political groups would be able to affiliate to the forum. It will be interesting to see whether those who lose out on the Parliament start second-guessing, taking things to the civic forum, and whether the political groupings raise issues in the civic forum. My instinct tells me that that would not be helpful, but we will have to wait and see how it works. That is one of the exciting, but difficult things about setting up a completely new constitutional structure. We are trying to do many things at once. That is the only way to approach the situation, but it means that many of the outcomes are unknown.

Michael Russell: I fully understand the concept—Lucy McTernan's explanation was very lucid. However, the more one considers it, the more one begins to wonder how the links will be set. Bill Spiers is right: the forum could become a loop which political parties would use to try to feed things back into the system. It could be a place in which, the ideas having been created, the politicians would scramble either to get on board or to get away. It would inevitably become political. When we talked about the new politics, we might find that the new politics was not just stylistically different, but, rather dangerously, wider. It would be less representative because it would involve many people who participated because the forum was political, yet who were not elected. I hope that it does not work like that, but we should be aware that that is a possibility.

The Convener: I am concerned that we are getting carried away with the philosophy when our job is to consider the practicalities of delivery.

Mr Andy Kerr (East Kilbride) (Lab): I welcome the fact that there has been movement in establishing the forum. Michael has expressed some of the concerns that might arise unless we get the terms of reference clear. He made four jibes at the Executive in his brief comments and then trumped it all by saying that the SNP was affiliated, which was news to me.

We need longer, less formal discussions about how this will work, rather than talking about it in this committee, which is recorded in the *Official Report*. It will take more imaginative thinking than is found in such a formal process. The civic forum must happen because people want it to happen. We must ensure that it does not become the vehicle of any particular body or individual.

We wish the forum every success, but as you said, convener, we need to consider the mechanics of it to ensure that it delivers what people want. Perhaps we should examine other forums.

Mr Ian McKay (Changing the Culture of our Politics Group): We think that politics is wider than party politics. Part of the spirit that drove us all to reach this point was a sense of politics that would engage a wider group of people in governance in Scotland. It is difficult to stick to one of the 10 points in our paper, as they are interrelated. We valued coming to speak to the committee, because we are talking less about the issues and more about the way in which people engage in the process.

I agree that one would expect the Executive to take the lead on policy issues, but we saw it as an enormous step forward for democracy in Scotland that the committees in the Parliament also have the right to propose legislation. In so doing, the committees have to engage with civic organisations and with Scottish society to ensure that the legislation that is proposed and the discussions about it form part of Scottish civic life. In the final analysis, it is quite proper that decisions should be taken by politicians—that is what you are elected to do—but it is not your sole right to decide what those issues should be. Different organisations in Scottish society have different concerns.

We were keen to talk to you about the way in which committees engage with civic organisations and how close that element of the Parliament is to coming to fruition. At the moment, it seems to be patchy. Some committees are excellent at engaging with outside organisations, whereas others are not so good. The different techniques and procedures that have been used have various merits. We are also here to ask what the Procedures Committee thinks about that and how it will separate the wheat from the chaff, to determine which methods effectively engage people in the process.

There is an issue about party politics; we regard the role of the bureau as critical to that process. However, our paper was concerned with opening up the process, so that political debate is as broad as it can be.

The Convener: That is pertinent. Our job is not

to consider the issues or the politics, but to consider the process. In our follow-up work, we must ensure that the forum is progressing and that proper procedures for it to relate to the Parliament are established. The Procedures Committee has a watching brief. I am sure that there will be many mistakes and much confusion along the way, but our objective is to ensure that it settles down and that appropriate links are established. We are not in serious conflict about how we see the forum evolving.

It would be appropriate for us to discuss the establishment of the forum with the Executive and to come back to groups to report on progress.

Ian McKay's comments took us towards the second point raised in the paper, which is the creative working of committees.

Professor Brown: The CSG was concerned with considering the process, which is the key. We saw committees as being a crucial link in the process. That is why we recommended that committees should have both a standing and a select role. As part of our object of participation and openness, we were trying to think of different ways in which a committee might engage with or initiate new legislation. We thought of different ways in which committees might bring in experts and rapporteurs and so on. However, we did not want to be prescriptive. We should experiment with different opportunities and think about different ways in which to open up the process. The civic forum was only one element of a broader discussion about the way in which committees might work and how they might aid the process.

As Ian McKay has already said, the committees are doing things differently. That is not a problem; it is helpful and healthy that committees experiment in the early stage. We must remind ourselves how early it is in the life of the Parliament. It is not every day that we establish a new Parliament and set up all its procedures. Everything will not work efficiently from day one.

The next stage is to stand back and review what the committees are doing. How do we assess and monitor their effectiveness? I do not want to say "audit", because that word is overused. None of us had thought about the next stage.

The CSG spent quite a long time talking about the principles that should underpin things. Principles can be a bit like a mantra—people cite the words but do not practise the objectives. However, the ones that we discussed are worth reiterating, because at the end of the day, they are the broad principles on which we want the Parliament—and indeed its committees—to be judged.

The first principle was power sharing, which takes us back to the point about the Executive, the

Parliament and the people. The second was accountability and the different aspects of that. The third principle was genuine access and participation and the last was equal opportunities.

If we find a way of measuring whether those principles are being met through the committee process, we will have achieved a lot. However, the challenge is for yourselves and others to take that next step.

10:30

The Convener: Ian McKay made the point that some committees were working well and others not so well. Without necessarily picking on specific committees, have you observed practice that worries you? If so, we have to bring that out into the open. I cannot think whose remit it would be to say to committee X, "People are criticising the way in which you handle your business." However, if we have to, we will find a mechanism to do that.

If there are specific concerns, please raise them.

Mr McKay: There are practices that encourage us. We have noticed that some committees have taken on advisers to assist them in their work. It seems to us to be perfectly sensible to get the help of someone who is a professional in a particular area. Like Alice Brown, I am not sure whether there should be uniformity in that process. However, it would be sensible at some point to address the criteria for taking such advice and to identify best practice.

Similarly, the way in which consultation is carried out, particularly for those committees that are handling legislation, should be addressed. How do they consult? Who are they choosing to consult? What information is made available to those organisations that they wish to consult? Various papers have been drawn up for the use of committees. Are those shared with the bodies that are being consulted, or does any dialogue go on as a precursor to consultation? It is not so much that we see bad practice out there but rather that, if there is a variety of practices, we should step back a bit and consider what worked and what did not.

The Parliament is to be commended on the amount of information that is available, through information technology and so on, on the legislative process. The fact that people can access such information is excellent. However, some information, such as arrangements that are decided in the Parliamentary Bureau and—one of the problems is that I do not know where else—is not written down anywhere. When do bills go to committee? How long are they in committee? Which MSPs can lodge amendments and how does that work?

If other organisations are to be made aware of that process and how it works, the information should be accessible. Otherwise, the process would be left open to, shall we say, professionals, who are aware of how everything works, and lobbyists and so on. We think that information on the Parliament's structure and its day-to-day decisions should be accessible to outside organisations.

Lucy McTernan: I endorse much of what Ian said. There is good practice going on. Where that is happening, we welcome it. However, I am still concerned that that good practice is not being fully shared by all the committees. To be fair, I should say that we made the point to the Executive, when we met Donald Dewar, that there is good practice in Executive departments but that it does not necessarily carry through to all departments, or indeed to non-departmental public bodies.

The recommendation that we made to them also applies here, which is to stand back—whether you call it an audit, a review or whatever—and to lay down what are the elements of good practice. Those elements do not have to be the same. As we say in the paper, it is very much horses for courses. You can pick and choose different ways to consult, and to involve various groups and individuals in a committee's discussions on a particular topic. However, you, as a committee, should be reminded constantly what the options are. There is no single way of doing it. If that kind of optimum is laid down, it will give you a framework to continue to achieve good standards of participation.

One example of that, an issue that this committee has already addressed, is the opportunity for outside organisations to give evidence to committees at stage 2 of a bill. The Justice and Home Affairs Committee is the only one to have arrived at that stage, but we and many of our member organisations are concerned that, due to an understandable pressure of time, there has not yet been such an opportunity. There may be various good reasons for that; however, we would not want this first case to be seen as a precedent. We would like it to be stated—by this committee, if it were to take the same view—that, where possible, evidence from outside organisations should be taken at stage 2.

Mr Gil Paterson (Central Scotland) (SNP): I am interested in the perception of committees as a mixed bag. I have to say—perhaps because I am one of its members—that I am impressed by the weight of evidence that the Local Government Committee has heard in the short time that it has been in existence. On the McIntosh report, in particular, there has been extensive work, including visits to councils throughout Scotland. Those councils that we could not visit have made

written submissions, which they have been given the opportunity to back up later on.

Your perception that other committees are perhaps less diligent is a wee bit foreign to me. I would like to tease out which committees you think might be underperforming. The Local Government Committee has heard evidence from business leaders on rates revaluation, warrant sales and so on. It has been an intensive process. Evidence has been taken at almost every committee meeting. It might be that the way in which other committees work means that there is less need for them to consult. However, I am amazed to hear what you said, because it is not my experience.

Michael Russell: I agree that we need a process for evaluating best practice and ensuring that committees are working in a way that fulfils the CSG principles. I have no difficulty with that. However, there are misconceptions about what is happening. Overall, there is no bar on evidence at stage 2. The only reason that the Justice and Home Affairs Committee is observing a bar is that the Executive has insisted on a timetable, to get the bill through.

It has to be questioned whether organisations, having given evidence at stage 1, should be entitled to return to that evidence at stage 2, if it is simply repetition. On the other hand, if amendments were lodged at stage 2 that were not anticipated at stage 1, it would be legitimate to allow organisations to give evidence. Unfortunately, the timetable for legislation is very constricted. It was made more so by the difficulty over the rule on the introduction of the financial memorandum, which has now been changed. We got into a bottleneck there.

Ian McKay raised the question of how things are done. Not only is there a set of standing orders, but there are written guides on certain aspects of procedure, which I am sure can be circulated to yourselves and to others. There is a good paper on bills and there is about to be a paper on members' bills. A variety of other papers is available.

I seem to spend a lot of time, as a member of the Parliamentary Bureau and of this committee, talking to people about how they can do things. That is a role for the MSPs who are involved in those areas. I know that Iain Smith and others do that already, and I am more than willing to continue to do so as much as possible. The process is open, but complex. Unfortunately, for a variety of reasons, the standing orders that we inherited were not ideally suited to the task. In some respects, the standing orders are still not ideally suited to the task.

However, there are issues that the committee is considering, which we should be addressing here.

For instance, I have been a strong supporter of bringing non-MSPs on to committees, not just as advisers or for the one-off task of considering a particular piece of legislation or a particular topic, but to enrich the work of MSPs. Such members would have to be non-voting.

The failure of the electoral process to secure an ethnic minority candidate does not mean that the Equal Opportunities Committee, the Justice and Home Affairs Committee or the Social Inclusion, Housing and Voluntary Sector Committee cannot have participation from those communities. It should be meaningful participation. As a committee, we are coming back to that topic, which is one that we need to find a way round. I understand that the only reason that it has not happened was a short circuit at the end of the CSG process—maybe that is giving away state secrets.

Another question that we should address is the number of committees and how they operate. I am becoming more convinced that we have established too many committees and that, to be realistic about the work load of the parliamentary staff and the MSPs, we will have to address that again at some point. We should perhaps reduce the number of MSPs on committees or reduce the number of committees, to provide a realistic level of work for MSPs. At the moment, anybody who is on two committees, let alone three—as a Parliamentary Bureau member I am on three—is badly stretched. Today, Gordon Jackson has had to attend the Justice and Home Affairs Committee, as has Kate MacLean who, although she is convener of the Equal Opportunities Committee, has had to miss part of that committee's meeting.

We have to address that this year, and perhaps reduce the number of committees, boiling them down to their essentials. By doing so, we might set the committees free to do a great deal more than they can do at present.

The Convener: That is an interesting point.

Mr Spiers: To pick up on Mike Russell's final point, I am not entirely clear about how that would happen. However, something that the Parliament and the Executive are having to face up to is the inevitable expectation that lots of things will happen straight away, which means an immense amount of pressure. To a certain extent, that cannot be avoided.

Some of us are a bit worried that, simply because of the pressures on MSPs and the committees, a prioritisation mechanism might be put in place that would mean that issues would be treated more seriously and more fairly, but that far fewer of them would be tackled. We discussed creative thinking and horses for courses.

One of the messages that does appear to have come through is that the Justice and Home Affairs Committee is under immense pressure because of the business with which it is dealing. This is off the top of my head, but is there any constitutional reason for not having two committees that handle the same area of work, for example, two justice committees, to get through that work? In the end, the Parliament makes the ultimate decision.

This is real crawling stuff, but from the point of view of the Scottish Trades Union Congress, I cannot think of a committee that has given us difficulty in regard to access and the format of discussions. Everyone who has been involved in the committees has found a greater level of informality than that which they have experienced in their dealings with Westminster committees, which can be quite intimidating.

One area where there is a problem—and it is a bit difficult to separate the Executive from the Parliament here—is the issue of timetables. Quite frankly, many aspects of that issue are ludicrous. People are given three and four weeks to respond. We can understand the political dynamics of having to get things done; however, if you are being genuine about asking representative organisations to consult properly with their own constituencies and to have an input that means anything, time scales should be much longer.

To pick up on Ian McKay's point about people's understanding of how the Parliament works, it would be useful if there was a pocket guide to the Parliament. There might be an expenditure issue there, but such a guide, which would take people through how the Parliament works, could be made broadly available.

10:45

The Convener: A number of specific points have been raised about our procedures. How easily people can access such information will be included in the report that we will draw up for further discussion and implementation. I am aware of the need to get on with our business.

The Deputy Minister for Parliament (Iain Smith): I understand civic Scotland's concerns about the need to ensure that the consultation period and processes are right. However, we should bear in mind the fact that there are several different phases in the consultation process for all Scottish Parliament legislation. There is a pre-legislative stage before a bill even goes to a committee. At stage 1, the committee considers the general principles of a bill; at stage 2, there is no bar to a committee taking evidence on a specific amendment or section of a bill. That means that there are at least three stages during which civic Scotland can get involved in the

consultation process. On Bill Spiers's point about timetabling, although organisations might be asked to provide evidence in three or four weeks, they have probably had two or three opportunities to do so.

The Convener: I do not want to unravel this issue again. Mike Russell and Ian McKay will make brief points, and then we will move on.

Michael Russell: The facility to establish special committees exists. Although I am not sure whether two justice committees would make much sense, a special committee for the Adults with Incapacity (Scotland) Bill could have brought together members of the Health and Community Care Committee and the Justice and Home Affairs Committee. That facility, which has not yet been used, might be a good thing as it would allow us to focus on a piece of legislation; however, it might also be bad as it would increase the number of committees. The solution might be not extra committees, but smaller committees that meet more often and are supplemented by people who are not MSPs. That would be a tremendous step forward.

Mr McKay: I have two very brief points. In response to Mike Russell, much of the information that is available to MSPs on procedures is not in the public domain. Simplified versions of such information would be very helpful for other organisations. As for the consultation process, the issue is not that there are many opportunities for consultation, but when it is meaningful to consult and who is being consulted. For example, there have been two or three times when we could have consulted on an upcoming education bill, but there is no point in consulting on the bill until we have seen it. Furthermore, there are times when it is more useful to talk to certain people and other times when it is more useful to have a different kind of discussion.

We must all reflect on the experience of the first year of Parliament to have a better idea of when a general consultation is more useful or when more specific and detailed consultation is required for those who are drawing up legislation.

The Convener: Ian has highlighted a number of areas for the committee to take into account when it carries out its own study of the legislative process. We will certainly take into consideration the points about consulting on legislation, which is a significant part of that process.

I hope that we have already covered many of the later points in the "Changing the Culture of our Politics" paper and that we can now accelerate our progress. I will move on to the third point about a framework for increasing participation.

Professor Brown: I think that we have covered points 3 and 4, unless anyone wants to add

anything.

Lucy McTernan: Perhaps we should stress the need to be proactive and positive on this issue. Although I take the point that there is no bar to taking evidence in stage 2 or to various approaches from the pre-legislative stage onwards, the question is whether the involvement of outside bodies is actively sought and encouraged. We are on the cusp of starting a new style of politics and, if we do not put in extra effort and we let that aim drift, patterns will be set. We have an opportunity to construct a framework that will encourage full participation instead of just better consultation.

Mr Spiers: As a quick addendum to that, the circulation lists for consultation should be regularly examined.

Mr Kerr: Although that is fair comment, we are getting completely out of kilter on the issue of the British Potato Council and the debate about section 28. That consultation was valid because we were discussing an bill on ethical standards, not just section 28 itself. I will say that for the record, if no one else will.

Mr Spiers: I was not thinking of that particular example.

The STUC has not yet been invited to give its views on public appointments. Although I know that such decisions are not the responsibility of committees, many members of the public do not distinguish between the Executive and the Parliament.

Michael Russell: However, this committee and those who participate in the process must do so. It is our job to make sure that such a distinction is drawn, not necessarily for partisan political reasons but to understand how the process works.

Iain Smith: People should not wait to be asked to make comments on issues of interest. On the issue of public appointments, that consultation process has only just started.

The Convener: We will move on to point 5, which concerns the civil service. Can the witnesses highlight how the Parliament might fulfil its role of scrutinising the Executive and how this committee might assist good practice in that area?

Mr McKay: When we raised this point and the next—about the Executive shifting the culture of politics—with Donald Dewar and several of his civil servants when we met them some weeks ago, we were encouraged by their awareness of the difficulties that we had highlighted. We had the impression that they were actively considering the idea of reviewing the relationship with the civil service.

We are aware that the Parliament is in a kind of

David and Goliath situation. When the education department, which is probably the biggest in the Scottish Executive, introduces a bill, there are two clerks and half a researcher on the Education, Culture and Sport Committee to assist MSPs in their scrutiny of the bill. We think that the engagement of civic networks can assist committees and individual MSPs in getting research and other information for either legislative questions or more general issues. Although we cannot ask this committee to answer for the civil service or the Executive, we have been reasonably encouraged by the responses from those quarters.

The Convener: Donald Gorrie, who is absent today, has submitted a paper about the relationship between the committee and civil servants, amongst other matters. We will pursue that issue, because we are anxious to improve and clarify that relationship in the interest of better government. Although points 5 and 6 in the paper are more geared towards the Executive, we have a clear interest in certain aspects of them and will examine the civil service issue fairly soon.

Michael Russell: I should not mention the phrase “special adviser”, because I agreed with Andy Kerr that if I do not, he will not. However, for the Executive to take a lead in shifting the culture of politics means that it must take on board the sharing of power, accountability, access, participation and equal opportunities. It is important that the Executive realises that it must share power with the Parliament. On certain occasions over the past year we have not seen such sharing in operation. We have not moved very far towards that aspect of new politics.

I frequently bang on about the concept of parliamentary time, which is at the heart of this matter—and there is no need for Janis Hughes to nod sympathetically because she has heard all this before. One of the core issues for this committee is whether parliamentary time belongs to the Parliament, which shares it with the Executive, or whether the time belongs to the Executive, with other groups in Parliament occasionally getting a share. At the moment, the Executive jealously guards the time as its own and standing orders allocate no time for members’ bills. We must address those issues. If the Executive does not take a lead in discussing them constructively with the Parliament and this committee, they will not be resolved.

The Convener: There are other areas where the relationship between the Parliament and the Executive is part of the committee’s work load. For example, questioning is a very important area of scrutiny and it is up to us to resolve the strong views that are held in various quarters. We are receptive to any specific points raised by civic

Scotland or the Changing the Culture of our Politics group and would very much like to be a part of that loop—I hate that expression, but there you go—between your organisation and the Executive. The more we understand everyone's position, the more likely we are to achieve some of these shifts in culture. It might be pertinent to discuss some of your points more formally with the Executive and perhaps programme a meeting with Tom McCabe, the Minister for Parliament.

We will move on from points 5 and 6 on the paper. The committee was encouraged by the appearance of point 7, on encouraging and supporting new politicians, as we all took the compliment and your gesture of support.

Michael Russell: How tangible is that encouragement and support?

Professor Brown: I suppose that “new” is an overused word in our current debates. We just wanted to make the point that politics is wider than politicians, and perhaps politicians in the past have not included people in ideas about policy and process. It is important to remember that it is very hard to build a new political culture because our experience of a two-party political culture and a first-past-the-post electoral system is ingrained in us.

Moving to a new electoral system and a different kind of political institution requires a lot of people. We must move away from a knee-jerk reaction to certain ways of conducting politics and think about different ways of engaging with each other. Such a view has been given bad press as an example of woolly consensus; however, a genuine consensus can be a radical consensus and that would be a potentially exciting development in Scotland.

We want to encourage different standards of behaviour to get rid of the old “because X says something Y has to be oppositional” approach. We are not being politically naive and ignoring the fact that individuals and parties have significant ideological and policy differences. However, there are proper places to play out such differences, and there are other places where a more constructive dialogue and debate might be more helpful.

11:00

The Convener: We would probably accept that practice, standards and where people are coming from varies between the meetings of the Parliament and the committees of the Parliament. Perhaps the greatest prospect of more collaborative and consensual working is emerging in the committees, as you will observe from the general bonhomie that exists between my trusty colleagues Mr Russell and Mr Kerr. Who wants to ask the first question? [*Laughter.*]

Mr Kerr: The general bonhomie?

Michael Russell: I will go after Mr Kerr.

Mr Kerr: That is a valid point—as the convener said, the committees work in a completely different way from the chamber, which becomes an arena and which attracts most media reporting.

I convene the Transport and the Environment Committee, which has taken evidence from a lot of people and which works consensually. Occasionally, as circumstances dictate, we may break along party political lines, but we have retained a sense of working together to achieve an objective, which is important.

We must recognise that no one around this table has a Westminster past or experience of the Westminster political system—some members have local government experience and some, like me, have no experience of elected office. Therefore, we can engage with one another more meaningfully, because we do not carry the baggage of previous systems. That is part of the fresher approach that we have in the Scottish Parliament, in terms of accessibility and of doing things differently, and I think that we are doing well.

Accessibility and the development of best practice should also apply to individual members. For example, there should be a debate about whether it is valid for people to hold surgeries in supermarkets. We all have a fresh view about best-practice ideas, such as websites, interfacing with the community by attending meetings and so on. We are happy to learn from other people as well as not having to live up to the baggage of the past. Michael?

Michael Russell: Thank you, Andy.

I tend to agree with Andy's comments. One of the mistakes that many of us may have made at the beginning was to assume that it was possible, as Iain Crichton Smith said, to have a “constant shining” of new politics. We assumed that that would happen automatically and that everything would be different. However, the reality is that it has taken a long time for things to start to change, and the process is not constant. One cannot take the politics out of politics—there will be contention in a political system where there is a fault line, such as on the political perception of the constitution. However, there are blurred lines on other issues and the fault line can be exaggerated in the debate—perhaps to compensate for the blurred lines.

In the past, I have been critical of the language and rhetoric used not only by other parties but, sometimes, by my own party, although I think that we see positive signs from time to time. The process within a Parliament will never be totally

gentlemanly or ladylike, or whatever. There is excitement and debate—there should be theatre in politics.

Occasionally, however, the process seems to work well. For example, the debate two weeks ago on the age of consent could have been contentious, not only because of the subject but because of the fact that the Westminster route was taken. In fact, it turned that there was consensus among most of the members, because it dealt with a principle—an issue of equality—on which many of us have been engaged for many a year and long and we wanted to show that within the Parliament. It was an important debate.

Andy Kerr is right about committees. The Education, Culture and Sport Committee will report on the national companies tomorrow. The process has been unified—the members of the committee have come to a common mind without great difficulty and the process has shown that we can work across divides. On the other hand, I am happy to shake my fist and poke it towards Andy across the chamber at any time, but that is part of the theatre of politics. It is also what makes politics sometimes exciting and different.

The Convener: In strict order, we will hear from Lucy McTernan, Ian McKay, Alice Brown and Bill Spiers.

Lucy McTernan: At least I get to go first.

We say that we want to encourage and support new politicians, so I am encouraged by the attitude that has been demonstrated today. However, I do not think that that goes for everyone. While those of us who are, in a sense, cognoscenti of the Parliament are keen to see the new style of consensual debate, where appropriate, that view does not apply throughout Scottish public life. I am thinking particularly of the media and of some aspects of political parties.

We have talked about allowing time for and encouraging participation. In the same way, we must try to encourage a different approach among politicians, whether they are elected for the first time or are carrying the baggage of local government or of Westminster. That responsibility cuts right across; it is not simply the responsibility of those who are sitting here today.

Andy Kerr mentioned the approach of individual MSPs. I would like politicians to make an effort to continue to face outwards. There will always be a tendency, particularly in the goldfish bowl of the media spotlight, to focus in on the issue of the day that the committees and the Parliament are considering. Politicians must make an effort to be involved in their constituencies, speaking not just to individual constituents but to community groups and other organisations that may be developing their own agendas. Whether in the supermarket,

the community hall or the general practitioner's surgery, that kind of approach is extremely important and should be backed up by the approach taken by the MSPs and their research teams.

Recently, an MSP lodged a parliamentary question about the activities of the Executive. In fact, the question was not about the Executive but about a project driven by a voluntary organisation, and could easily have been answered by picking up the telephone. MSPs must face in all directions into Scottish public life.

Iain Smith: The Executive did not plant that question, by the way. [*Laughter.*]

The Convener: We will not identify who lodged it.

Mr McKay: We are conscious of public perception. According to the media, Parliament and parliamentarians have in recent months been spending too much, spending too little, going too quickly, going too slowly and every other possible contradiction. Early in our paper, we make the point that the media must wake up to the fact that this is a new form of politics and that their reportage should be more supportive.

People have pointed out that spinning does not take the place of good policy. We would like to point out to parliamentarians that scoring party political points does not take the place of the respect that comes from proposing good policy, which we are keen to encourage—it is something of which organisations take note. It would be a shame to build a structure that is designed to encourage constructive consensus—if not compromise—only to lose that structure as we continue to fight election campaigns rather than concentrate on the process of governance.

That is sometimes the perception that people have. However, I qualify all that I have said by saying that that is the perception that people would get by reading the newspapers rather than by seeing for themselves what is happening in the Parliament.

The Convener: I should say that the cream of Scotland's media representatives attend our committee meetings.

Professor Brown: Some of the points that I was going to raise, such as the issue of public perception, have been mentioned already. Reporting focuses too much on a particular sort of politics and on the politicians, and too little on the process. I constantly ask people whether they have been to committee meetings or parliamentary debates and whether they have watched the proceedings for themselves to see the hard work that is going on.

The public perception of the Parliament is linked

to the way in which people see politicians in general. We all have a lot of work to do to build confidence and trust in the system. It is worth reminding ourselves why people vote and what issues concern them. People expected that, with the advent of the Scottish Parliament, they would have a greater say in their own affairs, whatever that means. They also expected that there would be improvements in housing, health and education. Members should adopt a problem-solving approach, work together and harness the public's good will to make a difference in those areas.

Of course, each party wants to win the accolades for making improvements. We are not naive about that. Although there is an appropriate time for party politics, the people of Scotland expect to see MSPs working as a collective to solve genuine problems. They are not particularly interested in party political differences. That may upset MSPs, as it is those differences that make life exciting for them. We do not want to take the excitement out of the chamber—far from it. It would be utterly boring without humour and real engagement.

Michael Russell: Alice Brown has raised an important issue, but we are beginning to get confused. Let us take health as an example. Setting aside the fact that the Health and Community Care Committee is able to initiate both inquiry and legislation—both of which it has done—the active change to the national health service in Scotland must come through the parliamentary process by proposals from the Executive. Those proposals may be debated in the Parliament but, with the coalition enjoying a parliamentary majority, the Executive will be responsible for raising or lowering the standard of health in Scotland.

When we talk about the people of Scotland judging the Parliament on the changes that it makes to the health service—and this is a useful shorthand—we are really talking about a judgment on the Executive. One could judge the Parliament's debate on the health service in Scotland, but one could not judge the Parliament on the changes, because the only people responsible for those changes or capable of bringing them about are members of the Executive.

Professor Brown: This is not the place for a long debate on the relationship between the Executive and the Parliament.

Michael Russell: It is an important point in the context of what we are discussing.

Professor Brown: It is an important point, but it goes back to the earlier point about how people see the situation. I agree that perceptions may not

be accurate. None the less, if people see the project as a whole and see it as positive, that takes us a long—

Michael Russell: I accept that, but you have made, in what you have just said, the error that the people of Scotland have made—you have equated two things that are separate. They may be joined, but they are separate. To be fair to the Parliament and to its prospects, it is important that each one of us is accurate in the language that we use.

Professor Brown: I agree absolutely. I am not at all confused about the distinction between the Executive and the Parliament.

Michael Russell: That is good.

Professor Brown: My point was about perceptions.

Michael Russell: If perceptions are wrong, we must help to change them.

Professor Brown: That is precisely my point. Far be it from me to stop the exciting debates in Parliament; I certainly do not want to do that. What I want to change is the impression that is given to people outside. That is important and we all have a responsibility to think about it.

Two weeks ago, there was a debate on the age of consent bill. The Hansard Society commission that is examining the scrutinising role of the House of Commons witnessed that debate, which provided an interesting example of a different way of doing things from the way in which they are done in Westminster. Members of that group commented on what a positive change there had been.

The Convener: Bill, you have been very patient.

Mr Spiers: I shall keep my comments brief. Mike Russell emphasised the distinction between the Executive and Parliament, and he is right to say that people must be clear about who is responsible for what. However, there is a potential difficulty in encouraging the new politics and the new politicians. I will not name names, but it has been put to me that there have been occasions on which the Executive has tried to reach out more in making proposals, only to have things thrown back in its face. Whether that is right or wrong, if we say that the Executive must always take both the credit and the blame for whatever happens, the Executive's willingness to acknowledge a good proposal from the SNP will be reduced. It might be unlikely to happen anyway, but—

Michael Russell: It has never happened so far.

Mr Spiers: Let me give an example. You will remember the day in question, because it was the day of the gongs. This also relates to the media. There was a major debate on health, in which Susan Deacon introduced the paper and David

McLetchie felt compelled to interrupt Kay Ullrich's speech to remind her, going right off message, that she was supposed to be in opposition. That should have been a big political story about the kind of attitudes that were developing in the Parliament, but it was not covered at all and neither was the subsequent debate on domestic violence. The only coverage was about the gongs.

The Convener: If I remember correctly, Mr McLetchie's point was that Kay Ullrich had spent her whole speech attacking the other Opposition party rather than saying anything positive or negative about the Government's proposals.

Mr Spiers: If the new politics is to be more than an aspiration, it may make things less clear cut in terms of where responsibilities lie.

Michael Russell: Although the Executive may say that it has reached out but has been rejected, I could equally say, as business manager of an Opposition party, that on occasions we have been constructive but have been rejected. Perhaps we need a marriage broker more than anything else.

The Convener: And that, of course, could very well be this committee's role.

11:15

Mr Spiers: That brings out the point that civic Scotland could have a role, too. When something happens that the press may not think awfully sexy but that we think important, we should say it in our constituencies as well as publicly.

Another task of mine is as a member of the renewing local democracy working party. One of the most depressing aspects of that is the evidence from every angle and every party of people's unwillingness to engage in public life, particularly in political public life. That is very worrying.

The Convener: Ian, you can have the last word.

Mr McKay: I recall the posters of the student movement in the 1970s, put up by the anarchists, that said: "It doesn't matter who you vote for at the general election, the Government will get in." That is a perfectly good attitude for an anarchist in the 1970s to hold, but I do not think that it is a perfectly good attitude for our Parliament to hold. If a Government of whatever political hue introduces a policy that Opposition parties, individual MSPs and others feel is wrong, there are many organisations in civic society that will be only too happy to prove that it is wrong by using the new committee structures of the Parliament, which offer the opportunity for bad policy to be looked at, challenged and corrected.

That Government and Opposition will always be trying to win at the other's expense is taken as

read in politics. We are saying that that should not disguise, mask and obscure the making of good policy. People beyond party politicians have a role in that the structures of the Parliament allow for that to happen. We want to get that point across, without taking away the whole *raison d'être* of political parties.

The Convener: That is a good note on which to move on to item 8 on your agenda—good practice in, and the role of, civic organisations.

Professor Brown: This item is a reminder to other civic organisations that they, too, have a responsibility. It is easy to criticise the Parliament and politicians, but it is much more difficult to do something constructive. Some groups and organisations are well organised and have good practice; that should be shared, because a lot of organisations say that they want to engage with the Parliament but do not know how to. The Scottish Council for Voluntary Organisations has a parliamentary advice centre, which Lucy McTernan will talk about, to help groups to do that.

Item 9 states that organisations should monitor their own behaviour and practices. The relationship is not one way; civic organisations should not always be demanding things from the Parliament, but—in the spirit of partnership that Bill Spiers and Ian McKay were talking about—should take the responsibility of feeding things in. I think that organisations have already moved some way towards doing that.

Lucy McTernan: That is right. This paper is aimed at us all. I agree that it is important to distinguish between Parliament and Executive; it is also important to distinguish between political parties, the media and civic organisations. Yes, we want members' help in encouraging greater participation, but we recognise that it is not your job to do it for us. We have to work in our own groups and organisations to encourage individuals to get involved at whatever level they think appropriate, and to help to create links between the real—if you like—politics at grass-roots level and the official politics in Parliament.

In the SCVO, we see that as a responsibility of, as well as an opportunity for, voluntary organisations. As Alice Brown mentioned, we have tried to set up systems through our parliamentary service to facilitate engagement. I hope that the civic forum will provide another opportunity for that. Other parts of civic society are making their own efforts, which I hope will benefit the whole system. I make the point again that we are not here just to tell Parliament, or to ask it, to do new things. The responsibility is shared.

We said the same things to the Scottish Executive. There is a shared agenda across all the institutions and groupings in Scottish society to try

to make this project work. This is not just about the Parliament. It is not just about us. It is not just about the Executive. It is not just about the media. It is about all of us. We would like you to take away that message from this meeting and to engage, as Murray Tosh suggested, in discussions with other institutions.

Mr Kerr: Access, whether for constituents or for groups lobbying on particular matters, is one of the winning issues for the Parliament, if we do it correctly. Since being elected, I cannot remember having a Thursday lunch time to myself, because there are always visits, be they from residents associations or other groups. In fact, I read a memo from the catering staff that asked people to avoid bringing parties into Parliament on Thursdays because the canteen is being blocked. That shows that members of Parliament are drawing in people and that the outward-looking approach that Lucy McTernan mentioned—the importance of looking beyond the chamber and the committee rooms—is working successfully.

I had a fascinating meeting last night with a deaf group in my constituency on issues about which, to put it bluntly, I knew nothing. Now I know a lot more about their concerns about access to the Parliament, local government and so on. There is a genuine effort on behalf of everyone in Parliament—and across all parties—to ensure that we look outwards. Every day of the week, MSPs can be seen with groups of people whom they have brought into Parliament to see how it works. In doing that, we will get beyond the stereotypes that we see elsewhere.

There is enthusiasm to increase access. We should share best practice. If you know of a group issuing best practice, we should know about it, too, so that we can tie into it. That, rather than party politics, is how we will make the institution work.

Mr Spiers: I would like to re-emphasise the fact that we are conscious of the need for civic society to get its act together. The STUC is acutely aware of the demands of consultation. We have had something like 14 consultations since July and we have attended meetings like this one. We are aware that, unless we do that half decently, the credibility of our organisation will be undermined—it is a bit like being at an interview.

An informal feedback mechanism for oral evidence sessions or written submissions might be useful, in much the same way as one can get information on one's performance in a job interview. I do not wish to give anyone huge amounts of extra work, but giving information to groups on the effectiveness of their evidence—what was and was not helpful to the committee, and what wasted and did not waste the committee's time—would be useful for those

organisations that are not used to giving evidence, and would assist those organisations that are used to giving evidence but are not good at it.

Mr McKay: We should confess that, in many ways, this is an easy exercise for the four of us, because the organisation that was brought together to produce this paper no longer exists, so we do not have constituents to answer to. Our sole purpose was to produce the paper. We have done so and we have brought it to your attention. This is our last event on this paper, but—to follow on from what Bill Spiers said—it is important that we say that you should be more demanding of us. We have sat here for an hour or so and made demands that you should engage with civic society and so on, but you also have to be demanding of civic society.

There was a time in Scottish politics when—not that long ago—it was easy to respond to Government consultations; we just said that we disagreed and asked for more money. That time is long past. As Bill Spiers said, for many of us, responding to consultations and doing things properly is a hell of a lot more difficult now.

I happen to be in the trade union movement, but the difficulty applies to anyone in civic life. In inviting civic organisations to share expertise with you, you must demand of us that we put the work in and assist you in your process; you should not make the charge—which would be reasonable sometimes—that you are getting the same old information.

As organisations, of course we have vested interests, but at least we should have researched and thought through that vested interest so that we can bring reasonable material to you. Our paper suggests that you should be demanding of civic society and that civic organisations should change the way in which they respond to the Parliament—they must gear themselves up so as to be of use to the Parliament.

Michael Russell: We should be demanding and—in terms of response, information and participation—we should expect organisations that want to be involved to be politically neutral. For example, the response of the trade union movement to approaches by individual MSPs can differ depending on which party they are from. That is not true of academic organisations, and national voluntary organisations are better than they used to be, but it is an issue for trade unions and some associations. A responsible, proactive attitude is needed.

The Convener: Is there any news or advice that you can share on the First Minister's response on the future of the group?

Professor Brown: As an ex-member of the consultative steering group, I have no particular

desire for this group to continue, but we need to think about an independent body that can stand outside the Executive and the Parliament and review and comment on what has been happening. Because the issues that we are debating relate to the Executive and the Parliament, it would not be appropriate for either the Executive or the Parliament to take that role.

The Convener: It would be useful to have an independent, outside body that was willing to comment on trends and on the workings of the Parliament, and with which this committee could discuss its work and proposals. I have no difficulty with the idea of the group continuing. However, this committee is not in a position to deliver that—I am not sure who is.

Michael Russell: It would be a matter for the Executive, but I notice that George Reid made the same point in a speech in Stirling. He went a stage further and suggested an annual monitoring and evaluation report. That is a good idea. A body arising phoenix-like from the ashes of the CSG, and involving civic Scotland and perhaps the Parliament, would be appropriate. A schedule of reporting would be useful, so that each year we knew that there would be an assessment of what had worked and what had not. That would create a benchmark that this committee and others could consider annually.

Mr Kerr: Before becoming an MSP I was a systems auditor. In order to make an assessment, we need to think about what we are measuring ourselves against and the targets to be achieved. I agree with the convener's support for the idea, but we also need to think about measurement and targets. Are we seeking a kind of charter mark for ourselves?

For example, I am sure that my impression of the committee that I chair—the Transport and the Environment Committee—is different from other people's. I think that the committee is going well, that we consult widely and are very accessible. Others may have a different view, so I need to know what the parameters are and what assessments will be made of us.

The Convener: I will tell you later.

Mr McKay: When we raised the idea with Donald Dewar, his response was very positive. David Steel also agreed that such a process should be put in place and, as Mike Russell said, George Reid has been very supportive of a number of the CSG proposals, particularly that one.

For us, the situation illustrates the point that we have been banging on about for a long time; while it may be down to us to suggest the idea, responsibility for doing something about it falls to this committee, the Executive and the Presiding

Officer, or whichever combination of those three it takes to put such a process into practice.

11:30

Professor Brown: I support Andy Kerr's point. We must be clear about how such a body would go about its task if it were set up. We do not want to add more burdens. The crucial point is the spirit in which it conducts its work. It would be entirely wrong if such a body were seen as a means of political point scoring and if things were not done in a certain way, because of party X, Y or Z.

It would be crucial, therefore, for such a body to be independent—made up of a group of people who could examine the process without taking a partisan perspective. We want to get the process right to improve things, regardless of which party or parties are in the Executive.

The Convener: We will progress that work. In the course of this discussion, we have clearly identified a number of quarters from which we should take further evidence. The specific points that have been raised today, as well as the paper that you gave us previously, will provide a template for the areas in which we should be working. As I said, we have already identified some areas and are working in a broadly similar direction on them to try to improve the working of the Parliament and to live up to the principles that were built into the CSG report.

We are perfectly happy to discuss how we might go about that task with a body outside the Parliament, whether your group, as presently constituted, or a more formal organisation. That offer remains open.

We will discuss the question of formalising a continuing CSG with the Executive to see whether agreement can be reached on a model and mechanism that will allow us to have outside evaluation. The only reservation that I have about accepting the flaming torch, which Ian McKay passed across at the end of his remarks, is that I do not want to be the one left holding it if it goes out. *[Laughter.]* However, it would be appropriate from time to time for somebody from outside to come and tell us that from their standpoint there are these areas of progress and these areas of concern.

If the witnesses are happy to leave it at that, we will ask our officers to produce a report, which we will discuss at a subsequent meeting once we have gone over this morning's discussion and taken on board all the points that have been raised. We will try to identify a programme of work and a series of further meetings that will allow us to progress the idea. The witnesses will be able to get the stuff from the website and we will continue to liaise with them either until they are happy that

their work is done or until we find some other way in which to institutionalise a continuing CSG.

Is everybody happy?

Members *indicated agreement.*

The Convener: I will adjourn the meeting for a couple of minutes while our witnesses depart. We will reconvene in a couple of minutes.

11:33

Meeting adjourned.

11:40

On resuming—

Conveners Liaison Group

The Convener: The second item on the agenda is the briefest of reports, in which the conveners liaison group has requested that we consider the formal constitution of that group. We did that some time ago, but nothing much has happened because there are unresolved issues between the bureau and the CLG. As we do not want to discuss the matter today, I ask you to approve the recommendation that we receive an issues paper on 15 February. I hope that those two bodies can sort out their different views on the remit of the CLG. We have a facilitating role—our task is to sort out what everybody agrees will happen rather than to decide between competing claims.

Michael Russell: I understand that the issue of the convener's casting vote was submitted to the conveners liaison group. Was that issue to be referred to us or was any decision made about it? It strikes me that it is a procedural matter.

The Convener: That issue is back with the conveners liaison group this afternoon for approval. It is appropriate for this committee to discuss it.

Michael Russell: This committee should discuss what advice should be given to the Presiding Officer on the matter.

The Convener: I think that the issue has gone through three distillations to try to reach a point at which everybody is happy—we will find out this afternoon whether that has happened. I am happy that we should discuss the matter.

Michael Russell: Any decision of the conveners liaison group would have no standing until it had been discussed in some sense as a standing procedure for committees.

Committee Videoconferencing Facilities

The Convener: The third item arises from a letter from David Mundell, whom I welcome to the committee. We are also joined by Lesley Beddie.

David Mundell (South of Scotland) (Con): I declare that I have a registered interest in British Telecommunications Scotland, which may impact on this matter.

I became aware in November that there were videoconferencing facilities in the Parliament headquarters. During December, Elaine Murray, Michael Russell, Colin Campbell and I participated in a video link between the Parliament and Langholm, in Dumfriesshire, which has excellent facilities. Everybody agreed that that meeting worked extremely well.

A cross-section of the community, including school pupils and the community council, asked us a range of questions, which, as is typical of the public, were much more difficult to answer than those that come from other sources. The event took place on a wintry December evening, which was, I think, the evening of the Labour party Christmas party. Not only would it have been difficult for some of those present to attend a public meeting, the weather in the Langholm area would have made it difficult for the event to happen at all.

It was clear that videoconferencing offered an excellent facility for direct contact with the public, for information gathering by committees and, potentially, for members' surgeries. I then discussed videoconferencing with a number of people, including Lesley Beddie.

It became clear that there was confusion about the extent to which the standing orders allow for videoconferencing to be used during the proceedings of the Parliament and its committees. I felt that it was important that the issue be clarified, so that people could not say, "We cannot do this as the standing orders do not allow it."

It also seemed to me that the Parliament should be taking an experimental approach and not overly constricting itself. I am an advocate of the use of videoconferencing. It might not work in every circumstance, but let us try it. If it does not work, we can move on to something else, but if it does, we can enhance and work with it.

I was keen for the Procedures Committee to clarify the extent to which videoconferencing can be used. This is mainly about a change of mindset, so that people feel comfortable with the facility and want to use it. The reporters that a number of committees have appointed will be involved in evidence gathering that can be

supported by the facility. That is the background to my letter to you, convener.

11:45

The Convener: Is the standing order difficulty the incompatibility between the requirement to make meetings and evidence publicly available and the physical limitations on the videoconferencing facility?

David Mundell: I think that the two are connected. However—with due respect to the committee—not all members are as intimate with the standing orders as you perhaps envisage, convener. Members may not be clear about this issue and think that hidden away in standing orders there is bound to be something that makes it impossible for us to use videoconferencing.

The facilities in the basement are obviously restricted. I hope that there will be a significant improvement in the new Parliament building. Several committees are proceeding with sub-groups and individual reporters. I do not think that there would be any difficulty in the public having access to the relevant rooms while videoconferencing took place. I have just come from a meeting in a room similar to this, to which only four members of the public could have been admitted. I do not think that the restriction is realistic.

The Convener: John Patterson, you have submitted a draft letter to the committee. Do you believe that there is a standing orders issue, or is it simply an issue of interpretation and guidance?

John Patterson (Clerk Team Leader): It is more the latter. There is nothing about videoconferencing in standing orders. We believe that there is no limitation rooted in a particular rule. We mentioned rule 12.3.4 to highlight the fact that committees should normally meet in public. Beyond that, I do not think that there is any bar.

The Convener: So if a committee wanted to take evidence using the videoconferencing facilities, it would have to agree to meet in private, simply because there is no space for the public in the room? Is that the issue, or are we saying that we would squeeze in as many people as we could? Alternatively, could we take the evidence and relay it at a public meeting?

John Patterson: That is a difficult question. The starting point should be that committees should normally meet in public. There are clearly some practical considerations, but there is nothing in standing orders to rule out videoconferencing.

The Convener: Before I ask Mike Russell to address the issues, I would like to hear from Lesley Beddie. The report was about the spread of information and communications technology and

was intended to go to the conveners liaison group. Do you see practical difficulties in using videoconferencing for a committee meeting?

Lesley Beddie (Director of Communications, Scottish Parliament): I see a few limitations. First, the videoconferencing suite downstairs is not very big. Secondly, whoever is giving evidence needs to have access to facilities at the other end. However, that is quite easily done—in many parts of the public sector and in many industries it is seen as a natural thing to do, so it is becoming increasingly available.

Here at the interim accommodation, because of the layout and location, many people have found this very difficult. It is not impossible, but we have to think fairly innovatively about how the committees work and the appropriate way to use technology to support and develop that work.

The Convener: Do you mean that we should either relocate the facility or use rapporteurs because we could fit in the rapporteur, the staff and the public?

Lesley Beddie: Many things are possible if we consider what the committee wants to do and what technology is available. We may have to adapt some of the technology. Mobile videoconferencing equipment is available, but it is expensive. We could use those facilities if committees met in larger rooms, such as this one.

Michael Russell: The standing order difficulty should not detain us for too long; I agree with John Patterson about that. If we used videoconferencing in a committee room such as this, it would be a public facility. We would take evidence from and discuss matters with someone who appeared on a screen. If the screen were visible to the people attending the committee, the evidence given would be as public as if those giving it were attending the committee in person. That is not a great difficulty.

There may be a difficulty in the interpretation of the standing orders that talk about members being present at a meeting. We should consider that because it may require a slight tweaking of the wording to allow members to participate from another location. There are two distinct uses for videoconferencing: first, to take evidence from people who are not members of the committee; secondly, to allow David Mundell, when he gets snowed in at Langholm, to participate in a committee meeting. That would be a very useful facility, as long as we did not over-rely on it.

We should know more about the locations of videoconferencing facilities in Scotland so that we can make use of them. I am sure that David Mundell, through the good offices of BT and others, could give us a list of facilities in Scotland and encourage us to use them. We should

encourage the conveners liaison group to consider using the videoconferencing suite, which is not particularly attractive and is stuck in the basement—not a salubrious location. If the committees started to use that facility, there might be enough pressure to have it reinstalled in another committee room, such as committee room 4.

As we consider moving to the new premises, we should think about integrating the latest technology so that committees and individual members can use it. Webcams of various types are developing every day and by the time we get into the new building, whenever that is, the technology will have moved on several stages. Let us suck it and see, but encourage committees to make use of the facilities.

We also need some notes on standing orders, just to clarify the position.

The Convener: Is it that people do not use the facilities because they are out of sight and therefore out of mind? Should we consider moving the facility to one of the committee rooms and hope that the availability of the equipment will lead to people looking for ways in which to use it?

Michael Russell: I would like to have some evidence to show that the facility is being used before we do that. I did not know where it was until David showed me and even then I got lost because the suite is not well signposted.

Iain Smith: Most of us are not aware of the facility or how to book it if we want to make use of it. We need to promote its availability.

The Convener: The conveners know that the facility exists, because we have discussed it.

Iain Smith: The second issue is the location. I assume that something has been built into the design for the new building, but if not we should ensure that full videoconferencing facilities are available in at least one committee room and the chamber. We should also consider whether it is worth equipping one of the current committee rooms for videoconferencing, given that we will be here for at least another two years.

Michael Russell: We need to know more about other facilities—the lack of that information is a problem. There are facilities at Langholm, but we need to know where else we can use videoconferencing facilities. It cannot be used at only one end.

David Mundell: Mr McConnell advised me that the Scottish Executive is in close consultation with the Convention of Scottish Local Authorities about the siting of videoconferencing links for use between the Scottish Executive and local authorities. A large number of educational establishments have taken them up. On Monday, I

hope to participate in a link between this Parliament and the Finnish Parliament. While some people will be in the headquarters here, I and other MSPs will be in Dumfries, at the Crichton campus. The facilities exist, but promotion is a key to their use. Sir David Steel supplied me with the names of a number of people who had used them—about half a dozen so far. Lesley may have better figures.

Lesley Beddie: I do not, but we recognise that the facility has not been promoted extensively. Information on videoconferencing—such as how to book it—appears on the new intranet site, the Scottish Parliament electronic information resource, in the information technology section. There are moves to do more with it. I have been speaking with COSLA and the Executive about how we can make things work between those groups.

The Convener: Can you tell us something about the new facilities? Will we be adequately equipped with what you understand to be the latest technology when we move down the road? Are you involved in the design for that?

Lesley Beddie: Certainly. In fact, we had a meeting yesterday that addressed IT and broadcasting at Holyrood. Although the original specification was drawn up some time ago, it includes facilities for videoconferencing. Even as matters proceed, we expect that the committee rooms will be able to accommodate more videoconferencing and more broadcasting work. As you can see, the convergence of broadcasting and computing is enabling that. That is very much in our minds.

Mr Paterson: Promotion is the key word, and not only within the Parliament. This is the way to go because it opens up many avenues. Videoconferencing gives people the opportunity to be associated with the Parliament much more easily than they are at present. If we promote the facility within the Parliament, which I believe we should, it will become commonplace in other areas of Scottish life. We could ask to have extra resources put in key locations in Scotland.

The Convener: It will have some practical outcomes, then. We will get the clerks to give specific consideration to the standing orders so that we can satisfy ourselves that there is nothing there that would be an impediment. We will write to the corporate body about the possibility of moving the facility to a committee room and we will communicate with the conveners liaison group on the promotion issue, advising them of what we are doing and suggesting that there might be a greater willingness to make the facility better available if people were actually looking for ways to use it.

Michael Russell: We need a list of locations where videoconferencing exists in Scotland, where we can—

The Convener: Might BT be able to give us that, David?

David Mundell: I think so. Various other organisations, such as local authorities and academic institutions, would be able to provide that information. That is something worth doing. Individual members should be encouraged to use videoconferencing for their own purposes, just to

get comfortable with it. People have preconceptions—the quality of transmission from Lesley's facilities is much better than the quality that people may have been accustomed to in the past. The more comfortable people are with it, the more it will be used.

The Convener: I think we have general agreement on that. Thank you for your attendance.

Meeting closed at 11:58.

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