

PROCEDURES COMMITTEE

Tuesday 23 May 2000
(*Afternoon*)

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PROCEDURES COMMITTEE

7th Meeting 2000, Session 1

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 ALSO ATTENDED :

Lesley Beddie (Scottish Parliament Director of Communications)
Ms Margo MacDonald (Lothians) (SNP)
Janet Seaton (Scottish Parliament Head of Information and Research Service)
Iain Smith (Deputy Minister for Parliament)

WITNESSES

Malcolm Graham (Scottish Parliament Corporate IT Services)
Murray McVicar (Scottish Parliament Information Centre)
Connie Smith (Scottish Parliament Information Centre)
Michael Lugton (Scottish Executive Constitutional Policy and Parliamentary Liaison)

CLERK TEAM LEADER

John Patterson

ASSISTANT CLERK

Katherine Wright

LOCATION

Committee Room 4

Scottish Parliament

Procedures Committee

Tuesday 23 May 2000

(Afternoon)

[THE CONVENER *opened the meeting at 15:31*]

The Convener (Mr Murray Tosh): Good afternoon and welcome to the seventh meeting this year of the Procedures Committee. We have lots of extra people from the Scottish Executive with us today. Iain Smith will introduce his officials shortly. We also have various Parliament support staff hiding in the wings, waiting to be brought in as and when necessary.

Parliament and the Executive

The Convener: The first item of business is responses to the paper that was presented to the committee by Donald Gorrie. The Executive officials are here to comment on the issues as they arise. Perhaps the best way to approach the item is for Donald to lead the discussion on each of the points as we go through the paper. Officials can make their responses and members can comment on the issues. The committee could then make decisions and recommendations point by point.

It would be in order for Donald Gorrie and the minister to make introductory statements. We will then respond issue by issue. We will have as many innings as it takes to conclude the match.

Donald Gorrie (Central Scotland) (LD): Thank you, convener. I am indebted to the officials who put together the response to my paper. It has confirmed my worst suspicions and illustrated why we need changes along the lines that I suggest. The battleground has been quite clearly set out.

I will go through the response as it is laid out. Paragraph 1.1 talks about a four-way concordat between the Scottish Parliament, the Scottish Executive and their respective staffs. My starting point—from some months ago, although it has not changed much—is that Scottish Executive officials are overwhelmed by the amount of business that is created by the Parliament in terms of formal questions and letters and that the delays in replying to such inquiries are unacceptable. I recognised that there is a problem with the large work load and I suggested civilised ways of dealing with the matter.

There should be more agreement between the Parliament and the Executive on how to deal with

the problem. I suggested that there could be a hotline via which Executive departments could tell MSPs the current factual position regarding issues that those MSPs want to raise. That might head off some questions and letters. Ministers could hold surgeries for members, which might also save time in the long run and improve relationships between ministers and members. Those suggestions appear on pages 3 and 4 of the officials' papers.

The Convener: Minister, do you want to respond to those suggestions?

The Deputy Minister for Parliament (Iain Smith): I would prefer to operate as we normally do in meetings of the committee. I will contribute to the general discussion rather than getting into a head-to-head discussion. The suggestions relate not only to the Executive, but to the Parliament.

The Convener: Indeed. Donald Gorrie made specific points about the Executive's relationship with the Parliament, however.

Iain Smith: I welcome the opportunity to speak on behalf of the Executive on these matters. I thank the clerk for producing a well-balanced report for the committee to consider. Donald Gorrie has made some specific points about the relationship between the Executive and the Parliament and the time scale for answering questions. We recognise that the Parliament is new and that it is developing its procedures. The Executive is not conspiring to delay making any responses—we want to improve procedures. The Executive reviews constantly how it deals with parliamentary questions and correspondence.

On the sort of inquiries that Donald mentioned, I should point out that the central inquiries unit is available via phone and e-mail for members or their assistants who want to get factual information about what the Executive is doing. I do not think that members have had any difficulty finding information from that source. If there are problems, we will investigate them if they are brought to our attention. Perhaps no problems have been reported because the unit is not being used as much as it should be. If that is the case, we will have to publicise it better. I am happy to arrange for members and their staff to be notified again of the contact numbers.

The Convener: Three suggestions relating to possible improvements or innovations have been identified. The first relates to lines of information. The second relates to the possibility of regular ministerial surgeries for MSPs. The third is to do with the inefficiencies that exist between the Parliament and the Executive, particularly concerning the answering of questions and the handling of correspondence.

Before I throw that open for members to discuss, I would like to raise a point, Iain. I am under the impression that an internal review—within the brief of the Minister for Parliament—is under way in the Executive to try to streamline and speed up the rate of response to parliamentary questions. Can you tell the committee something about that?

Iain Smith: The Executive is always examining that issue. We are trying to ensure that the time taken to answer questions is brought closer to what is expected, and we are trying to deal with the outstanding questions. That involves checking our systems, which is a problem because the Executive is answering significantly more questions than was the case previously. Perhaps the volume of questions is greater than was anticipated and keeping track of that is an exercise in itself. However, the Executive is constantly reviewing the situation to try to find ways to improve its response time.

Mr Andy Kerr (East Kilbride) (Lab): Is there a tracking system for performance? Do we know whether it is getting better or worse?

Iain Smith: There is a tracking system, and it is getting better. The situation is improving, although it is taking time. A quarterly audit is now carried out. The audit for the period to December was published recently and the next audit, for the three-month period to the end of March, will be published soon.

The Convener: That answers the questions, but there is a separate audit and tracking system for correspondence between members and ministers.

Iain Smith: There is a new ministerial correspondence system being brought up to speed that I hope will be fully operational soon.

The Convener: Given that this is your opportunity to put it in the *Official Report* and the public domain, would you like to say a little bit about the system and the hopes that you have for speeding up the rate of response?

Iain Smith: It might be better to ask one of the officials that question.

The Convener: Absolutely. I am assuming that you will guide me towards the relevant official.

Iain Smith: I am aware that a system is in place, but I do not know the mechanics of it.

The Convener: Michael, can you tell us about that system?

Michael Lugton (Scottish Executive Constitutional Policy and Parliamentary Liaison): Yes. I confirm what Iain Smith said about parliamentary questions. A quarterly audit was published in January, and the intention is to continue to publish quarterly audit information about the volume of parliamentary questions and

the performance of the Executive in relation to them.

If it would be helpful, I could provide a few key facts. Iain Smith alluded to the volume of questions that is received. In October, November and December, the number of questions lodged was 460, 534 and 537 respectively. I understand that more than 1,000 were lodged in March. The figure went down in April—I presume that that was because of the Easter recess—but in the first half of May 400 questions were lodged. The average number of questions is rising, but despite that we think that the Executive's performance is getting better and that the next audit report will show a considerable improvement in our performance.

On green folders or, rather, ministerial correspondence—I am sorry that I used the internal technical term—we are, as Iain Smith said, moving towards an electronic system of handling that correspondence. We scan letters from MSPs when they arrive and they are transmitted electronically to the appropriate action officer so that we do not lose time by transmitting hard copy around the organisation. That system is being rolled out across the whole organisation and it should be in place for the whole organisation towards the end of the summer.

The volume of correspondence has also gone up substantially. In the period from 1 July 1998 to 31 March 1999 we received fewer than 8,000 letters from MPs. In the period from 1 July 1999 to 31 March 2000 we received 12,207 letters—an increase of about 50 per cent. If one looks at the period from January to March 2000, and compares it with the corresponding period in 1999, the increase has been about 90 per cent. There is a challenge for us, but we recognise that devolution has resulted in greater accountability and that we must respond to that challenge.

The Convener: What does that mean in practice for your work load? The easy response would be that six or seven ministers previously fielded 8,000 questions, whereas there are now 22 ministers who field more questions, but a proportionately lower number per minister. I presume that a great deal of staff time and work is involved in framing an answer and that it is too simple to talk about the number of ministers.

Michael Lugton: That is absolutely right. Some of our ministers' case loads might be lower than those of some of the then Scottish Office's ministers before devolution. However, there has been a step change in the volume of business for the organisation as a whole. We have not increased resources at the same rate as the increase in the volume of business in the form of parliamentary questions and ministerial letters.

15:45

The Convener: Do the questions and letters impact on the same officials in the Executive's structure?

Michael Lugton: Yes, in the sense that the questions and letters are allocated to officials who have responsibility for particular areas of policy. They must accommodate within their work as a whole the preparation of the draft answers and draft replies that are passed to ministers for clearance. The increase in business has been borne by broadly the same officials who were in post before devolution.

The Convener: The role of the minister is to receive the draft and put the policy imprint on it by requesting or instructing whatever changes are necessary. The bulk of the research and compilation is officer-borne.

Michael Lugton: That is how we operate. The answers are issued in the name of ministers, who are accountable to Parliament directly. The role of officials is to provide appropriate support to ministers. That means generally that officials provide draft replies, which ministers may accept, reject or accept with modifications. The work is initiated by officials but is signed off by ministers.

The Convener: If I were to observe that there are departments and ministers from whom answers to letters and questions are received quite quickly and that there are others from which answers can take a long time to materialise, what conclusions might you invite me to draw? I do not wish to lead you.

Michael Lugton: The volume of questions and correspondence that individual ministers have to deal with varies enormously. Some ministers have relatively few questions and letters to deal with and some have a relatively large number, which must be a factor in turnaround times. I would not like to comment on the relative efficiency of parts of the organisation because that would involve making judgments about the complexity of the questions that are asked. The purpose of the audit that we publish is to provide disaggregated information from which the reader can draw his own conclusions about such questions.

The Convener: Have staff resources been reallocated, or is it intended that they might be reallocated to reflect different work loads?

Michael Lugton: We have reinforced the central correspondence unit, which manages the case load as a whole. On parliamentary questions, we have reinforced the parliamentary branch. We are also examining better use of information technology in the parliamentary branch. The question whether resources should be moved from one department to another to deal with different

case loads needs to be considered in the wider context of the general pressures on the organisation. Senior managers take a view on that as pressures emerge and as they perceive the need to make changes.

The Convener: I have asked a lot of questions. Margo MacDonald has joined us. Margo, do you want to ask a question?

Ms Margo MacDonald (Lothians) (SNP): I would, if it is not rude to jump in front of other members.

The Convener: I ask members to put their hands up to indicate that they want to speak. Everyone is welcome to do so.

Ms MacDonald: I want to pick up where Michael Lugton left off. There might well be a reassessment of the instruction that people take when they answer questions. What criteria will be deployed and who will deploy them? Will civil servants or politicians determine whether the rate and quality of replies meet the quality standards that we seek?

Iain Smith: Ultimately, it is a matter for politicians. Ministers are responsible for the departments. If MSPs are not satisfied with the quality of responses, ministers are answerable to Parliament. Ministers are trying to ensure that the rate and speed of replies is improved as part of the general management of the Executive's departments.

Donald Gorrie: The point that I was trying to make in my paper is that we could have a more open system. An MSP might go round a number of schools that are worried about higher still and so decide to pursue the matter. At the moment, he or she would lodge written questions or write letters to ministers. If there were some mechanism whereby the issue could be explored informally but reasonably rapidly—either with a minister or with a relevant civil servant—the MSP could be informed of the available facts and the Executive's present position and decide whether to pursue the matter formally. That would head off a lot of questions and letters.

Secondly, at the end of my paper, I suggested that a formal provision for questions be included in standing orders. That might be regarded as over-bureaucratic but, in a democratic system, the one capacity that back benchers and the Opposition have is to embarrass the Government. It is embarrassing if lists must be published of questions that have taken an unearthly time to be answered. If the Executive feels that a particular MSP is asking an unreasonable number of questions, it can embarrass him. Some rules, as set out in my paper, would be highly desirable. A more open and informal system to introduce issues would reduce ministers' work loads and

make MSPs much happier.

Iain Smith: Informal routes are available and a code of practice on access to Scottish Executive information has been published and is available on the Executive website. That code makes it clear that civil servants will provide factual information on request. Ministers also give guidance to civil servants to give factual information to members of Parliament and the public as required. As I said, we could help by publicising the Executive's central inquiry unit, so that people know that that route is available. If MSPs want to speak to ministers, they can lobby them in the coffee bar or they can try to catch them after a committee meeting and so on. Routes are available to speak informally to ministers to raise concerns without going through the formal channels.

The Convener: With respect, the minister would often need to go back to an official for briefing to give a substantive answer. From time to time, I have phoned the Scottish Executive and have spoken to a civil servant. Often, I have had someone's name or a local government contact. Presumably there is nothing in the system to prevent that from happening.

One useful way of making us all more confident in handling civil servants and working out who does what would be to produce lists of departmental structures and telephone contacts and to encourage us to find the information by calling the relevant person, rather than putting something on the record and going through a tortuous process that can take months. Although you have given us a telephone number, which I have used, I am not aware that there has been much effort to tell us who people are, what they do and how they can be contacted. Can you address that?

Iain Smith: I am happy to consider that. The idea of the central inquiry unit is that the staff there can put you in touch with the official who is best placed to answer your inquiry. That system should work for any inquiry to any department of the Scottish Executive.

Michael Lugton: The Scottish Parliament information centre has copies of our internal business directory and should be able to identify quickly the relevant official for a subject. If an MSP wants factual information about a policy area, SPICe ought to be able to identify the person who can help and get in touch with that person, or pass on the direct number to the MSP. If there is a problem with lack of information about our internal structure, we can certainly consider the situation and see how we can help.

Mr Kerr: As Iain Smith said, it is early in the process and things are quite fluid. I am amazed by the figures given for the upsurge in numbers. It

takes us back to earlier discussions about members' self-discipline. MSPs have every right to ask questions, but there is an issue to consider. We talk about self-discipline, but do we apply it in real life? That is a question for us all to bear in mind.

I am not sure whether we are at the stage at which strategic decisions should be made on the contents of Donald Gorrie's paper. The system has not bedded down sufficiently for us to produce any answers. There is one quarterly report. Now that we are using modern technology, the image should be scanned and sent down e-mail systems for responses, to try to speed up the process. I welcome those developments, but I am not sure whether developing a concordat would be appropriate at the moment. A helpline is suggested, but one already exists, so I am not sure about that idea either.

It is easy to embarrass a minister by saying, "It took me three months to get a response from your department." I remember hearing ministers say in the chamber that they are trying to deal with a whole host of questions. That is not viewed well by members, because they do not adopt the self-critical attitude that might be helpful on occasion.

I accept all the points that have been made about questions and the routes and methods that are used in answering them. I would rather allow those methods to bed in before discussing further the specific items in Donald Gorrie's report. I am not saying that we will not have to revisit them, but I am not happy to take such decisions when the system has not yet bedded down. We do not have enough experience to say what needs to be done.

The Convener: I was quite happy to expand the discussion in this area, as a number of issues have been raised. Members may not be aware of the internal processes in the Executive for monitoring questions and correspondence and the attempts to streamline and speed up the rate of answers. The existence of the hotlines is not as widely appreciated as it might be. Accessing civil servants directly to obtain factual information by the most convenient methods is something that could be recommended to everyone.

I am not sure that the committee will ever be in a position to say what can be done to instil self-discipline in members. Nevertheless, we are entitled to expect members to be aware of the implications of the Executive's work load and to expect the Executive to be conscious of the frustrations that members feel. We should encourage members to resolve their problems by whatever internal systems exist to streamline systems and deal with staff to ensure that we get the speediest possible response.

It has been important to go over those issues.

The responses represent a sort of concordat, in so far as they are commitments to try and make the system work better for everyone. Although I am not sure whether a formal concordat would necessarily take us any further forward, we should continue to keep the matters under review. For example, this section does not mention surgeries and we might have to leave that issue to stick on the wall. Perhaps you could raise it again, Donald; I will give you an opportunity when I have finished to make any final comments on that point before we move on to the next section. We need to progress through the whole paper.

16:00

Donald Gorrie: I support the proposal that all MSPs should have an internal, departmental phone directory. It is a waste of everyone's time to have to phone up SPICe for a number. Either we have open government, or we do not, and a proper phone directory that told us who did what would be a step forward.

As for the surgeries, Iain Smith could sound out ministers and perhaps some of them could give it a try informally. His idea of nobbling people after meetings is profoundly unsatisfactory. There must be some structure that allows MSPs to have a serious conversation with ministers on issues of concern. The idea should at least be explored and volunteers should be sought.

The Convener: I will let Janis in before I ask you to volunteer someone.

Janis Hughes (Glasgow Rutherglen) (Lab): On MSP surgeries, I do not have a problem with Donald's suggestion about sounding out ministers. That might be okay for MSPs who are based in Edinburgh, but might be a problem for those of us who are not, as it is unlikely that such surgeries could take place on a Wednesday or Thursday. Most of us are here on a Tuesday only when we have a committee. I would not travel from Glasgow to meet up with a minister in Edinburgh for three or four minutes.

Donald Gorrie: I assumed that such surgeries would take place on a Wednesday or Thursday.

Janis Hughes: The time constraints on those days would make them absolutely impossible.

Iain Smith: Janis's point about finding the time is important, but I am quite happy to ask whether any ministers are able to do so as an experiment.

It would be useful, for the record, to remind people of the central inquiry unit numbers. One of the problems with internal directories is that they are out of date almost as soon as they are printed. Furthermore, it can take a while to look through a directory to find the relevant person; contacting the central inquiry unit can cut out a lot of time.

The Convener: If the directory were available electronically, it could be posted on our e-mail system and would be updated automatically at the same time as the parliament directory.

Iain Smith: We will investigate how to improve the position, but, as I said, the central inquiry unit can be contacted to find out which official can best answer an MSP's inquiry; its number is 0131 556 8400. For those who are not based in Edinburgh, there is a local rate number, which is 0345 741741. For those who have difficulty with hearing, the number for the minicom service is 0131 244 1829. Finally, the e-mail address for the central inquiry unit is ceu@scotland.gov.uk.

Ms MacDonald: What are the central inquiry unit's hours of opening?

Iain Smith: Normal office hours, which are 9.30 to 5.15.

Ms MacDonald: I would sack them all if they finished at 5.15.

The Convener: We will consider how to publicise further those hours and numbers.

Iain Smith: I should emphasise that there is also an answering service.

The Convener: We have taken 35 minutes to cover the first point, so we must try to pick up the pace. Can we move on to the issues about the Scottish Parliament information centre and the library?

Donald Gorrie: Since writing the paper, I have had a useful discussion with SPICe and the matter is progressing in the right direction.

The Convener: Would Janet Seaton or Lesley Beddie like to say anything to the committee?

Janet Seaton (Scottish Parliament Head of Research and Information Service): No.

Lesley Beddie (Scottish Parliament Director of Communications): No.

The Convener: Thank you.

That takes us to suggestion 1.6 about Scotland Office staff.

Donald Gorrie: This is a political issue and I would not expect a civil service reply. It is a matter of opinion whether we need the Scotland Office. I introduced the matter because that office has no more than 10 senior civil servants; that could make quite a difference regarding the points that Michael Lugton made about the responsibility for answering questions falling to high-grade staff who are relatively small in number. My suggestion would help that situation.

The Convener: The suggestion is justified—the longest outstanding reply to a letter that I have

sent to a minister is one that I await from Brian Wilson. I suspect that the concordats, guidelines and targets that are being set by the Scottish Executive's civil servants might not apply to Scotland Office civil servants. It might be possible for Scottish Executive civil servants to raise some of those matters with their Scotland Office counterparts. We will send the Executive a copy of the *Official Report* with the relevant section highlighted.

The next suggestion is for a bumf-busting programme. We shortened bumf by making it end with the letter "f" so that it took up less space.

Donald Gorrie: My suggestion is two-pronged. There could either be a committee that dealt with the matter, or each committee could have a small group of its members deal with the matter. That latter point has not been addressed in the response. In my experience, people in education, health, higher education, further education, training and economic development all complain about the weight of paperwork. The Accounts Commission for Scotland had a figure for the number of teaching hours that could be saved if there were more efficient paperwork systems for schools. Teachers would be able to teach instead of filling in forms.

This issue should be dealt with. I would be happy to be a bumf tsar. You might get rid of me—I would depart for six months and guarantee to save £10 million. It is unlikely that that offer will be accepted, because the matter must be dealt with more democratically. Small groups of people probing departments and other organisations that produce bumf could save a lot of money.

The Convener: I do not know how we should approach the issue. Should we raise it with each committee of the Parliament and suggest that they might treat the matter as some sort of initiative? Much of the difficulty results from the natural desire of newly appointed ministers in the newly devolved Scotland to consult on as many things as possible and to launch as many initiatives as possible. We should view that positively and let a thousand flowers bloom. The production of bumf might settle down in the fullness of time.

Ms MacDonald: Everybody has forgotten that the Parliament is not just for Christmas—we are stuck with it. We could find work to do for all the other years of the Parliament.

The Convener: I am sure that there will be something left for the second year.

Ms MacDonald: There will be plenty left. Bumf busting will be difficult to accomplish, but it depends on an attitude of mind. That attitude is built into the procedures of the Parliament, so the Procedures Committee is the committee that can tell the other committees, "Remember the

rainforests." I am on two of the pointy-head committees and we have piles of paper to deal with every week.

The Convener: I have seen some fairly demanding committee agendas.

Mr Kerr: There are two aspects to consider. First, we should examine the Parliament's systems of operation and how we do our business. Are those systems creating unnecessary reports that nobody reads and documents that nobody wants? I have a background in quality assurance systems; when I audited organisations, I used to find that they were issuing a multitude of reports that nobody read or was interested in. I hope that electronic media and e-mail will solve some of those problems.

The second aspect that people point to—quite correctly—is the massive amount of paper that we issue as a way of being open, accessible and accountable. That can get out of hand, and it is being suggested that we remind people of that. Paper production, and its impact on the rainforest, is a good reason for being more vigilant. Once the Parliament's operational procedures have settled down, we need to establish whether we are producing information that nobody wants. We also need to have an eye to the documents that are published. We may see them as great, weighty and wonderful, but at the end of the day, will they make any difference—it is a bit like opening a window on a warm day, like today.

The Convener: Would you like to respond to anything that has been said, Iain?

Iain Smith: Some of the comments that have been made are justified. When we receive documents, we should ask whether we really need them, rather than simply accepting that we do. One issue that the Parliament might want to consider is the format of committee reports. In some cases, evidence has been published in a separate volume from the report itself. That is sensible, as it allows people who want simply to read the report to get just the report; that saves a lot of paper. If the report and the evidence are published together, we end up with an expensive document that nobody wants. If everyone asked why they needed a document when they received a copy, we might manage to cut down on the amount of paper that we produce. We always think that information technology will reduce paperwork, but my experience is that it increases it.

Donald Gorrie: Clearly, I explained myself badly. I was not arguing that the Parliament created the bumf. The problem affects the whole system; it has existed for ages and has been getting worse year by year because of regulation. Colleges, for example, are audited by about five different bodies; they receive circulars telling them

to do this, that and the next thing. The same applies to schools and the health service. Local government and quangos create a great deal of bumf.

The Parliament may have generated some more, but the problem relates to our governmental system as a whole. It may not even be a British issue, but a feature of western democratic government. Europe, of course, produces enormous quantities of bumf. I was suggesting that we consider the waste of resources and the waste of people's time that is caused by their having to deal with that. If we were to suggest to individual committees that they explore the issue, that might be a way forward.

The Convener: It is pertinent for committees to review the amount of material that they receive and to make representations to ministers if they feel that consultationitis or reportingitis has set in. The Executive may also want to consider how much paperwork is produced. We should all examine the issue constructively. I do not know whether Donald Gorrie's offer to be a bumf tsar is likely to be taken up or—if it was—whether the tsar would have a European remit. That is for others to decide.

Mr Kerr: Are we using recycled paper in the Parliament as much as we should? MSPs can order it through their local office, but I do not think that it is readily available in the Parliament. I may be wrong, but it is my impression that the paper we get for our copiers and faxes is not recycled. That is now in the *Official Report*, so somebody will no doubt look into it.

The Convener: No doubt.

That takes us to the second batch of suggestions, all of which concern additions to chapter 5 of the standing orders. I ask Donald Gorrie to take us through those.

Donald Gorrie: I am a bit concerned by the statement that appears roughly halfway down paragraph 10 of the discussion document:

"Adding a section on the relationships between the Scottish Executive, civil service or other staff working for the Executive and the Parliament to the Standing Orders is not therefore likely to be competent."

Whether or not it is a good idea is a separate issue, but surely the Parliament can set out the arrangements that it wishes to obtain in its dealings with the Executive and the officials who work for the Executive.

As I understand the democratic system, the Parliament is supreme and can lay down the methods according to which that supremacy is exercised. Perhaps standing orders are not the right way of doing that, but the concept that we should not do it is one to which I take extreme

exception.

I think that the suggestion of having timetables setting out repeated printing of dilatorily answered—or unanswered—questions and a complaints system for when the MSP or ministry feels that other people are acting unreasonably was helpful. If that is not done through standing orders, I suggest that it be done in some other way.

16:15

The Convener: I think the point that was being made in paragraph 10 was not that anything specific should not be done, but simply that the standing orders cannot really embrace the Executive's working practices. As the report notes, various procedural papers are evolving; for example, there is the code of guidance for committee clerks in their dealings with the Executive. That is a pertinent point, which recently came before the conveners liaison group. The matter should perhaps be given wider circulation, so that members are generally aware that such things are under discussion.

I would have thought that the process might evolve as issues and interfaces are identified—the growth would be organic and evolutionary. Everything that we do—any interrelationship between the Parliament and the Executive—is likely to be governed, at some stage, by an agreed procedure. Perhaps it is the information about those procedures, rather than the procedures themselves, which is the problem.

Do you have any point to make about paragraph 10, Iain?

Iain Smith: As you indicated, convener, a number of different protocols and codes of conduct are being developed, one of which is the protocol between committee clerks and the Scottish Executive. An agreement is being reached between both sides; presumably that will be published shortly so that everyone is aware of it.

The key point to which we will have to return is that Executive officials work for ministers; it is ministers who are answerable to the Parliament. The protocols, at the end of the day, are between the Parliament and the ministers. It is more difficult if we try to bring in officials for what are, in essence, the responsibilities of ministers. The accountability of ministers for what the Executive does is the key thing. We must ensure that ministers are properly accountable to the Parliament for their actions.

The Convener: Is there an issue for the clerking directorate to consider, with regard to how it could make members aware, in a wider sense, of some

of the protocols that are being worked up?

John Patterson (Clerk Team Leader): I could certainly look at that.

Donald Gorrie: The last sentence in paragraph 15 of the response reads:

"A comprehensive review of the accountability relationship may be something the Committee would wish to address as a specific inquiry."

That goes along with Iain Smith's point: it is a question of getting the relationship between the Executive ministers and the Parliament right. Obviously, we are all learning—starting from a base of ignorance, as it were. We could perhaps pursue that in the appropriate way.

The Convener: The committee is aware that a review of questions forms part of our on-going work load. I suspect that many of the items on page 8 may pre-empt those matters. Perhaps we should agree to consider the accountability question in the context of our eventual findings on the specifics of the parliamentary questions.

I am concerned about how we approach this, and about the principle of naming and shaming, or believing that identifying an irresponsible member will somehow solve the problem. That is not likely to get us into the right frame of mind or yield any substantive solutions.

The point about highlighting long delays in receiving answers is that that is almost management information for the Executive, although we have to see the information too. From that information, the Executive will learn whether it has allocated resources properly to meet the work load, and it will ensure that the standards that are set by the promptest departments are met by everyone. That is information for us to share, and we can view it as management information on which to base resource allocation and policy decisions. I agree that we could consider accountability in the context of everything else that we are going to consider.

Donald Gorrie: As is stated in the response, accountability covers a wide range of things, of which parliamentary questions are one aspect. The more thought there is, and the more pieces of paper that are written about a healthy relationship between the Parliament and the Executive, the better. That should be explored.

The Convener: One of the things that we might legitimately consider, eventually, is the quality of the answers. There is no doubt in my mind that some answers are informative and precise, whereas others do not quite meet the same standards. That is, I think, a legitimate matter to raise: to say to department X or minister Y that that is how it should be done. There are issues in this for the Executive, as there are for members.

Mr Kerr: Will we not cover this under item 6 on the agenda, about the inquiry into the consultative steering group principles? This should come into that discussion.

The Convener: The CSG inquiry will, of course, be overarching. It will touch on everything that we do and will also inform the inquiry on questions.

Iain Smith: The quality issue is not just about answers; it also relates to some of the questions. The clearer the question, the easier it is to give a clear answer.

The Convener: There are quality issues all round. Members will be aware that, certainly for oral questions, there is pressure from the Presiding Officer to ensure that questions are precise and relevant. Standing orders presently do not require the same constraints on the answers, but I like to think that—by the time we have reviewed the process—they will. I am sure that everyone will agree that that is progress.

Ms MacDonald: Can I make a suggestion? Many of the questions that are lodged are written by researchers—we should not kid ourselves about that. Perhaps the researchers need a wee seminar on what a question should be; that could cover when to do a question, when to do a letter, when simply to phone the central inquiry unit and so on. There are a lot of inexperienced people; that is not meant to be pejorative—I am just observing the scene.

Iain Smith: The Executive would welcome that approach. We probably need a regular seminar on sources of information and how best to ask questions, as new people are coming in all the time.

Ms MacDonald: Can we have a seminar on spelling? I will send you mine.

Iain Smith: If someone volunteers to run it.

Those are fair points—how best to provide that type of seminar and that information should perhaps be discussed by the Executive, the Parliament's officials and the Scottish Parliament information centre.

The Convener: We could do two things—one is to relay that point to the chamber desk, which I am sure bears the brunt of members' indignation and frustration at questions that are not precisely framed. We could also consider it in the context of a review of questions. I suspect that this issue could be on-going. The suggestion is a positive one, with which we all seem to be happy.

Donald, does that allow us to move on to—

Donald Gorrie: The back-bench trade union and all-party groups.

The Convener: You are leaving suggestion 2.5,

are you?

The clerk hit the nail on the head in the report. One might agree that an aim should be attached to everything that appears in the media but I suspect that many of us have, at various stages, said things off the record; nothing we say here is likely to change that.

Donald Gorrie: My idealistic side was pushing this. I have floated the idea; if it falls on stony ground—

The Convener: It is a fair point—I agree with the principle behind it. What about paragraphs 17 and 18—your all-party points?

Donald Gorrie: I confused the issue by suggesting, at the same time, the idea of an all-party back-benchers organisation and the democratisation of the Scottish Parliamentary Corporate Body and the Parliamentary Bureau. The point is that any recognised all-party group should be allowed to lodge motions and to propose and promote bills. I think that the person who wrote the report confused slightly the two suggestions; the report says that the back-benchers group should be able to lodge motions and to propose and promote bills. That is not what I was suggesting.

The second point is that there is merit in an all-party group being allowed to propose a bill or to lodge a motion. If a bill or a motion is in one person's name, it can arouse party political feelings. Any individually proposed issue carries an anti-vote, whereas an issue that is proposed by an all-party group gets over that. People from all or most parties are interested in helping disabled people or refugees—or whatever it may be—which means that the proposal would have more chance of success. That is a specific idea.

The notion of having a trade union for back-bench members may strike some people as a strange idea, but it would have merit. Since I wrote my suggestion, a back-bench liaison committee has been set up between the Labour party and the Liberal Democrats. It has met three or four times and has made a constructive contribution to improving the work of the Parliament. We should extend that, not replace it. There should be some forum in which back-bench members can moan and come up with constructive ideas. That is not an idea that I assumed would be unanimously supported, but I thought that it was worth raising.

The Convener: I am conscious of back-bench feeling about the allocation of time in debates. Talking earlier about questions and letters, we touched on issues over which back-bench members are feeling frustration. I wonder whether we should include those aspects of the Parliament in our CSG report, which we will discuss later. After all, sharing the power—which is one of the

central objectives—means giving individual MSPs every opportunity to make their mark and to raise their points. Some of those issues—which may be standing order issues—may well be addressed in that context.

I have no fixed view on whether we should change the procedure to make it possible for a motion to be lodged jointly, rather than by one individual. I do not know whether there is a substantive point there, but we should consider that in the context of our other work. However, I am quite content with it in principle.

Does the Executive want to say anything about those issues, Iain?

Iain Smith: Not a great deal. Individual members can lodge up to two members' bills as well as motions and amendments. If they want to have any of those supported by members of an all-party group, there is nothing to prevent them from doing so. Indeed, several motions have been lodged in more than one name, effectively, by being supported by other members as they are lodged.

Ms MacDonald: Would it make a big difference if the ability to have the support of an all-party group was added? That would mean that a member could get round the whips and not have to sook up to their party. That would be a big plus.

The Convener: Margo, I have never heard anyone accuse you of that.

Iain Smith: That raises a problem about the status of all-party groups, which would have to be examined.

Ms MacDonald: I am talking not about establishing an all-party committee, but about an ad hoc arrangement. For example, Tommy Sheridan's member's bill could quite easily have been lodged by an all-party group. However, it was not; it was Tommy Sheridan's bill. Some people may argue that that weakened its method of operation, if not its impact.

Mr Kerr: Margo MacDonald has shown why we do not have to take any action on this matter. Tommy Sheridan's bill had John McAllion and Alex Neil as co-sponsors, which gave it the validity of a cross-party bill. Further control might have the opposite effect from what is intended. So-called cross-party groups could give an undue status to an issue: would it be a real cross-party group, or just four people from different parties getting together over a pet subject in which they all had an interest? I am happy to follow your guidance, convener, about discussing this matter at a later stage, but I am not convinced that allowing cross-party groups to lodge motions would bring anything to the party—if I can use that phrase.

Iain Smith: There is also the question of the

rights of committees to lodge bills. None has done so to date, but that is another option for displaying cross-party support for a proposal. Committees can also take on a member's bill and sponsor it as a committee bill. There are ways in which cross-party support can be indicated.

Ms MacDonald: I have my name on a motion, but I would have been quite happy not to have headed up the motion, which might have gained the motion more support. However, the idea is a good one.

16:30

The Convener: The idea will stay in circulation and we will consider it in the context of further work.

Mr Gil Paterson (Central Scotland) (SNP): I am very sympathetic to the idea of giving power to cross-party groups and to back benchers. What would happen to a cross-party motion if some people pulled out? Would it fall, or would it have to be amended? We have already had a situation where a motion was lodged and, minutes before the debate took place, support from two groups was removed, leaving an individual group stranded. We should consider that technical issue.

The Convener: That is a fair cautionary point.

We have had a good thrash at the report. I am grateful to the Scottish Executive officials who came to give us information. We will pick up several points that have emerged from the discussion with the relevant departments. We will consider how we might draw members' attention to many of the specific areas that were new to some of us today. I release the Scottish Executive officials, with thanks.

If member of the press are writing that up, they should not omit to point out how much harder pressed the Executive is by the hard-working MSPs.

Electronic Procedures Noticeboards

The Convener: Item 2 is on electronic procedures noticeboards. The paper on the matter is largely self-explanatory. We have a witness from corporate information technology services to give us some comments on the report.

Malcolm Graham (Scottish Parliament Corporate IT Services): There are several options available for clerks and MSPs to give their views and comments on the Procedures Committee. There is also a separate option for members of the public. The clerks and MSPs would follow a purely internal process based around the intranet. The public process would be accessed through the Scottish Parliament website.

Mr Kerr: I welcome the direction of the report. Will MSPs have access to the clerks' site and will clerks have access to the MSPs' site? That is what I would prefer.

Malcolm Graham: I would imagine that that would be the case, although it would have to be discussed in more detail with the Procedures Committee clerks.

Donald Gorrie: It is all very encouraging. I am a dead loss at all such things and am feebly trying to learn. It is not appropriate to assume that, if things are put on an electronic noticeboard, everyone will know about them. We still need a belt-and-braces approach—I am one of the incompetent people who need pieces of paper or another system to ensure that they know what is going on. In the meantime, we have to organise lots of training so that we can gradually become competent at all these things. At some future date, it may be that we can do without the bits of paper and do everything through the electronic noticeboards.

The Convener: That was a bumf-busting contribution.

Donald Gorrie: The way to bust the bumf is to have lots of training for idiots like me.

Janis Hughes: A lot of training is available. The Parliament's IT staff fall over themselves to help people and the training that they offer is of an excellent quality. Having worked in IT before, I commend the IT department.

I understand that some people will have a steep learning curve, but I am in favour of electronic anything as it makes the Parliament more accessible and allows more people to access information. Stick to the learning, Donald, because you will find it beneficial in the end.

Mr Paterson: Janis, you have picked us up wrongly. We are all in favour of reducing the

number of bits of paper for everyone else, but we would like to keep them flowing for us. It is an age-gap thing.

The Convener: I thank our witness for coming.

Amendments to Motions (Withdrawals)

The Convener: Item 3 deals with the withdrawal of amendments to motions. The substance of the immediate point can be dealt with if we agree that amendments should be handled in the same way as motions. If that appears to require the revision of standing orders, we will take that up in the fullness of time.

A further point relates to the provision for withdrawing both motions and amendments, assuming that we bring amendments into line. That is dealt with in paragraph 6 of the paper that members have before them. It has been the practice for the Presiding Officer to ask whether members are content for the amendment to be withdrawn. It would be appropriate to seek guidance from the clerking directorate and the Presiding Officer to establish how they would deal with a situation in which a member indicated that they were not content for an amendment or motion to be withdrawn. Can one member object or would the chamber have to vote? The situation has not arisen so far, of course, but the advice in the paper concentrates the mind on what might happen.

Donald Gorrie: I understand that, when a committee is dealing with a bill, if a member wants to withdraw an amendment, any other member of the committee can pursue that amendment. I do not know whether that would be relevant to the situation in the chamber.

The Convener: We should clarify that. A member might want to support another member's amendment. If that member asks to withdraw the amendment, is the other member entitled to force a vote on it? I think that there is an extension of the point there. We will clarify it and report back.

The substantive point is that we will recommend that amendments should be handled in the same way as motions. Are we all agreed on that?

Members *indicated agreement.*

Rule 9.12 (Financial Resolutions)

The Convener: That takes us on to item 4, which is on the application of rule 9.12. We have been invited to receive an issues paper from the relevant working group in the fullness of time. There appears to be an issue that merits investigation and there could be business for us at the end of the process. Can we agree to accept the report?

Members *indicated agreement.*

Oral Questions (Presiding Officer)

The Convener: Item 5 is on the issues raised in correspondence from Donald Gorrie and Margo MacDonald on oral questions to the Presiding Officer in his role as convener of the Scottish Parliamentary Corporate Body. It also relates to two other points that Donald raised.

Donald Gorrie: I think that Margo MacDonald went out to try to cool off.

16:40

Meeting adjourned.

16:41

On resuming—

The Convener: The recommendation in the report was that we should receive papers on the various issues in the fullness of time. The clerk, Janis Hughes and I had a chat about those matters this morning. I am of the view that there is an opportunity within standing orders at the moment for the Presiding Officer to take oral questions.

The standing order in question deals with exceptional circumstances. I imagine that when the standing orders were devised, it was envisaged that exceptional circumstances might arise once in a blue moon in relation to something specific that happened in the chamber. We have fairly significant exceptional circumstances at present in that the Presiding Officer is effectively heading up the Scottish Parliamentary Corporate Body in a major procurement exercise. If this Parliament runs for 300 years, that might never happen again, so it might reasonably be seen as an exceptional circumstance.

I am concerned that there is no facility at the moment for a question-and-answer session. While I would be reluctant to see the Presiding Officer harried to death on oral questions routinely, there is a justification for inviting the Parliamentary Bureau, the Presiding Officer and Deputy Presiding Officers to consider whether, when and how frequently it might be appropriate to take questions on the procurement. If it is not done by that method, it will be done by press attack, sporadic questioning and points of order. I do not think that any of that is efficient.

I am not sufficiently close to these events to know when and how often such question sessions should be arranged, but there must be an opportunity for members to ask questions. We would be seen to be in dereliction of our responsibilities if we did not.

We also talked about whether we could ask such questions through the SPCB, because all the political parties are represented on the SPCB, with the exception of the single member parties. We came to the view that the SPCB collectively is procuring the project, so it is not for the party representatives on the SPCB to ask questions; if anything, it is for them to be questioned. The best way for questions to be asked properly would be through questions to the Presiding Officer.

I am not sure that any change to standing orders is necessary, as this seems to be a matter of interpreting existing standing orders. If members are happy to do so, we could quickly make an appropriate inquiry to the Presiding Officer and the Parliamentary Bureau to find out their understanding of the current position. If we indeed have to change standing orders, we will at least know, and we can decide whether that has to be done urgently. I hope that the fact that this issue has been raised will have concentrated everyone's mind on how we can build such questioning into a regular pattern of work.

I throw that point out to members as an extension to the report. As I say, we had a briefing this morning and a further chat about the issue, and I wanted to set my thoughts out to you.

16:45

Mr Paterson: I would have to question who should decide whether something is extraordinary. We are talking about the Holyrood project. No matter who is heading a project or a programme—whether it is the Presiding Officer or anyone else—the democracy of the Parliament comes first, and that person has to be questioned. I got the feeling that Sir David thought that he did not have to answer any questions.

I feel that there is a deficiency in the standing orders. When a controversial issue—or any issue—arises, it should not be extraordinary for MSPs to ask questions; that should be their right. We have to be able to get answers—if not from Sir David then from someone else.

The Convener: Standing orders allow the Presiding Officer to be questioned in exceptional circumstances. Ordinarily, he would be the judge of that; ordinarily, those circumstances would be when a member felt that an instant answer was required on an issue and the Presiding Officer agreed. The procurement of the Parliament building is not a bolt from the blue; it is an exceptional process. Under existing standing orders, it ought to be possible for the Presiding Officer to agree to answer questions and it ought to be possible for him to agree the timetabling with the Parliamentary Bureau.

I suggest that, rather than change the standing

orders to invent a new procedure, we invite the Parliamentary Bureau to consider whether the standing orders would allow the timetabling of a question-and-answer session in the relatively near future so that the matter could be explored. As events required it thereafter, that exercise could be repeated. There would always be accountability to the Parliament. The alternative is to conclude that the current standing orders do not permit such questioning. We would then have to decide whether we were going to recommend a change. That would be a more protracted process.

Mr Paterson: If we leave the matter in Sir David's hands in this instance, he may decide that there is nothing special about it; however, if an Exocet missile happens to hit the site and brings on additional costs, and we—

Iain Smith: That might reduce the costs, Gil.

Mr Paterson: Yes, things might end up cheaper, but we would be within our rights to ask questions if something extraordinary happened.

I would be unhappy about a situation in which the person who decided whether a question could be asked was the person who was being asked the question. The Presiding Officer is not refereeing on whether a minister can be questioned; he is refereeing on whether he himself should be questioned. That is a deficiency.

The Convener: If members felt that the Presiding Officer was not making himself answerable in an appropriate way, I think that there would be legitimate concern about accountability and there would very possibly be a requirement for the committee to consider changing the standing orders. However, at the moment, I think that this situation can be accommodated without changing the standing orders.

Ms MacDonald: I do not believe that it can be accommodated within the standing orders. I think that there is complete incompatibility between the Presiding Officer being, on the one hand, supra-party, supra-Executive and supposedly the protector of the back bencher but, on the other hand, the executive authority. He has such authority for this, the biggest and most obvious project that the Parliament has.

I do not blame David Steel personally; he has been put in an impossible position. Last week, the Presiding Officer explained that the corporate body had been very surprised at the amount of money it would cost to disassemble, store and reconstruct the temporary Parliament and that the decision had been landed on it. As a back bencher, I have every right to ask who landed the corporate body with that decision and whether they are still part of the project team.

I have experience of trying to cut through this matter and have tried questions and letters—I have a selection of them here if anyone wants to look at them. We are asking the Presiding Officer to act in a political way in answering me or any other back bencher, but that is not the Presiding Officer's role. We have to re-examine how this project is handled and how it is accounted for, although I accept that it is extraordinary.

The Convener: You are asking us to readdress a decision that the Parliament has taken. I do not say for a moment that your diagnosis is wrong—it may be absolutely right, but the project has been given to the SPCB and Sir David is answerable for it. We cannot go back and unscramble that decision, but we can examine how accountability can be built in. It should be possible to interpret or, if necessary, amend our practices to allow that to happen. We need to find the quickest and most efficient way in which those questions can be asked. I agree that they should be asked, but I do not think that we can reopen the question of who has responsibility for the project. The Parliament can do that if it wishes, but it has twice decided that the SPCB will head up the project. Ultimately, that decision will be the responsibility of the Parliament.

Ms MacDonald: What do we do about the role of arbitration and whether an issue is sufficiently extraordinary or enough of an emergency to be taken as an emergency question? That matter, too, cropped up. We had the difficulty of the Presiding Officer being unable to answer verbally. I would maintain that there was an emergency, in that the main Parliament project was left without a project head and without a head architect. That is the situation in which we have been for several weeks.

The Convener: That is why I would like there to be a question session. I do not think that we can address this matter by nailing Sir David down to answer questions almost daily, whenever something happens.

Ms MacDonald: I do not want us to do that; that would be dreadful.

The Convener: It would be better to have a proper timetabled question session in which these matters can be explored, and for the Presiding Officer and the bureau to have the sense and judgment to programme such sessions as often as they are required to deal with genuine questions and concerns. We have to move from the present situation, in which things are clearly not being handled properly, to the point where they are built into the timetable.

Ms MacDonald: Can I ask for guidance on this?

Let us assume that your advice is followed and that there is a structured accountability session in

which the Presiding Officer answers for the project: what happens if the answers do not satisfy the Parliament? Would a vote of no confidence be moved against the Presiding Officer as the Presiding Officer, or the Presiding Officer as the head of the project?

The Convener: I do not know the answer to that—I will think about it. I cannot work out the answer to every conceivable situation. We have to tease out such questions as we encounter different circumstances. The very fact of discussion, dialogue, questioning and accountability would move us a long way forward and would be a useful start.

Iain Smith: The best we can say about the Holyrood project is that the progressing committee is being progressed. I think that there is some movement on that committee and I hope that it will be in place reasonably soon, as the Parliament instructed. The Presiding Officer is keen to give a new progress report on Holyrood to the Parliament, and he is keen that there should be regular progress reports to the Parliament. A question time could be scheduled for a few days after any progress report is issued, so that questions can be asked about the report.

There are some peculiarities to deal with. The SPCB is set up in statute in a specific way and is not a very easy body to understand. It is not directly accountable to Parliament, because it has its own statutory powers. Although that might be a deficiency in the Scotland Act 1998, the position is that the SPCB is responsible for the Parliament and has its own statutory status.

Janis Hughes: There are two issues to address: first, as Margo MacDonald highlighted, the debate about the Holyrood project; secondly, Donald Gorrie's more general point about how back benchers can question the Presiding Officer in any of his capacities. The convener has made a helpful suggestion of a regularly scheduled question-and-answer session to the Presiding Officer. However, in the meantime, rule 13.9 of the standing orders states quite specifically that, in exceptional circumstances, the Presiding Officer should answer oral questions that are put to him. I hope that if the Presiding Officer receives that message from the meeting today, he will understand the importance that we attach to the issue. Although it is not for this committee to discuss the ins-and-outs of the Holyrood project, there will always be such exceptional circumstances and we should remind the Presiding Officer that we expect him to use rule 13.9 of the standing orders.

Ms MacDonald: I do not want this committee to discuss the Holyrood project; I merely used it as an example.

Donald Gorrie: It would be fine if we could construct a viable system of oral questions without changing the standing orders. It is slightly stretching the English language to have a facility for regular emergency questions, although I am all for stretching the English language if it helps.

The idea that all MSPs will be dead happy with everything that the SPCB does once the Holyrood building is built is an illusion. Although there might not be the same exciting rows, there will be great angst about such issues as the use of the carpark or the cut in our writing paper allowance. MSPs will continue to ask the SPCB questions. If there is some reason why it is considered indelicate for the Presiding Officer to step down from his pedestal and answer questions, it might be possible to appoint someone else as spokesperson for the SPCB. I would not find such a suggestion unacceptable.

I should make it clear that Margo and I were suggesting that there should be questions to the Presiding Officer only in his role as convener of the SPCB. We could not have an arrangement in which MSPs could ask the Presiding Officer why, for example, he ruled their amendments out of order. As with a lord provost or a speaker, a Presiding Officer makes his decisions and we have to live with them.

As Iain Smith pointed out, perhaps the Scotland Act 1998 was not so cleverly drafted as it has the curious effect that the Presiding Officer and the person who is effectively the managing director of Scottish Parliament plc are the same person.

The Convener: The word used in the standing orders is not "emergency" but "exceptionally". It is important to make that distinction. You are discussing how the Presiding Officer can be questioned. It is likely to happen only in exceptional circumstances because most questions to the Presiding Officer would be along the lines of, "You ruled me out of order—why?" and the Presiding Officer cannot be held to account on that basis.

The word "exceptionally" applies in circumstances that are exceptional. We have an exceptional situation, in that the Presiding Officer, as head of the corporate body, is responsible for a major building project. Other matters may come up that involve the SPCB, but I doubt that it will ever again be responsible for a project as big as this one. I would be interested to establish whether the standing orders allow us to timetable questions to the Presiding Officer, which he could answer in his capacity as head of the SPCB. If the Presiding Officer's interpretation is that that would not be acceptable under the existing standing orders, we will need to re-examine them. However, I believe that there is a shortcut here that enables us to deal with this issue satisfactorily. Sorry, Andy, I

seem to have cut across you.

17:00

Mr Kerr: That is fine. I wanted to say something very similar to that.

The Convener: Do we agree to proceed on that basis?

Members indicated agreement.

The Convener: We will report back on the responses that we receive. At our next meeting, we will have an opportunity to come back to the issue if we are unhappy about the way in which it is developing.

Ms MacDonald: I think we should have a shot at doing what you have suggested, convener, but it is untidy.

The Convener: Two other issues were raised in Donald Gorrie's letter. One related to the content of members' motions; it would be appropriate for us to bring that to the attention of the bureau. Last week, for example, we had a very good debate on Barlinnie, which raised a number of interesting issues and received a reasonable amount of coverage. As it happened, the debate was initiated by a Glasgow member. It would be a pity if it were impossible for that issue to be raised except by a Glasgow member.

If we were to trawl through all the members' debates, we would probably find plenty of similar examples. Had John Farquhar Munro or another Highland member not wanted to raise the issue of the Cuillins, would it have been impossible for us to discuss it? The bureau should be reasonably flexible when deciding whether debates should be limited to specific constituency matters or whether they can include more general policy issues. I do not know what Iain Smith can tell us about the private meetings of the politburo.

Iain Smith: Guidance for members' business has been issued and is based on the consultative steering group's report. It does not exclude consideration of wider issues. Indeed, if we carried out an analysis of members' business debates we would probably find that the majority have been on general matters, rather than specific local issues. We are reasonably flexible in this regard, although the intention is to give members an opportunity that they would not otherwise have to raise matters of concern to their constituents.

The Convener: Is that sufficient, Donald?

Donald Gorrie: If a member wanted to lodge a motion on youth clubs, for example, the chamber office would advise them that if they mentioned a specific youth club in their area they would have more chance of getting it debated. That seems rather silly, but it is what the chamber office

understands the bureau's attitude to be.

The Convener: We will ensure that the chamber office sees the relevant extract from the *Official Report* of this meeting. Members do not have to mention a specific youth club or whatever in their motion because the chamber office says that that is a good idea.

Iain Smith: Our aim in members' business is to select motions on which there will not be a division. If they relate too closely to policy, people are more likely to submit amendments because they do not agree with a particular policy. If they relate to items of particular local concern, they are more likely to be regarded as a general debate on which there will be no division at the end. If a member insists on lodging a motion that does not exactly meet the criteria laid down by the bureau, the chamber office will still put it forward for consideration for members' business. It is not excluded.

The Convener: The final point in Donald's letter is about changes to the committee structure. I wonder whether to some degree it has been overtaken by events. It would be useful for the committee to have advice on the implications for standing orders and procedure of any changes to the structure and remits of committees, as those are defined in standing orders. Any changes would be likely to involve work for us.

Iain Smith: You are right. Changes to the statutory committees would have to come before the Procedures Committee, as they would require changes to standing orders. Changes to other committees can be done on a motion of the Parliamentary Bureau under existing standing orders.

The Convener: Those things can be included.

Donald Gorrie: The issue will arise again at some stage.

The Convener: I do not know that we will put a report on the agenda, but if the clerk could consider the matter, we can circulate an interpretation by e-mail so that it is set down and we have all seen it if it needs to be put on a committee agenda in future. Is that fair enough?

Members indicated agreement.

Consultative Steering Group (Key Principles)

The Convener: We move finally to item 6, which is the report on the inquiry into the application of the consultative steering group's principles in the Scottish Parliament. The report looks quite bulky because it contains the previous report at the back. There is a note of the points that we want to include in the paper. We are also invited to agree a list of points on the scope of the inquiry, the draft timetable and the news release, which is very early in the process—we will not do that for some considerable time. It is there so that everyone can see what the thinking is.

John, do you want to say anything about the report?

John Patterson: Not really. It is meant to be helpful and to address the specific items that were raised previously. It is an opportunity for us to get the committee's collective views on whether we are going in the right direction.

The Convener: When we discussed the matter previously, there was a sense that we might be rushing things. We now have a time scale, which provides for a report around the middle of next year. The bulk of our work will be done later rather than earlier. Stage 1 of the work will take place in the autumn.

Donald Gorrie: The material is on the right lines. There was some discussion last time about whether the advertising of the inquiry to solicit people to write in should be written in the language of *The Herald* or the *Daily Record*. This could be construed as being written more in the language of *The Herald*, which may be the right decision.

I hope that we will throw our bread in the water and invite any individual to write in and actively solicit responses from all the groups that have dealings with the Parliament. I spoke at a breakfast meeting this morning, which is not something to do lightly or unadvisedly, especially when one has just come off the sleeper from Westminster. There was a lady there from Amnesty International or some such organisation who has had a lot of dealings with the Parliament and was very positive about our procedures. People such as her have an informed view, which we should solicit. The report is good stuff.

The Convener: We should approach all the organisations who have dealt with us to get their response on, for example, how they were handled and how their evidence was dealt with.

I will now invite someone from the Scottish Parliament information centre to come to the table

to tell us about the scope of the inquiry and the timetable.

Murray McVicar (Scottish Parliament Information Centre): It made sense to us to have a first stage at which we could examine what has already been done in academia or in other research forums that we can draw on to inform the inquiry and ensure that there is no duplication of effort. I know of several things that are going on. This is a good opportunity for us to examine research in more detail and report back to the committee. After the recess, the committee can decide whether it would like to take things a stage further.

Connie Smith (Scottish Parliament Information Centre): There can be a general call for evidence and committees can invite specific groups. We also propose research to get to groups that are not particularly well informed about the Parliament or the consultative steering group and which would not usually take part in consultation. We hope that the committee will find it useful to explore those issues in a more formalised and researched way.

Donald Gorrie: That is very fair. The groups that should have contacted us but have not are very important. We have obviously failed if that has happened and we should explore why.

The Convener: If we have agreed the scope, the timetable and the news release, we have agreed everything that we need to agree and we can conclude the meeting. It has been exceptionally long and I attribute that entirely to the absence of Michael Russell, but there you go. Thank you all for your attendance.

Meeting closed at 17:11.

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