

PROCEDURES COMMITTEE

Tuesday 21 November 2000
(Morning)

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PROCEDURES COMMITTEE **13th 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)

Kay Ullrich (West of Scotland) (SNP)

*attended

THE FOLLOWING ALSO ATTENDED:

Hugh Flinn (Scottish Parliament, Directorate of Clerking and Reporting)

CLERK TO THE COMMITTEE

John Patterson

SENIOR ASSISTANT CLERK

Mark MacPherson

ASSISTANT CLERK

Katherine Wright

LOCATION

Committee Room 2

Scottish Parliament

Procedures Committee

Tuesday 21 November 2000

(Morning)

[THE CONVENER *opened the meeting at 10:01*]

Parliamentary Questions

The Convener (Mr Murray Tosh): Good morning, ladies and gentlemen. Let us get cracking.

Item 1 is to consider a paper from the clerks, "Parliamentary Questions—Scope of Continuing Work and 2nd Report", PR/00/13/1. The conclusions of the second report may be more definitive than those of our first report, "Preliminary Report into the Volume of Written Parliamentary Questions and the Scottish Executive's Speed of Response", which is scheduled for debate in the Parliament this week.

Members will see that the substance of the report is a series of issues set out in paragraphs 15 and 16 for further discussion, research and report back to committee. I am not looking for a substantive discussion of the issues this morning, simply an indication that you are content that the list of issues should be considered or whether there are other issues that we should report on.

Mr Gil Paterson (Central Scotland) (SNP): I am not sure about the direction the paper is taking on the issue of holding questions. If you look at paragraph 6, the Executive's response proposes publication of the date when the holding reply is issued rather than the date when the question is lodged at the start of the process.

The Convener: I was also curious about that. I see from paragraph 14 that the chamber desk agrees with the Executive on that suggestion. I wonder if Hugh Flinn, who is with us for this item, can explain why the chamber desk is prepared to do it that way rather than use the original date.

Hugh Flinn (Scottish Parliament, Directorate of Clerking and Reporting): It is a practical issue. The chamber desk and the Executive use templates for parliamentary questions which include the date when the question is due to be answered rather than the date when the question is lodged.

We could use a different format to the one suggested in the paper but it would be considerably more complicated for both of us.

Given that the committee's objective in asking us to look into the issue was for the written answers report to show clearly how long a question had taken to be answered, that objective will be met by the way forward suggested in the paper.

The Convener: Of course, if we do it that way we will need to know that the question has taken an extra two or, if lodged during the recess, three weeks over and above the dates shown.

Mr Paterson: That is not how it reads in the paper. I surmise that the majority of questions are answered in two weeks so it might seem ridiculous to date those, but what if a holding answer is given in five, six, seven or eight weeks? The proposal would work only if a definitive time was placed on the period within which the holding answer must be given. In other words, it would work only if the Executive say that either the answer or a holding answer will be given within two weeks. Are you saying that the time lost at the beginning waiting for the holding answer should, at the end of the day, be added on to the time taken for the question to be answered?

The Convener: No, my point was that when the answer appeared in the relevant parliamentary publications, it would be dated from the date of the holding answer. To work out how long it had taken, you would need to allocate the notional two weeks extra during which the question had awaited a holding answer, or three weeks if the question had been lodged in the recess. I do not think that those additional weeks are much of a problem, given that some questions sit for six months or more. Allowing an extra two weeks for the ministerial response—and that is not on the record—I do not think that the additional weeks are a serious concern. Do you, Gil?

Mr Paterson: It is just not accurate. If a holding answer is given after five, six or seven weeks, the time between the holding answer and the answer itself is just not as clinical as it should be.

The Convener: That could be covered, presumably, by having a footnote somewhere on the front page of each volume of written answers to note which questions had been given holding answers and which had been answered directly within the two weeks. Would that be possible?

Hugh Flinn: I will just clarify that one point. If a holding answer is given, it is always given exactly 14 days after the question is lodged or, when the question is lodged during the recess, exactly 21 days after. There is no issue about holding answers being given five or six weeks after.

Gordon Jackson (Glasgow Govan) (Lab): Is that a rule? Is that a definite always?

Hugh Flinn: That is a definite always.

Mr Paterson: That definite always is definitely

news to me—it changes things.

The Convener: Sorry, I thought you were talking about the five, six or seven weeks for the substantive answer to be given.

Mr Paterson: No. I must say that two weeks' wait for a holding answer is not my experience, but I may be wrong. I am willing to accept that I may be wrong on this matter.

The Convener: If you check that from now on, you will find that you will always get a holding answer. I know that because I get so many holding answers. I wait for a mistake to be made and it never is.

Mr Paterson: The clarification that Hugh Flinn has supplied answers my problem.

The Convener: Oh, that all of our problems could be answered so readily and so straightforwardly. Thank you, Hugh.

Obviously the point still stands, for what it is worth. Anyone who is trying to track how long it takes for questions to be answered under this system will have to make the mental adjustment that, in many cases, two or three weeks may need to be added.

I want to ask John Patterson about what paragraph 15 of the paper says under the heading "Executive Staff Resources". Do we have any information from the Executive about what reinforcing the parliamentary branch actually means? What increase in output is expected if further resources are allocated?

John Patterson (Clerk): We have no detailed information on that.

The Convener: That will obviously come out in the course of the discussions.

In regard to the acceptable level of costs incurred in answering questions, mentioned in paragraph 15 under the heading of "Cost", I understand, from a letter I have received from the Minister for Parliament, that the matter is being pursued on a consensual basis. Has the committee had any information that?

John Patterson: We have not had any.

The Convener: That again is something that will come out in the course of discussing the report.

Are there any other points about paragraph 15?

Mr Paterson: I want to make a point about what paragraph 15 says under the heading "Quality of questions and answers". There is a perception that poor answers ask for more questions. The questions may not be good but the answers are poor. The paper seems to have got it round the wrong way. It seems to state that the quality of the question leads to the quality of the answer. Many

members find that they have to ask more questions because they did not get a full answer in the first place.

The Convener: I have sometimes thought that some ministers create more work for themselves, but there are probably faults on both sides. If we all bore that in mind, it would help the temper of exchanges in those matters.

Related to that point, I think that, as part of our examination of the quality of questions and answers, we ought to include in the report some consideration of the relevance of oral answers. Representations about that have been made in the chamber. The Presiding Officer has frequently said that he has no control over the relevance of answers. I do not know the answer to that problem. It may be that we cannot do anything about it through the standing orders, but it strikes me that there is a gap.

John Patterson: We will examine that.

The Convener: Do we agree the paper and the recommendations at the end—

"to note the issues proposed for consideration"

and

"to agree to proceed as set out in paragraphs 19 to 22"—

essentially, to commission a further report?

Members indicated agreement.

Correspondence

The Convener: Item 2 on the agenda is to note the correspondence that I have had with the Presiding Officer, but I want to make a more substantive point. The correspondence is the culmination of an exchange of letters about the possibility of oral questions to the Presiding Officer, who raised the issue himself. Letters have bounced backwards and forwards over the last few months. In Sir David's letter of 9 November, we have a clear indication that there will be no oral questions to the Presiding Officer, at least not about the Holyrood project. I have responded, offering to look at how the committee might assist in framing Scottish Parliamentary Corporate Body question times once the review of corporate governance has been conducted.

I am disappointed—speaking personally rather than as convener—with the outcome of the exchange, because I think that there is a clear case for the Holyrood project to be subject occasionally to formal oral questions. I do not find that the Wednesday evening briefings, which are essentially informal, are a satisfactory way of exercising scrutiny. However, it is clear that the Presiding Officer feels that he is not in a position to answer effectively oral questions on the Holyrood project. It is clear that the Opposition parties do not want questions to the Presiding Officer because they want to hang any damage from the Holyrood project on the Executive rather than the Presiding Officer. The Executive parties do not want to allow questions on the project, because they do not want any political grief as a consequence. We also have to accept that a considerable number of members have indicated that they do not wish to pursue the matter, in that they have failed to take opportunities to lodge questions or sign the motion that I lodged, in my personal capacity, calling for oral questions to the Presiding Officer.

As it is clear that people do not want to pursue the matter, I will not pursue it any further. That is rather a pity, but everyone has their reasons for the positions that they have taken. However, at the end of the correspondence, the SPCB question time is mentioned. We should pursue that issue in our work load.

Mr Paterson: I take the same position as you on this matter, you will be glad to hear. If the Parliament cannot put questions to the Presiding Officer, who do we put questions to? We are sitting in limbo. A briefing is okay—if people want to take the time for a briefing, that is good—but the Parliament's role in scrutiny and accountability is losing out. I do not think that the Procedures Committee should sit back from the political

considerations and not put in place something that allows every member to ask questions in the proper place, which is the chamber. Someone has to be accountable.

The Convener: I agree with that, but the committee has probably taken the matter as far as it can. Failing a decision by the Parliamentary Bureau to allocate time, I do not see how we can progress the matter. Our role is to discuss procedures and mechanisms. Ultimately, the committee cannot decide on the allocation of time. That decision lies elsewhere.

The correspondence makes it clear that the corporate body and the bureau—which means the political parties—have agreed that there will be no oral questions. I do not think that the Procedures Committee has any standing to pursue the matter. The committee has made its position clear and I have made my own position clear. I cannot see any way to progress the matter, although the committee can come back to it if another angle becomes apparent.

10:15

Mr Paterson: We are certainly setting up a monster that could eat up the whole Parliament if MSPs, for whatever reason, want to duck an issue. The Holyrood project happens to be the hot potato at present, but the procedure could be used later on.

The Convener: If Henry McLeish decides to propose substituting informal Wednesday evening briefings for question time, we might return to this matter, but I am sure that it is unlikely to happen.

Janis Hughes (Glasgow Rutherglen) (Lab): I disagree with Gil Paterson. I do not think that the Parliament is trying to duck an issue. I do not want to labour the point because we have laboured it long and hard. The Holyrood progress group is a cross-party group set up to scrutinise the project. The fact that they are having sessions on Wednesday evenings is a huge step forward in that MSPs can question them on the project's progress.

Murray Tosh has said that corporate body questions can be scheduled into our coming work programme. Nobody is saying that we should not discuss that at some later stage, but I do not agree that we are trying to duck the issue. Murray has already said that there did not seem to be much support for his motion on the subject. People are not getting into a state about the issue and, since we have agreed on it, we should move on.

Mr Paterson: I do not want to disagree but I did not say "the Parliament". If I did say that, I meant vested interests in the Parliament, which is an entirely different thing. Parliament as a body

should have the right to scrutinise everything that happens. When money is being spent, Parliament has the right to ask questions.

The Convener: To be fair, members have that right through written questions, and there have been lots of written questions on the subject. They have been answered reasonably promptly. As a rule, substantive answers have been issued on the 14th day after questions have been lodged. That part of the process is working well. I personally think that there is a problem in oral questions not being allowed, but we have established that other people are involved in the process who do not share that concern. Oral questions will not take place, at least in the foreseeable future, and we must move on. Can we note the correspondence?

Members *indicated agreement.*

Withdrawal of Amendments

The Convener: Item 3 concerns a self-explanatory paper that seeks to iron out a little omission in the standing orders. The orders do not provide for the withdrawal of amendments to motions. The paper proposes to cover the withdrawal of amendments to motions with the same procedural cloak that covers the withdrawal of motions.

If members are content with the proposals in the report, those will be included in one of our routine reports to Parliament on changes to the standing orders so that they can be implemented. Are members happy with the report?

Members *indicated agreement.*

The Convener: That concludes the committee's business. Thank you very much for attending.

Meeting closed at 10:18.

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