

# **PROCEDURES COMMITTEE**

Tuesday 6 March 2001  
*(Morning)*

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## PROCEDURES COMMITTEE

**2<sup>nd</sup> Meeting 2001, Session 1**

### CONVENER

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

### DEPUTY CONVENER

\*Mr Kenneth Macintosh (Eastwood) (Lab)

### COMMITTEE MEMBERS

\*Brian Adam (North-East Scotland) (SNP)

\*Patricia Ferguson (Glasgow Maryhill) (Lab)

\*Donald Gorrie (Central Scotland) (LD)

\*Mr Frank McAveety (Glasgow Shettleston) (Lab)

\*Mr Gil Paterson (Central Scotland) (SNP)

\*attended

### WITNESSES

Hugh Flinn (Scottish Parliament Directorate of Clerking and Reporting)

Michael Lugton (Scottish Executive Executive Secretariat)

Andrew McNaughton (Scottish Executive Executive Secretariat)

Andrew Mylne (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 6 March 2001*

*(Morning)*

[THE CONVENER *opened the meeting at 10:33*]

**The Convener (Mr Murray Tosh):** Good morning, ladies and gentlemen. We are now quorate. I believe that a couple of members are on their way, but we will start.

Some members suggested that I should wish them a happy new year, but I am sure that that was facetious.

There are no private items on the agenda. We can take the fire action notice as read, as usual. If the fire alarm goes, members should wait until I lead you out of the building.

### Consultative Steering Group

**The Convener:** Item 1 on the agenda is notice of the appointment of Professor David McCrone as adviser to the committee for the inquiry that we are carrying out into the consultative steering group principles. Professor McCrone will be contracted to be with us until June. Although the inquiry will not be finished within that period, we will be able to make good use of his time until then.

If there are no questions or comments, we will note that piece of news.

## Bills and Bill Amendments (Time Scales)

**The Convener:** The next item is paper PR/01/2/2, which is on time scales for bills and bill amendments.

Andrew Mylne is with us; he will speak on his paper and respond to questions and comments.

**Andrew Mylne (Scottish Parliament Directorate of Clerking and Reporting):** I hope that the paper is largely self-explanatory; it is intended to implement decisions in principle that the committee has already made. I am happy to answer any queries that arise. We have tried to explain, as far as possible, the reasons for the precise changes that we are making to implement those general decisions.

**The Convener:** I warn members who have not been on the committee for long that this is an extremely interesting area for questioning; they enter it at their peril.

The committee discussed several issues before its personnel changed. The changes that have been agreed are covered in changes to standing orders, which are summarised in paragraph 5. We have discussed all those matters.

In addition, some further changes that the clerks have suggested are covered in paragraphs 6 to 10. Some of those are consequential changes; the change to the daily deadline for lodging amendments and the additional minor changes to standing orders rule 9.5.3 appear to flow from the changes that were agreed.

The changes that are outlined in paragraphs 11, 12 and 14 appear to be new ones. I draw that to the committee's attention, in case any members want to ask questions about those recommendations. The reason for them is given in the text, but members might want to explore that further.

**Brian Adam (North-East Scotland) (SNP):** If we are to make the changes that are in paragraphs 6 and 7, we must be careful about how we disseminate that information. At the moment, members are banging amendments in at the last minute. We do not want members to lose out because we have brought the times forward.

**The Convener:** Would it be valid to recommend that the change should be intimated via the business bulletin and readvertised for each bill at the appropriate point in the process? Would that be done anyway?

**Andrew Mylne:** It would be extremely sensible to have a business bulletin announcement when those changes have been implemented by the

Parliament—assuming that they are—because it is a change in a practice that has been widespread since the passage of the first bill.

We have, in any case, a practice of including a business bulletin announcement for each stage of each bill, which announces the deadlines that apply to that bill and gives information about which clerks to lodge amendments with and so on. Those standard business bulletin announcements usually reflect the timings that are currently in force. We would adjust those announcements in due course but, as Brian Adam suggested, a specific announcement would also be helpful.

**Brian Adam:** We must highlight the fact that there is a change. I accept that the information appears in the business bulletin, but members must be made aware that we are drawing attention to the fact that there is a change to the time of the deadline.

**The Convener:** The announcement would make that clear.

**Mr Kenneth Macintosh (Eastwood) (Lab):** I seek clarification on a couple of points about the reconsideration stage and manuscript amendments.

First, have we used the reconsideration stage?

**Andrew Mylne:** No, we have not. It is a stage that the Scotland Act 1998 requires the Parliament to have, but it applies only when a bill that has been passed by the Parliament is challenged under the Scotland Act 1998 before the Presiding Officer can submit the bill for royal assent. It is a stage that allows whatever is in the bill that has provided the basis for the challenge to be corrected, so that the bill can be given royal assent. No bill has been challenged in that way so far—I hope that that will continue. It is a backstop.

**Mr Macintosh:** That was my understanding of it.

What change are we making to those minor changes? Are we trying to change the rules for amendments at reconsideration stage, so that they are the same as at stage 3?

**Andrew Mylne:** Yes. I suspect that the rules about reconsideration stage were slightly overlooked when the standing orders were being prepared, so there are one or two gaps; we are trying to fill the gaps so that, essentially, the same rules would apply as at stage 3.

**Mr Macintosh:** Manuscript amendments will now be ruled out during the reconsideration stage. They cannot be lodged during stage 3 or the reconsideration stage, but they can still be lodged during stage 2.

**Andrew Mylne:** That is correct.

**Mr Macintosh:** A lot of the other changes allow

manuscript amendments to be the means by which to lodge urgent amendments; that provision still exists—at the discretion of conveners or the Presiding Officer—at stage 2.

**Andrew Mylne:** Under the current rules, manuscript amendments may be moved only at stage 2—at the discretion of the convener.

I know that the committee is interested in the possibility of manuscript amendments also being allowed at stage 3. All that we are saying in the paper is that the reconsideration stage and stage 3 should be consistent. It is a small change to make the reconsideration stage consistent with the current stage 3. Should the stage 3 position be revised, I imagine that there would be a consequential amendment to the reconsideration stage as well. This change does not prejudice to that.

**Mr Macintosh:** I am not sure where the guidelines from the Presiding Officer are in the documents, but he suggested that there should be clarification of the criteria under which amendments could be accepted at stage 3. Would those criteria also apply to the reconsideration stage?

**Andrew Mylne:** I am not sure whether I know to what Mr Macintosh refers.

**The Convener:** I think that Mr Macintosh is referring to reasoned amendments, which comes later on the agenda.

**Andrew Mylne:** Reasoned amendments are a different matter. They are amendments to motions, which are, in standing orders, subject to entirely different rules from amendments to bills; they are a different species of amendment.

**Mr Macintosh:** I am glad that you are here to keep us straight on those matters.

**The Convener:** Andrew Mylne is our expert on all such matters. The Presiding Officer referred the issue of manuscript amendments to the committee; it is part of our work load and it will come back to us in future.

**Donald Gorrie (Central Scotland) (LD):** I have some points about the deadlines for withdrawing and supporting amendments. Are we on to that?

**The Convener:** Which paragraph are you talking about?

**Donald Gorrie:** Paragraphs 19 to 24.

**The Convener:** Before we come to that, I will make the point that the changes that are encompassed by paragraphs 15 to 18 are technical changes to the private bill procedure; the committee has completed a report on private bills. We should note the fact that we have had to change those procedures to accommodate the

changes that were made to overall procedures. I do not think that any of those changes are contentious.

**Donald Gorrie:** I have never gone in for withdrawing amendments and so on. I want to be clear about the position; I do not quite understand how paragraph 24 coheres with the rest.

The current position is that, if Murray Tosh lodged an amendment that I thought was a good amendment, I could sign in support of it. If he was then persuaded that, for some reason, it was a bad amendment, the current rule is that the amendment would become my amendment.

If the deadline for withdrawing were today and Murray Tosh rushed in at 5:29 pm saying, "I am withdrawing my amendment", and I rushed in and said, "I wish to support Murray Tosh's amendment", who would win? What is the current set up?

**Andrew Mylne:** That is a question of the order in which things happen. If Donald Gorrie already supported Murray Tosh's amendment—

**Donald Gorrie:** No. Let us say that I had just decided to support it as an 11<sup>th</sup> hour chap—which I am—and rushed in to do so.

**Andrew Mylne:** In that situation, it would not make a great deal of difference in what order things happened. If the amendment is unsupported at 5.29 pm, when Mr Tosh comes into the clerks' office to say that he is withdrawing the amendment, he is entitled to do so. At that moment the amendment is withdrawn. If Mr Gorrie then says that he wants to support the amendment, the clerks will say that the amendment has been withdrawn, but that he is perfectly entitled to lodge the same amendment in his own name. The amendment would then become an amendment in Mr Gorrie's name, which is the same result as if the two things had happened the other way round.

10:45

**Donald Gorrie:** I do not understand how paragraph 24 relates to the other paragraphs. Paragraph 24 seems to suggest that a member can support an amendment after the event—posthumously, so to speak. Could you go through paragraph 24 for clarification?

**Andrew Mylne:** It might be helpful if I were to go back a stage. There are various reasons why a member might want to support an amendment. The most important reason for supporting an amendment, other than to illustrate that it has some cross-party support, would be to prevent the member who lodged the amendment from withdrawing it. In Mr Gorrie's example, if Murray Tosh lodged an amendment that could be worded

only in one way—such as "leave out section 1"—and Mr Gorrie also wanted to lodge that amendment, his only option would be to support Murray Tosh's amendment—he could not lodge the same amendment. He would be the supporter of the amendment and that would provide him with some assurance that the amendment would be on the marshalled list, because it would prevent Murray Tosh from withdrawing the amendment on his own account.

If we are going to impose a deadline for withdrawing or supporting an amendment, it makes sense for that deadline to be the same for both options. That means that members can be assured that, one way or another, the amendment would be on the marshalled list for the member to move on the day.

**Donald Gorrie:** The paper states:

"it prevents members adding their names in support of amendments that were lodged on the final day (and which would therefore only appear in print after the deadline for supporting them had passed). However, this should not matter greatly since the solution recommended would not prevent members using the device of supporting an amendment as a way of preventing the member who lodged it from withdrawing it unilaterally."

That means that we would still have to register our support before the closing date.

**Andrew Mylne:** Yes. However, even if you have not supported the amendment, Murray Tosh cannot withdraw it after that time either, so you would still have the assurance that the amendment would be on the marshalled list. It might be in Murray Tosh's name, but that would not cause a problem if your concern were simply to ensure that the amendment could be moved. The amendment must appear on the marshalled list. In that situation, the amendment would appear in Murray Tosh's name, but if he did not move the amendment, you would be entitled to move it, as would any other member who was present. If an amendment does not appear on the marshalled list, it cannot be moved.

**The Convener:** If Donald Gorrie's intention was simply to demonstrate support for my amendment—for which I would thank him—he may do that by speaking in support of the amendment before the relevant committee. He could even lodge a motion congratulating me on my amendment and that would appear in the business bulletin. The point is that by making the deadlines the same, we avoid the risk of allowing something to fall through the cracks, leaving us powerless to change it.

**Donald Gorrie:** This would not apply to you, convener—you are a man of principle—but there might be some more weak-kneed members who could be leaned on by their party whips and told that their amendment was not so good and should

be withdrawn. However, the member might think that it was a rather good amendment that should be kept on the books. That would mean that we would have to register our support before the closing date. I think that I can live with that. Thank you.

**Mr Macintosh:** Has the Executive hinted about its views on the proposed changes?

**John Patterson (Clerk):** No.

**Mr Macintosh:** So, we are not asking the Executive for its views on potential changes to the registration time scales and so on.

**John Patterson:** Andrew Mylne and I are in discussion with Executive officials and they will have an opportunity to put their views.

**Mr Macintosh:** What is the next stage?

**John Patterson:** The next stage is set out in the covering note to the paper. Another tranche of changes will be brought forward and we hope that Executive input will be included in those.

**Mr Macintosh:** I want to clarify a point. This morning, we are going to agree all the recommendations and changes, but that is before we have heard the Executive's input on the subject. Is that right?

**John Patterson:** We can have input from the Executive. We could, if the committee wanted to, arrange to ask ministers to come along to give evidence.

**Mr Macintosh:** Has the Executive suggested that it wants to give evidence?

**John Patterson:** No one has suggested that.

**The Convener:** What would be the normal consultation process for deciding whether we should take advice or evidence from the Executive?

**John Patterson:** We would get in touch with officials and the committee would make a decision after that.

**The Convener:** It is a fair point—we might want to run the practical points past the Executive.

**Mr Macintosh:** The time scale issue might have implications for the Executive.

**John Patterson:** That is an issue that we have already taken up with the Executive. We understand that officials are in contact with ministers on that subject.

**The Convener:** What stage have we got to with the question of an earlier time scale for Executive amendments?

**John Patterson:** We are awaiting correspondence from the Executive.

**The Convener:** That issue has spanned the changes in committee personnel. We discussed the issue of a different time scale for Executive amendments when the committee had a slightly different membership. We decided that it might be a contentious issue and we embarked on discussions with the Executive. However, the changes that we are considering today are unlikely to cause such difficulty. I accept the point that it might be appropriate to run changes past relevant people before we recommend them to Parliament.

**Andrew Mylne:** I can offer the committee some assurance on that. A draft of the paper has been shown to Executive officials and I believe that they have taken whatever soundings they consider appropriate. That may well have involved ministers, although it is not for me to say what those soundings were. Officials have certainly been consulted on the matter and are content with the changes.

**Mr Macintosh:** What about the second point that you raised, about the different timetable for Executive amendments?

**The Convener:** That is not on our agenda today. We will come back to that when we have received a response from the Executive on the recommendations that the committee agreed last December.

Are there any other points?

**Members indicated disagreement.**

**The Convener:** I have one question to show what a conscientious and sad person I am. I read through the report and cross-referred the list of proposed changes to standing orders to the text of the report. I understood them all apart from change 11, which I could not find an explanation for in the report. What was the reason for that recommendation?

**Andrew Mylne:** That is a difficult question. Rule 9.16.4, which is being replaced under the recommended change, disapplies for the purpose of a budget bill the current rule about two-week intervals between stages. As one of the other changes that we are recommending is to change from a two-week interval to a different set of intervals, it would not be appropriate to disapply a rule that does not apply in the first place. Does that make sense?

**The Convener:** I am appalled to say that that does make sense.

**Andrew Mylne:** We therefore need to reword the rule about budget bills so that it disapplies the correct rule, rather than an incorrect rule. I hope that that rather arcane explanation goes some way towards explaining the point.

**The Convener:** I am most impressed by the



answer. I understand it in principle and I am sure that we will consider it in detail before we finally approve all the changes. Before we get to our final report, I must guarantee that we have general agreement on those issues and that we have consulted with the Executive. Does the committee agree to the changes in principle?

**Members** *indicated agreement.*

## **Amendments to Motions (Stage 1 and Stage 3)**

**The Convener:** The thrust of this item is the announcement that the Presiding Officer made in the business bulletin of 9 February about amendments to motions at stage 1 and stage 3. The Presiding Officer wrote to me on 14 February, inviting the committee to consider whether his ruling requires any changes to standing orders. The usual way in which to do that would be to commission a report. That work would be done by Andrew Mylne, who would report to the committee in the fullness of time. Is that agreed?

**Members** *indicated agreement.*

**The Convener:** I thank Andrew Mylne.

## Parliamentary Questions

**The Convener:** Item 4 is supported by a series of papers on parliamentary questions. Michael Lugton and Andrew McNaughton from the Executive, and Hugh Flinn from the Parliament's chamber desk join us.

The report flags up a series of issues that are under consideration by the committee, arising from our first report on parliamentary questions, which was approved by Parliament last year. Many issues were raised; they are summarised in the third paragraph of the paper. Those issues that are highlighted in that paragraph are covered in the following series of papers.

We intend to discuss the issues this morning, come—if possible—to agreement on our direction, commission further work where necessary and hold the replies until such time as we are able to deal with the remaining issues. We will then wrap up those issues in our second report on parliamentary questions.

Do you have some general comments, gentlemen?

**Michael Lugton (Scottish Executive Executive Secretariat):** We are very grateful for the opportunity to participate in the committee's further consideration of parliamentary questions. Since the committee report last year and our response we have, as agreed, been working in close co-operation with the committee clerks and the chamber office. Joint working arrangements have been established to consider the issues, primarily those in relation to the monitoring exercise.

Ministers will want to consider their position and policy in relation to some of the other topics that are raised in the papers. At this stage, we would be happy to offer some general observations on the facts of the Executive's position in relation to parliamentary questions.

Ministers and Executive officials attach the highest importance to responding timeously and helpfully to parliamentary questions. Our performance is carefully and regularly monitored by the Minister for Parliament, the Deputy Minister for Parliament and senior management. Corrective action is identified wherever particular problems occur.

Parliamentary questions are an area of activity in which the Executive is demand-led. The papers from the clerk show that there are considerable fluctuations in the volume of questions that are being lodged from month to month and even from week to week. That unpredictable and variable volume, coupled with the significant increase in

the number of questions that are lodged since the Parliament and the Executive assumed their respective responsibilities in July 1999 has had a considerable impact on Executive staff resources. However, despite that, we are rising to the challenge of coping with the additional work load. We are now making significant inroads into improving the overall performance and clearing the backlog.

Prior to the last quarter of 2000, at the end of each quarter, our audit showed a long trail of unanswered questions that stretched back for many months. In recent months we have worked very hard to tackle that problem. The current position is that the backlog is cleared up to last October.

11:00

There are 11 unanswered questions from November and 25 from December. The decline in overall performance from the middle of December, which is recorded in annexe B of the paper, must be viewed in the context of the overall volume of questions, the fact that we concentrated on dealing with the backlog of questions and absences during the Christmas recess. Paragraphs 15 to 19 of the paper provide a helpful analysis.

Ministers continue to attach the highest importance to providing speedy and helpful answers to questions and will keep the matter under regular review. Our parliamentary branch is being strengthened and an updated electronic tracking system is being piloted. We were glad to be able to participate in the seminars for members and their assistants, which were organised recently by the Parliament. We hope that they have helped to underline the Executive's willingness to provide in the most effective way information in response to members' inquiries. We will continue to work closely with parliamentary officials to try to ensure that the service that we provide is as helpful as possible.

Ministers will want to take careful account of the various views that members express during this part of the committee meeting, and we will be happy to try to deal with any questions of a factual nature and to participate in the discussion.

**The Convener:** Thank you. Michael Lugton has spoken on the first issue—inside the yellow cover in members' folders—which is the volume of parliamentary questions and the Executive's speed of response. In a moment, I shall open the discussion for members to make points or ask questions. First, I ask Hugh Flinn whether he wants to say anything about the volume of questions and the speed of the Executive's response.

**Hugh Flinn (Scottish Parliament Directorate of Clerking and Reporting):** The paper speaks for itself. I shall, however, clarify one point. Paragraph 8 of the paper refers to annexe A and states that the figures on the total number of questions cover the period from February 2000. In fact, at a late stage we decided to take the figures in annexe A right back to May 1999.

**The Convener:** Thank you for pointing that out. I had not picked that up.

I would like an explanation for the tail-off in performance towards the tail-end of the year. Does the Executive regard that as seasonal, or did it have specific causes? Is it a problem that Executive officials are still tackling?

**Michael Lugton:** That issue is addressed in paragraph 18 of the paper, which explains that the period covered included the Christmas recess, when the office of the clerk and the Executive were closed for a significant number of days. Questions that were asked in the run-up to Christmas were most likely to receive holding answers, due to the extent to which people were not at their desks during that period.

As I said, a concerted effort has been made to try to work off the backlog. I hope that now that we have broken the back of the backlog, we can concentrate on dealing with the current work load more than we have been able to in the recent past. I hope that performance will pick up again.

**The Convener:** Okay. Can we assume that the backlog issue will not arise again, as the back of it is broken, and that that distortion should not recur? As the problem due to closure during the Christmas recess will probably recur, will the Executive take steps to deal with it or will we have to accept that, for practical reasons, there will be delays in answering questions that are lodged in December?

**Michael Lugton:** We hope that we will be able to operate in such a way that backlogs will not build up again. However, as I said in my introductory remarks, our difficulty is that answering parliamentary questions is a demand-led activity. One is led inexorably to the conclusion that if the demand increases but our resources, in the short term, do not, backlogs will build up again. We will do everything that we can to respond positively; however, if demand rises further, a backlog might manifest itself again.

The other issue, which is addressed further down the papers, is whether there might be a change to recess periods in standing orders. Ministers attach considerable importance to that issue and would be pleased if the committee could address it.

**The Convener:** We will come to that shortly. Do

members have any further questions on the paper on the results of the monitor?

**Mr Gil Paterson (Central Scotland) (SNP):** I have two points to raise. First, the Executive's performance in answering questions is obviously getting significantly better. The average is 52 per cent across the board, with some highs and some lows. How does that measure against the performance of other Parliaments, with regard to the number of questions that members submit and the performance rate in answering them? It would be useful to have such information, to give us an idea of just how well we are doing.

Secondly, non-answers attract further questions. I asked a question in March and received no answer. In early November, I lodged a second question to ask when the first question was going to be answered. The reply to the original question was received fairly swiftly after that, on 22 November. I thought that that was the end of the matter. I then received an answer yesterday to my second question, on when an answer was going to be given to the first one. I have made inquiries and have discovered that that happens quite frequently.

I have opened a few establishments in my time and so I realise that there are teething troubles in establishing systems—I do not mean to criticise the Executive. However, it may be useful for Executive officials to consider attaching second questions to the original ones, so that the two can be answered at the same time. That would be a practical solution, which would help to cut down the number of questions.

**Michael Lugton:** I am grateful to Mr Paterson for drawing that matter to our attention. We will look into his specific case.

Some work was done in the early months of the Parliament on the relative volume of questions. It looked as though the average number of questions lodged per member of the Scottish Parliament was not significantly different from that in other legislatures that we examined. However, since then there has been a significant increase in the number of questions that are asked and the conclusion might be different if one were to undertake the same study now. The exercise was undertaken primarily by parliamentary officials, who may want to comment on or consider the issue again.

**Hugh Flinn:** I have nothing to add to the updated information that was prepared for the committee a year or so ago, to which Mr Lugton has alluded. As the paper shows, the volume of questions has fallen away a little since its peak in the first half of last year, so the picture may not have changed significantly.

**The Convener:** When Gil Paterson's long-

standing question was not answered, he tackled the situation by asking a further question. Might he have done something more efficient? I have done exactly the same thing. When six or seven months have elapsed without a response, I have lodged another question. One feels silly asking a second question in that way. What else might we do?

**Michael Lugton:** I would hope that, before that stage is reached, formal contact has been established between the chamber office and the parliamentary branch. I imagine that, if a member had not received a reply for that length of time, the chamber office would take the view that it had a responsibility to raise the issue with the parliamentary branch. We would then expect the parliamentary branch to respond pretty quickly to explain informally what had happened.

**The Convener:** Should not your tracking system throw the matter up, and should not the situation be resolved on your initiative, at your end?

**Michael Lugton:** Yes, we have a responsibility to ensure that. However, your question concerned what the member should do. The first step would be for the member to pursue the matter informally with the chamber office. The relationship between the chamber office and the parliamentary branch is sufficiently good for informal inquiries to be dealt with pretty quickly, and the member should get some indication of what the position is.

**The Convener:** Are there circumstances in which the member should raise the matter directly with the Executive?

**Michael Lugton:** It is always open to a member to raise such an issue with the Executive.

**The Convener:** It might help if you could say what channels are available to members to do that. For example, I have written to the relevant minister. How else might one draw the matter to a minister's attention and receive a speedy response?

**Michael Lugton:** Technically, the parliamentary branch is part of the private office. If the member were sufficiently concerned, the correct route would be to go through the chamber office to the parliamentary branch. If the member signalled that he would like the minister, personally, to be aware of the problem, the parliamentary branch would want to take that into account and report it to the minister's private office.

**Mr Macintosh:** I am glad that there has been an increase in the number of questions that are answered in the required period. However, a success rate of 60 per cent is still disappointing and is unacceptable in the long term. I find equally disappointing and unacceptable the tendency of some members to abuse the system, which—as has been said—is demand led. Perhaps the

committee needs to focus on the question of what constitutes a parliamentary question and on the demand side of the problem. Has the Executive undertaken any work on that part of the parliamentary questions system?

**Michael Lugton:** Those points are well made. The committee's first report helpfully struck a balance and made the point that both sides have a responsibility to make the system work effectively. There are other means of getting information from the Executive and we hope that those other means are efficient and effective and that members have confidence in them.

At the moment, parliamentary questions are frequently grouped around the same subject, seeking factual and sometimes statistical information that members might be able to get more effectively by means of a letter to a minister or through the Scottish Parliament information centre, which has links with officials who have detailed knowledge of specific subjects. The list of questions that are received each day contains some questions or groups of questions that seek information that might have been obtained more easily by another route. That was why we participated in the seminar a little while ago, which parliamentary officials helpfully organised. We would encourage members to consider pursuing their inquiries in other ways if they seek information on a specific topic and require a good deal of factual information.

**Mr Macintosh:** You are saying that we should encourage responsible behaviour from members. Has the Executive identified a mechanism for grading parliamentary questions? I cannot see how that could be done. Perhaps the only answer—and I am answering my own question—would be to encourage members to act responsibly.

Has the Executive found any way of identifying questions that waste civil service time? Can it distinguish those questions from the more genuine parliamentary work that members do? I am sorry if my question is not clear. Many members ask questions, which have to pass the chamber desk. There is a set of criteria for questions. The volume of questions would suggest that there are questions that are politically motivated. Are there any criteria that the Executive can apply?

11:15

**Brian Adam:** There is no problem with politically motivated questions—they are part and parcel of a Parliament.

**Mr Macintosh:** But if the political motivation is to tie up civil servants so that they do not get anything done, I would suggest that the questions are a complete waste of civil servants' time.

**Brian Adam:** I doubt that anyone is motivated to tie up civil servants. We have heard today—

**Mr Macintosh:** If you do not mind, I am questioning the Executive officials, not you.

The difficulty is that abuse of the system demeans the whole process for everybody. If we want to force the Executive to answer questions promptly, we must behave responsibly. We must get the balance right. A 60 per cent success rate is not acceptable. However, if it is the result of MSPs' actions, something has to be done.

**The Convener:** I invite Mr Lugton to address the parts of that discussion that he feels he can.

**Michael Lugton:** Thank you, convener.

We are in tricky areas of constitutional policy here. It is the right of MSPs to hold the Executive to account by asking parliamentary questions. The rules of the game are set out in the standing orders. I am sure that the chamber office would say that it always ensures that the questions that are lodged comply with the rules. However, Mr Macintosh has opened up bigger issues, which would be better debated with ministers than with officials.

**Donald Gorrie:** I do not see the problem. If I visit an organisation and it says, "We would like to know A, B and C," I would lodge a question. If the facts are widely known—to SPICe and so on—surely a civil servant could answer those questions in five minutes, even if they say, "Go and look at page something in such-and-such an *Official Report*." I do not understand the concept that easily answered questions take up a huge amount of time.

**Michael Lugton:** Whether a question is easy or difficult to answer depends on where you are coming from. From the official point of view, all questions have to be treated with a great deal of care. A question can seldom be answered quickly and without considerable thought. A question that might appear simple and straightforward often has underlying issues that officials will take a considerable time to deliberate on. Ministers are provided with background before they are offered a suggested answer.

The process of extracting information from the Executive by means of parliamentary questions is not always the most efficient way of getting information. It is a question of judgment whether, in the circumstances, the most efficient way of obtaining information is to ask a series of parliamentary questions or whether there is some other route.

**Donald Gorrie:** Parliamentarians who are better organised than I am usually ask questions only when they already know the answer and it is damaging to the Executive. The Executive cannot

say that it should not have to respond if the answer is already known.

**Michael Lugton:** If a question is potentially damaging to the Executive it is unlikely to be easily answered.

**Donald Gorrie:** We will have to disagree about that.

**Brian Adam:** That is an interesting concept.

**Donald Gorrie:** I am not sure at what point this will become relevant to the discussion, but as I understood it there was an agreement between the Parliament and the Executive that internal Executive departmental telephone directories should be made available to all MSPs. I do not think that that has been done.

**The Convener:** Mr Lugton may be able to give us an update on that.

**Michael Lugton:** I ask my colleague, Mr McNaughton, to answer that one.

**Andrew McNaughton (Scottish Executive Executive Secretariat):** The process is still in hand. We are discussing with SPICe colleagues the final details of setting out some guidance notes on the front page. We hope that the information will shortly be available to members.

**Donald Gorrie:** That would be helpful. The length of time that it is taking to do this sends messages that I do not like.

**Mr Frank McAveety (Glasgow Shettleston) (Lab):** It strikes me that the process can be unnecessarily cumbersome. In my previous role, I asked that the question be answered quickly if I knew the answer. However, it still took six to eight weeks for it to be processed.

I have a background in local government—it would have been inconceivable for an elected member at local council level to tolerate not only that degree of delay but the concept of such a delay. I understand the witnesses' caution on this, as it is in their nature to be cautious, but 85 per cent of answers are in the public arena anyway. A hierarchy of response would be helpful.

My first question is on the improvement in performance. What are the reasons for that? Are there resource implications?

Secondly, we know that Christmas comes up every year. Given that we have standardised our holiday periods, cannot our structure respond to the fact that fewer staff may be available in the recesses?

Thirdly, where do questions go? When I was in the ministerial team, I would ask my private office to chase things up. I was more anxious than others about responding to questions—I wanted a

quick response to deeply political questions.

Finally, I am with most members in believing that, in a parliamentary system, questions are a way of holding the Executive to account. However, how can we prioritise questions more quickly? It is unacceptable for members to have to write back to constituents two or three times to say that they are still waiting for a response. It makes us look inefficient and it is unacceptable, especially in a newly developed organisation such as the Scottish Parliament.

**Michael Lugton:** There are a number of reasons for the improvement in performance. First, we have got better at coping with the significant volumes of questions that have come in since 1 July 1999. The system has been geared up to cope with the step-change increase. Secondly, ministers have become increasingly aware that the performance levels that they previously turned in were not acceptable. As I said, ministers consider progress and performance at regular intervals. The Minister for Parliament takes a personal interest in that. Thirdly, the senior management of the Scottish Executive is well seized of the importance ministers attach to the issue. It is playing its part in encouraging colleagues throughout the organisation to attach priority to dealing with parliamentary questions.

The second point raised by Mr McAveety was on the recess periods. He made the point that, as everybody knows when the recess periods are and as people tend to take their holidays during the recess, we ought to be able to plan better. I would say two things in our defence. First, it would be nice if MSPs could reduce the number of questions that they lodge in the run-up to and during the recess. Business does not tend to slacken significantly in the recesses and the periods just before them. We continue to have a high volume of questions to deal with, but fewer people to cope with the work load.

That brings us back to my earlier point. If we could find a way of modifying standing orders to give us a bit more time or to encourage members to exercise some sort of self-denying ordinance during the recess period, it would help to improve performance overall.

Mr McAveety asked where questions go. We made a flow chart available at the seminar, which explains precisely what the internal processes are. I will not trouble the committee with the details of the flow chart, but we are happy to make it available to Mr McAveety.

Mr McAveety's fourth point was on priority. Whether one question should receive more priority than another is a difficult issue for the Executive. From our perspective, all questions are of equal priority. We must be able to respond effectively to

the case load as a whole.

**Mr McAveety:** Are there significant variations among ministerial areas? What is being done to tackle any variations? I am intrigued by your saying that, to assist the process, members should minimise their questions, but I will leave colleagues to follow that up.

On the flow chart, I understand the process, but I am concerned that people take a long time to come back with fairly basic responses. I found that frustrating in my previous role. Understandably, that makes members who are not ministers critical of the Executive for not responding to questions that ministers could probably answer over a cup of tea. However, I found that people wanted a formal response and it is the formal responses that take ages, rather than the politically aware responses that ministers could give.

**Michael Lugton:** On relative performance, the audits that we publish every quarter expose details of comparative performance broken down by ministerial portfolio. Such information is therefore already available in the parliamentary and public domains.

**Mr McAveety:** To be fair to ministers, it is sometimes not their fault. Some agonise more than others do over putting their name to a letter—it is down to psychology. Someone from the private office should tell the minister, "We're only at 54 per cent," so that the minister goes ballistic and says, "I want it at 75 per cent." How can ministers be helped in that process? They are, legitimately, in the front line for abuse from MSPs.

**Michael Lugton:** Currently, the Minister for Parliament makes the situation clear to his colleagues at regular intervals. Things may have changed a little since you were in office, Mr McAveety.

**Mr McAveety:** Significantly.

**The Convener:** The whole thing is working much more efficiently.

**Mr McAveety:** It is not working as effectively.

**Michael Lugton:** Ministers have up-to-date and regular information about the performance of the department for which they are responsible and about their own performance.

**Mr McAveety:** I know that I am hogging the discussion a bit. I agree with Michael Lugton's comment, but a minister does not know what is happening until someone planks the figure down in front of them and says, "By the way, you're at 53 per cent." To my knowledge, there is no mechanism for a minister easily to intervene before it gets to that stage. Ministers do not see the figures until someone tells them about them. Then they have to sit down for the next two hours

to sign things off. Junior ministers sign most things off. What I am trying to say is that we need to sort out the process for the benefit of everyone concerned, as it looks as if we are inefficient across the board. With that, I will shut up.

**The Convener:** Wee Wendy will kill you, Frank.

**Mr Paterson:** I want to clarify something for the *Official Report*. The 52 per cent that I mentioned relates to the questions that were answered efficiently and in time.

I want to make an observation. The member who asks a question is engaged in a political process and means to get political answers. The question might seem insignificant to some people, but might be pertinent. I do not think that the Executive should decide what is an unimportant question and what should go to the front of the queue.

11:30

Normally, I ask one question or two at the most. Recently, however, I have had to ask something like 27 questions on one subject. Before that, however, my staff had contacted a good number of outside bodies and had got some replies from them. Believe it or not, we got some answers from abroad and we also got some from SPICe. The 27 questions were the ones that remained. The bulk of them were answered extremely quickly, some took a few weeks and some we are still waiting for. I appreciate the work that has been done and the answers that I have received have been useful. I do not expect to get all the answers instantly.

As an individual, I have no way of knowing whether the 52 per cent I mentioned—someone else said that it is 60 per cent—represents an efficient rate. I have no way of measuring that performance against the performance of other Governments. I am therefore not prepared to say that the system is inefficient as the figure that we have may be the norm. We can always expect to have some answers quickly and some answers—perhaps the more detailed ones—less quickly.

I am not saying that I am on your side, Mr Lugton; I am saying that I am not prepared to make a judgment at this time.

**The Convener:** Presumably it is impossible to compare efficiency because more questions could be answered if more resources were allocated to the answering of questions. That allocation of resources might be unjustifiable at some point. The Executive has committed more resources to answering questions and invested a lot of time and effort in improving its internal processes. I am not sure that we want to compare ourselves with other Parliaments. We want sustained improvement on both sides of the equation as we try to manage the

process to try to ensure that it delivers for us all. Do you want to add to that, Mr Lugton?

**Michael Lugton:** I think that you have put the point admirably, convener.

**Mr Macintosh:** I have a great deal of sympathy with the situation that Gil Paterson described. That is the sort of process that members should go through—a lot of work and independent research should be done before a series of questions is asked. In such situations, it would be helpful if the minister told the member that some questions could be answered immediately but further work had to be done on others. We should expect that kind of dialogue but it is not taking place because the system does not work as efficiently as it should.

Are resources being diverted from areas such as answering letters to answering parliamentary questions? I almost always write letters when I am seeking information and hardly ever ask parliamentary questions as I prefer the answer that I get in a letter. However, it often takes an unbelievably and unacceptably long time to get an answer to a letter—far longer than the time it takes to get an answer to a parliamentary question. In July last year, I asked a question in a letter and received the reply in February this year. In one of our papers, it is suggested that members might want to ask their question in a letter. That is great, but it is not helpful to suggest that if it will take longer to get an answer by letter than by asking a parliamentary question.

Have we moved civil service resources away from answering letters to answering questions? Is that having an adverse effect on the answering of letters?

**The Convener:** We now suspect that it takes such a long time to get answers to our parliamentary questions because civil servants are too busy answering Kenneth Macintosh's letters.

**Brian Adam:** It is Kenneth Macintosh's fault completely.

**Michael Lugton:** The general position is that those who draft letters for ministerial consideration and those who draft suggested replies in the area concerned are the same people. Although there has been an increase in our resources following devolution, the same people are having to tackle an increased work load. It is fair to say that ministers are conscious that we need to improve our performance in relation to parliamentary questions and ministerial correspondence. The increase in ministerial correspondence has not been as great as the increase in parliamentary questions, but there has been a step change. Performance on ministerial correspondence is probably not as good as performance on parliamentary questions. A group that is chaired

by a head of one of our departments is examining the processes that are involved. The Minister for Parliament takes a close interest in the group and examines its progress regularly. There is a concerted effort on the part of the civil service machine to respond to the understandable desire of parliamentarians for a better performance.

I hope that, if a member thought that the desired information would be best obtained through a letter, they would not be deterred from writing a letter because they believe that it will take a longer time to get an answer than it would if a significant number of parliamentary questions were tabled. If the member genuinely believes that the answer that he will get from a letter will be more helpful than the series of answers that he will get from a series of parliamentary questions, it would be in his interest for him to write a letter and it would be in our interest—from the point of view of managing the case load—to ensure that he gets a reply as quickly as possible.

**Brian Adam:** It is interesting to discover that you are examining the turnaround time for letters. I know that that is not the matter that is before us today, but it would be useful to get some idea of the usual turnaround time for letters. I have had the same experience as Kenneth Macintosh and have occasionally waited many months for answers to straightforward inquiries.

This is probably an invidious question, but are there any departmental differences in turnaround times? It is interesting to have a former minister on the committee to explain the situation from a ministerial perspective, but there might be significant differences between departments that are skewing the response times. That might have resource implications.

**Michael Lugton:** I am afraid that I have no statistical information to hand on that matter as I did not come prepared to speak about the ministerial correspondence system. However, we will provide what information we can. It would be surprising if the performance rates for letters emanating from one minister were the same as those for another.

**Brian Adam:** It has been suggested that members are not necessarily pursuing their inquiries in the most efficient and effective way. If we move from lodging questions to writing letters, we may get a fuller answer but we might have to wait considerably longer for it. Is there any mileage to be gained from a more proactive approach on the part of the Executive? If officials felt that the member was not pursuing their inquiries in the best way, could an official send to the member a note to suggest that, had the member taken another course, everyone could have saved some time? That might involve the consumption of a lot of resources, but it might help

us move forward, rather than having one side saying, "I am entitled to ask these questions" and the other side saying, "You are giving me far too much work." If we are to accept some responsibility on our side, perhaps the civil servants could be more helpful as well.

**Michael Lugton:** That is an issue that we want to consider. I am not sure that the official view of a particular set of questions might be relevant, but a ministerial view might be. I would like to speak to the Minister for Parliament about that to find out whether mechanisms could be devised to get across informal messages of that kind to the benefit of both parties.

We see SPICe as a valuable source of information for members. We hope and believe that members have confidence in the ability of SPICe not only to provide information from its own sources but to get information from other sources, including the Executive, if a member asks for it.

**The Convener:** Sometimes, however, visiting SPICe or doing other research does not close down questions but gives one scope for the pursuit of many more issues. However, if that results in better questions, it is presumably not so much of a problem.

I think that we have exhausted our lines of questioning so I draw members' attention to the recommendations in paragraphs 24 and 25, which suggest that we note the monitoring arrangements and agree that further joint monitoring should take place to inform further consideration.

**Patricia Ferguson (Glasgow Maryhill) (Lab):** Perhaps the committee would like to widen the monitoring of questions to include the monitoring of ministerial correspondence. The two areas seem to be inextricably linked as they are the two ways in which members can get answers. In putting pressure on the Executive to answer questions more timeously, we do not want to make it more difficult for answers to letters to be provided timeously. We might want to examine communications in a more general sense.

**The Convener:** I suspect that we all agree that we do not want one form of answering to suffer to expedite the other—there should be a general fairness in the promptness of responses.

Mr Lugton, could you readily provide such information in relation to ministerial correspondence? Does your system lend itself to the tracking of letters? Might that be a useful piece of information to give us?

**Michael Lugton:** I can take delivery of that question and I will get back to the clerk as quickly as I can. On broadening the monitoring exercise, it seems that we are quite far down the track. The committee will want to deal with initial conclusions



when it next meets in April. I believe that the intention is for some sort of further report to be published in May or June.

If we are also to start to examine ministerial correspondence, we need to think carefully about the most efficient way to cover it. I am not absolutely sure that starting to conduct parallel monitoring of ministerial correspondence is sensible at this stage in the game.

11:45

**The Convener:** Would it be more appropriate for a further phase of work?

**Michael Lugton:** That would probably be the more sensible way to approach it.

**The Convener:** Can we agree the recommendations?

*Members indicated agreement.*

**The Convener:** That takes us on to the paper on sources of information that are available to MSPs. The paper is essentially a summary of various sources of information and the SPICE guide to services that all members receive.

The recommendation is simply that we note the sources of information. I do not think that we need to discuss that any further.

*Members indicated agreement.*

**The Convener:** The next issues paper is a summary of parliamentary questions seminars that were held in February, including the papers that were presented to the seminars.

The recommendation is that the committee note the position and that further seminars will be held when required. I add that the revised guidance on parliamentary questions, which is referred to and copied into the papers, has now been issued. All members have copies. That guidance contained the flow chart to which Mr Lugton referred.

**Donald Gorrie:** Two members of my staff who attended the seminars thought that they were extremely good and, if I can grovel, convener, they thought that your contribution was particularly good.

**The Convener:** That, no doubt, is why you are seconding all my amendments. I am greatly indebted to you for those remarks.

I am embarrassed now. If there are no more remarks, we will note the position and move on to the next paper, which is the deep pink paper that covers the argument for restricting the volume of questions lodged during recess, or even prohibiting questions during recess. Mr Lugton has already alluded to that argument at least twice, so I assume that he would like to make some points.

**Michael Lugton:** I am not sure that there is much more to add. Ministers have not had an opportunity to consider the paper or the options that are outlined in paragraph 8. They would welcome the committee's views before they begin to firm up their own. The committee might like to discuss the matter with ministers when it is ready.

I come from the view that there is an issue in that, at the moment, members have an unfettered right to lodge questions during the recess. That is different from Westminster. However, Westminster is not necessarily a good model. The consequence of that right is that there is little respite for the machine during the recesses, which has implications for the overall performance of the Executive.

**The Convener:** Did the decision that the committee took in its previous report—to extend from 14 to 21 days the deadline for answers to recess questions—assist materially?

**Michael Lugton:** Yes indeed. It has assisted in that it has probably helped to improve our performance. For questions that are lodged during the recess, the period within which we need to answer is 21 days, failing which we need to put down a holding reply. The system therefore has a little longer to prepare answers to questions that are lodged during the recess. The consequence is that overall performance is better than it would be if the standing orders had not been changed.

Lengthening the time further would undoubtedly lead to an improvement in performance when measured against the target that is set in the standing orders, but it would not have any impact on the total volume of parliamentary questions that the system has to deal with.

**The Convener:** I appreciate that that would not get anybody an earlier answer, but if we make greater provision for recess questions, that might be a fairer yardstick to apply to performance.

**Donald Gorrie:** As part of our public relations effort to persuade the press and the public that recess does not equal holiday, it is important that we do not ban questions during recess. Doing so would give the impression that the recess is a holiday, which we all know to be false. The opportunity to ask questions has to continue as before, but extending, if necessary, to more than 28 days the deadline for answers is acceptable. If I have a question about widgets and the civil servant who really knows about widgets is away on two or three weeks' holiday, it is fair that I wait until they come back before I get an answer.

We must have the right to continue to ask questions, but we should give reasonable latitude to the civil servants who answer them.

**Mr Macintosh:** I agree with Donald Gorrie. The

idea that we should ban the lodging of questions in the recess is not really a goer. It would be an unwarranted restriction on our jobs. We cannot seriously consider preventing MSPs from asking questions. That is one of the main devices at members' disposal to hold the Executive to account.

There is a superficial attraction to the option of restricting the number of questions that members may lodge, as there might be a belief that some members ask a lot of time-wasting questions, but I am not sure that that case has been proved or that we have the criteria to make that judgment. Until we do, I find that restriction unnecessary.

I do not ask lots and lots of questions. Gil Paterson gave a good example of when he had to ask 27 questions. I assume that he had good reason and I do not think that there should be any restriction on the freedom to do that.

The third option, which Donald Gorrie summarised perfectly, seems sensible. A system that does not work because the targets cannot be met brings the whole system into disrepute. We are acknowledging that extending the deadline will not improve matters, in that it does not put in any more resources and does not give a faster answer, but at least we are accepting that civil servants take their holidays in recess periods because that is what the Parliament wants them to do. I favour that option, rather than maintaining the current position, which would imply that we accept that everything is fine.

**The Convener:** I find that I lodge most of my questions during recess because I have time to read then. Week in, week out, we do not have time to control our thoughts or shape what we are doing to any significant degree: we are reacting to the agenda. During recess, I might catch up on my reading and, in the summer, I might regularly put in batches of questions that pursue an issue. If I were not allowed to do that, the questions would go into the chamber desk and the business bulletin on the first day the Parliament resumed. A huge queue would build up if every member did the same.

It is reasonable for questions to continue to be lodged in the recess, but I take the point about recess questions being given a longer deadline so that we have a fairer yardstick for performance.

What do members think of the suggestion that we apply a longer deadline for the week before the recess, to take into account the fact that if a question is lodged the week before the break, by the time it reaches the civil servant that civil servant may have taken some annual leave?

**Brian Adam:** That is the best part of the paper. Members tend to clear their desks before any recess and there is a big increase in the number of

questions in that period.

I am not utterly convinced that extending the deadline to 28 days will make any progress other than to make the civil servants look better, if you will forgive me. However, it may be a realistic turnaround time. I am not certain that it will be applicable for the whole recess.

We have only recently extended, to 21 days, the turnaround time that applies during the recess. Could we not bring that 21-day period forward by a week before each recess? Would that not make the change that is required?

**The Convener:** I do not know. We seem to accept that it will not advance the answer to a question but will make performance management or more realistic target setting easier. I am inclined to go with the third option, which is to give the Executive 28 days to reply and to extend that time period for answer to the weeks before the summer, Christmas, February and Easter recesses. I do not think we would lose anything by shifting the deadlines in both respects. If no one else feels the good of this, at least the people who are handling it will feel that their position is recognised and that we are not going to give them a kicking for not being at work when, effectively, they are on holiday.

**Members indicated agreement.**

**The Convener:** We now move on to the issues paper on inspired questions, which we have discussed several times. It is probably fair to say that since written questions and answers have been put on the intranet each day, much of the objection to inspired questions has been removed. However, there have been requests from various quarters that we label inspired questions in some way, although none is noted in the paper.

I have taken a particular personal interest in this issue. At the outset, I thought that inspired questions were a bit of an underhand device. However, my thinking has moved on quite a lot and I accept now, having looked at the issue, that it is a reasonable and legitimate way for ministers to make announcements. What strikes me as the difference between an inspired question and answer and a routine press release is that the release will normally relate to a ministerial visit, a discussion with somebody or the publication of a paper. All those things can be anticipated or are capable of being anticipated, whereas many of the inspired questions come out of the blue or, rather, the answers to the questions come out of the blue.

It is a question of the relationship between transparency and power sharing. If a member knows that the minister for X is going somewhere to make a statement about something, the member can anticipate that if they want to: they can research it and write some sort of press

release that corresponds to the minister's press offensive. However, when an inspired question is answered late on a Friday afternoon—although Friday morning is more likely, as that is a favourite time for the Executive to issue answers—the member often does not have the resources to respond. That is very much the point of view of an Opposition member who wishes to respond to ministerial statements.

I wonder whether there is not a perfectly legitimate argument for tagging inspired questions, first to tell everyone that a ministerial statement is imminent. If a member feels that the question covers something they want to react to or to research, they will have an opportunity to do so. In the second place, there would be an insistence that, in normal circumstances, the answer should be received the following day. That generally happens, although there is sometimes a longer gap.

At other times, the question and answer appear on the same day, which represents a degree of the Executive working the system in its favour. That is against the interests of any other political person who might want to make a counter comment. I am aware that I am throwing an awful lot at Mr Lugton, but perhaps he could give an Executive perspective on that.

12:00

**Michael Lugton:** I was interested to hear how the committee's thinking about inspired questions has developed. The Executive's point of view is that Parliament has a special place in relation to accountability of the Executive. The inspired parliamentary question and the answer to an inspired parliamentary question form a mechanism for informing Parliament about those issues about which the Executive considers Parliament has a right to be informed.

The issue of how Parliament understands whether a question is inspired has a number of strands and the procedures are important. I entirely understand that developing procedures to enable members to be clear about the fact that the question is inspired is a matter of concern to MSPs.

We would want to continue to use inspired questions as a means of informing Parliament of those things that we think it should know about. We take the point that, generally speaking, we should try not to provide the answer on the same day that the question was lodged, and we understand the Parliament's point of view that some system of flagging up inspired questions would be helpful. We see that primarily as a parliamentary issue, but it is one that we would be willing to help with, if that is the general mood of

the committee and of Parliament.

**The Convener:** Is the chamber desk automatically aware that a question is inspired?

**High Flinn:** In practice, we almost invariably are. However, if there was a move towards, for example, using a question that had previously been lodged rather than a question that was asked specifically for the purpose of eliciting an announcement, we would not necessarily know unless the Executive had made that explicit to us.

**The Convener:** I appreciate that any system of tagging would not catch a ministerial answer that was given to a question that had been lodged previously. I know that such questions have sometimes been used as vehicles for ministerial announcements.

**Michael Lugton:** Hugh Flinn has put his finger on an important procedural point. In previous correspondence with—I think—the convener, we have taken the point that, where an outstanding question covers the same issues, we should at least arrange for that question to be answered at the same time. In particular circumstances, it might be appropriate for the announcement to be the subject of an answer to a question that was not inspired. There is a difficulty about identifying those for the benefit of members.

Another point is that sometimes members ask questions that stimulate an idea in the heads of people in the Executive. An announcement might therefore be made on the back of an answer to such a question. That question is not an inspired question, but the consequence of the question might be an announcement. There are a number of procedural issues that need to be thought about.

**The Convener:** I have no objection to one of my questions being pre-empted by an inspired question, so long as I get a response to my question simultaneously. It is only when the response comes much later that the member might think that that was not very fair. In saying that, I am expressing an individual point of view, as I am conscious that there are other members who feel aggrieved if their question is pre-empted by an inspired question.

**Mr Paterson:** Looking at the options given in the issues paper, I believe that it would be sensible to tag what I would call a legitimate inspired question when that is possible. Not only should we tag the inspired question but, where an inspired answer, so to speak, is attached to a question lodged by a member who did not suspect that it was to be used in that way, I agree that both the question and answer should be tagged.

We should tag the question so that we identify the MSP who is the vehicle for the Executive's

answer and, when the Executive has used an innocent bystander to answer a question, perhaps the question should also be tagged. We are all big boys and girls and, as I said, this is politics, but that would let us know exactly what was going on.

**Brian Adam:** The important thing is that we have transparency. There may be some technical difficulties in identifying exactly what has happened in a given case. However, I am sure that those difficulties can be overcome. Inspired questions can be an appropriate way for ministers to make announcements. However, the gap between a question being lodged and the answer being given is also important in terms of accountability.

**Mr Paterson:** That is a fair point.

**Donald Gorrie:** I find the whole procedure pretty childish, to be honest. Every now and then, ministers should make announcements about things—that is what they are there for. I do not see why they cannot just say, “Right, I’m going to make an announcement about bottled water,” for example, and get stuck in. If it is the rule of the game to have inspired questions, that is okay—I have no objection to a minister using an inspired question to make an announcement if that is the appropriate vehicle, although I think that it is reasonable to expect that other people who have lodged a similar question will get a reply at the same time.

I do not agree with Gil Paterson’s point. If he lodges a question such as, “To ask the Scottish Executive when it is going to replace all these ghastly curtains,” and if the minister replies, “Gosh, that’s a good idea—we really should be replacing curtains; I will make an announcement about replacing curtains,” I do not think that we would have to tag Gil’s question. He will have asked a question and got a good answer for once—which is unusual.

We should go for tagging ordinary, inspired questions and their answers and let other people get an answer at the same time. I think that people will live with that.

**The Convener:** I do not agree with Gil Paterson’s point about tagging the answer. An answer is an answer, but the point about tagging an inspired question is this: if a question on the water industry, for example, is lodged and if it seems to be inspired, every member with an interest in the subject will know that an announcement relative to the question is coming. They can be alert to that and can get in a position to respond publicly to it if they wish. That is about the process of sharing the power. If a member gets information that a minister has used the answer to the question to make a press release, so what? The member will presumably know that

anyway if they look at the Executive website.

What counts is knowledge in advance and transparency. The matter would be dealt with satisfactorily if we had an agreement that the chamber desk would tag the question in some way and if the Executive agreed, as a matter of general procedure, that, although things sometimes need to be urgently stated, an answer should not be given on the same day as the question was lodged. If we had such an agreement, I think that the issue would go away.

**Mr Macintosh:** I have a slightly different angle on this matter, as someone who attracted a degree of attack for asking inspired questions. I was accused of asking planted questions, which, to my mind, are completely different.

**Mr Paterson:** Is there a difference?

**Mr Macintosh:** I think that there is. To me, a planted question is a sort of patsy question, to give the minister an easy time, whereas an inspired question is a mechanism whereby the Executive can make a statement without having any control over the Parliament. By that I mean that the Executive has a relationship with Parliament in which it should not take any more parliamentary time than is necessary. If it is up to Parliament to ask the questions to get the announcement out of the ministers, that puts the power more in our hands. However, I have—

**Mr Paterson:** If there are patsies there too, then we will get—

**The Convener:** Come on, Gil, we listened to you.

**Mr Macintosh:** As I was saying, I have a great deal of difficulty with this. I have been blamed—there is nothing that I can do about it now.

**The Convener:** We are rehabilitating you.

**Mr Macintosh:** Exactly—despite the fact that I think that there was absolutely nothing wrong with what I did and that what I was doing was completely above board.

**Brian Adam:** It was not transparent.

**Mr Macintosh:** That is exactly the point. I am not sure that tagging would make the procedure any more transparent. I can envisage that tagging may mean that some members who ask questions of the Executive will attract more opprobrium. I do not think that that would be helpful.

I sympathise with Donald Gorrie’s point that a different mechanism of making the information public would be beneficial to all. If we are to use a parliamentary question system to issue information, I understand that, as it gives power to Parliament, not to the Executive. That is fine. If the question is tagged, I suspect that the Opposition

would use that as a way of attacking people, instead of accepting the mechanism. That would have a downside.

That is just my view on the matter; I do not have an answer. I think that the Executive should use questions lodged by Opposition or Executive party members on a particular subject. I do not think that we need an inspired question on a given subject if a question has already been lodged. That is straightforward. Neither the question nor the answer would have to be tagged to supply the information.

**The Convener:** To be fair, the criticism of individual members arose because nobody officially knew that questions were inspired. The process was not transparent—we worked it out. The people who were caught participating in the process got some flak. If they feel bad about it, that is regrettable. If we had been told up front what was happening, how it worked and what the rules were, I do not think that the matter would have excited any comment. If we regularise the practice and make it transparent, I cannot envisage huge criticism because 50 tagged questions come up against a member's name in a year. It is the way in which the system has worked, rather than what we are trying to suggest, that has exposed individuals to criticism. We are trying to take the aggro out of the process.

**Michael Lugton:** I am conscious that this debate is being held in the absence of ministers. It is obviously open to the committee to reach conclusions. However, if you wish to have the benefit of ministers' views, I am sure that they would be glad to let you have them.

**The Convener:** I am delighted to take up that offer. In fact, I have discussed the issue with Mr McCabe on a couple of occasions. I anticipate that we will take forward what I think has emerged as a general degree of consensus about how we approach the issue. We are not taking final decisions on the issues now—the next stage will be to exchange views. Mr McCabe may wish to flag up possible procedural difficulties. We may need to discuss the matter again if we cannot proceed on the basis that I think we have broadly cohered this morning.

Let us move on. On the recommendation in the paper, we have discussed the matter and have agreed that we could progress on the basis of agreed procedures. We will have the opportunity to return to the subject when we have exhausted the matter with the Minister for Parliament.

The next issue for discussion is the length of time that is available for question time. Members will have had the opportunity to go through the paper and they will have noted that they are invited to consider the matter further.

I think that it is a pity that we do not get through more questions, but I doubt whether extending the period of question time would be widely supported because of the impact that that would have on the subsequent debates on Thursday afternoons.

12:15

**Mr Paterson:** We have already discussed the paper that was prepared by Donald Gorrie on how we allocate time in the Parliament—the paper was put together well, but we have not come to a conclusion on it. I suggest that we take a raincheck on the matter of question time and consider it with the broader subject of time allocation.

Whether we like it or not, question time is the highlight of the Parliament and has some merit. Correspondingly, debates are structured in such a way that, generally, the Presiding Officers squeeze the time that is allowed, especially for back benchers. In other words, people who are moving motions, as well as spokespeople, get extra time but, when there is a squeeze, it seems to have been decided how the squeeze will apply when the debate opens. That effectively means that, by and large, the tail-end Charlies are the people who are going to get a kicking.

I am sure that I will be corrected if I am wrong, but, in that context, if a decision was made to accept some of Donald Gorrie's ideas and we had fewer but longer debates—which would allow back benchers and people in the middle perhaps five minutes—we might be able to engineer additional time for question time.

I agree that extending question time does not necessarily mean that more questions will be answered, but sometimes I find that the interventions and supplementaries are better than the original question and that I get more out of them. Personally, I would like to see more interventions rather than additional questions. That may result in the ballot being reduced from 30 questions to 25. It is becoming ridiculous that we always have 30 questions, of which something like 12 or 14 fall off the edge every time.

**The Convener:** On the other hand, a response to the question is received on the next day in a written form. Not many people whose question is numbered between 20 to 30 on the list withdraw that question so that they can ask it the following week. Mostly, they just accept the written answer.

**Donald Gorrie:** I agree with Gil Paterson that we should look at the whole issue of the use of parliamentary time. I think that, within limits, questions are of better value than debates. We should look at the possibility of half an hour of questions on a Wednesday afternoon as well as on a Thursday afternoon. It would be helpful to

have some statistics on how many oral questions each department gets over a month or a year, which one could compare with Westminster or other Parliaments. The issue is the degree of scrutiny of the departments. Some departments, perhaps by the luck of the draw, get off fairly lightly. We should look at the possibility of spending more time on questions.

I agree with Gil Paterson, although he used the word "interventions" when I think that he meant supplementary questions from other people—

**Mr Paterson:** Yes, supplementaries.

**Donald Gorrie:** Supplementary questions are valuable and should not be curtailed. The convener made the point in his initial remarks that the time for debate on the Thursday afternoon should not be further truncated, but we could consider using half an hour on a Wednesday.

A lot of people seem never to be successful in the ballot. It is not just the people who submitted questions 20 to 30 who are disappointed; the people who submitted questions 31 to 50—or to 100, or however many people have lodged questions—are all going to be disappointed. The more questions we can get in, the better. We must try to ensure that the Executive comes up to scratch. Questions achieve that—a bit, anyway.

**Brian Adam:** The changes that were made when we last looked at question time were a big improvement. I agree with both my colleagues who suggested that the supplementary questions are better value for money than the routine questions. Perhaps this is a matter for the Presiding Officer. Whoever is presiding has the right to take as many supplementaries as are offered; that is a matter for his or her discretion. Perhaps, rather than concerning ourselves with the amount of time or the number of questions reached, we could give a nod and a wink to indicate that we would like more supplementaries to be taken.

**The Convener:** I feel that the Presiding Officer is not bad at sensing when a question raises an issue that is of general interest across the chamber or at calling a good spread of people and varying those whom he calls.

I am enormously irritated when someone asks a supplementary question that is on an entirely different aspect of the same headline topic. Standards of vigilance seem to vary on those occasions—sometimes the Presiding Officer will purge those questions and on other occasions he will let them go. Members may not agree with me, but I get annoyed if I wait to ask a question but someone gets in before me and completely changes the topic to another within the broad parameter.

I am also irritated by those members—we all know who they are—who preface their supplementary questions with a great, long speech about landfill sites in Glasgow, for example. That burns up the clock and takes up time that another member could have had to ask another supplementary question. Perhaps the Presiding Officer could be more ruthless in dealing with those matters. He could also be more ruthless about getting brief and specific answers from ministers. I know that, under standing orders, he cannot require ministers to be brief and specific, but he can encourage them more.

Some of the speed and pace of question time is within Sir David's control, but the suggestion before us is that we should allocate additional time to question time. I must probe whether members of the committee share that view; beyond that, we should raise the issue with ministers, who will have a view, and with the wider parliamentary community. If we were to promote an idea that is as innovative as allocating a half-hour slot to question time on Wednesdays, we would need to know what impact that would have on ministers' diaries and on the work load of the people who prepare the answers. We would also need to know how members would feel about the loss of time for debating bills and the other motions that come before the chamber.

I do not think that we are ready to make a decision today, but I would like an indication of members' views. Perhaps we could ask Mr Lugton for an initial response from the Executive, although I appreciate that he may not have prepared thoughts on that point.

**Patricia Ferguson:** I think that question time is just about the right length. The changes that were made were entirely justified and appropriate. However, if we were to hold question time on a Wednesday, I would be concerned that that would eat further into the time available in debates for back benchers to speak. There would still be guaranteed time for opening and closing speeches, but the back-bench element would be squeezed, although that loss of time would be proportionate. The rota and the specified length of time allowed for opening and closing speeches are adhered to rigidly. Although Gil Paterson may not know this, closing speakers are sometimes asked to take slightly less time and, as Donald Gorrie knows, they are sometimes asked to take slightly more time if we are running ahead of ourselves.

It is fair to say that the Presiding Officer puts a lot of preparation and time into trying to ensure that question time is as satisfactory as it can be for MSPs. Although allowing as many supplementary questions as possible is regarded as important, when question 10 is asked, the Presiding Officers must also have an eye on question 14, which is

lurking in the background. If we know that question 14 is on foot-and-mouth disease—or whatever the topic of the day happens to be—we are anxious to get to that question in order to allow the issue to be aired. The fact that the Presiding Officer has no control over the order in which questions are asked or over the priority that they are given must be taken into account.

As I said, my general point is that question time is just about right, but it does no harm for us to remind ourselves occasionally of its purpose and for us all to consider ways in which it could be improved. It also does no harm for us to exert self-denying ordinances or some peer pressure on those who ask the extra-long questions or who make the speeches that often preface supplementary questions. It must be said that the same people do that all the time.

**Mr Paterson:** I was not making a firm proposal for extra question time. My view is that, if everything else remains as it is, increasing time for questions would make the position even worse for those who speak during what I call the bit in the middle of a debate.

Something is structurally wrong with our debates. You highlighted the fact that it is fair shakes for everybody, and I am glad about that, but the effect of the way in which we run debates is that someone is being squeezed. I would rather consider this issue along with Donald Gorrie's paper, because there would be a knock-on effect. We cannot look at this issue in isolation, because it would have an impact on everything else that we do.

**The Convener:** I am conscious of time; we have been going for almost two hours. Kenneth, do you have a view?

**Mr Macintosh:** Question time is about the right length. Some question times are better and more constructive than others, but that is more to do with—

**The Convener:** Whether you are picked or not.

**Mr Macintosh:** Indeed—whether I get a top-10 question has a huge bearing.

The fact that some question times are better than others has more to do with the topics of the day and how the Presiding Officer looks after the chamber.

I am interested in what Gil Paterson and Donald Gorrie said about debates. The most unsatisfactory debate of the week is the Thursday afternoon debate, because back benchers have so little time to speak. Front benchers speak, we get nothing, then the front benchers speak again. It is great to hear their wisdom, but we would all benefit if back benchers with views spoke in those debates. That would not be helped by extending

question time.

Although question time is a useful part of the week—I would not go as far as Donald Gorrie in saying that it is the best use of parliamentary time—there is a slight element of theatre about it, which sometimes takes away from it. There is a balance to be struck. At the moment, as Brian Adam and Patricia Ferguson said, we have made changes and they seem to be working and to have improved question time. I am not sure that extending question time any more would be a further improvement. It is fine as it is.

**The Convener:** I do not think that we have come to a conclusion. There is no unanimous view that we should extend question time. A suggestion has been made, on which it would be useful to consult the Executive. We can return to the matter when we finalise the report and examine the other issues at a subsequent meeting. Mr Lugton, do you have anything to add on this point before we leave it?

**Michael Lugton:** Paragraph 17 of your paper puts the issues well. It draws attention to the fact that the Presiding Officer issued a reminder of the rules regarding supplementary questions and answers on 8 February, and following that, 17 questions were covered in one question time. I do not want to commit ministers, but I think they would feel that the best way forward would be to maintain the current arrangements and review them at a future date, and to take heed of the Presiding Officer's guidance, which he might want to reiterate from time to time.

**The Convener:** If we could reach 17 questions every week, we would feel that we were getting through a fair volume of business. We should concentrate on attempting to attain that standard every week. The issue will return to us.

Further issues that were raised are contained in annexe E of the original report; we are not looking to do much more on them. The issue of priority written questions was raised, I think, by Alex Salmond. Having considered it, our view is that the object is to try to speed up the whole process. It would be difficult to identify categories of questions that should be fast-tracked for speedy answer. If priority questions were answered speedily, that would have an immediate impact on all other questions. My view is that if there is a case for priority notice questions, it remains to be made. Someone would have to have a convincing reason why their question should be treated more attentively than mine. That appears to be broadly agreed.

The next issue is time scales, which, in effect, we have discussed. We have recommended a change in the treatment of recess questions. We have the revised guidance on the rules for lodging

parliamentary questions. We have had seminars on the availability of other sources of evidence. We are continuing to work along those lines.

12:30

The next heading after paragraph 31 is:

"Members' ability to raise their concerns within the Chamber regarding an unanswered written question".

We have discussed ways of addressing that without raising the matter in the chamber. We would like those initiatives to develop and bear fruit before we consider introducing a new procedure. However, we should keep an eye on that and ensure that the long-standing unanswered questions with which we are so familiar are eliminated by the new procedures.

Limiting the number of parliamentary questions, which we touched on earlier, would be difficult. It is hard to see how we could justify such a system or even make it work, given that if a member reached their limit they could always ask questions by passing them to a colleague who was below the limit. Indeed, if a member hit the limit, they might simply raise further issues by letter. That would mean the same volume of business at the end of the day. Limiting the number of questions has some superficial attractions, particularly if one is irritated by members who ask 800 or 900 questions, but it is not an answer to the problem.

There is no particular scope for making recommendations on those areas in the report that will ultimately go to Parliament. However, as members will see from the initial paper, there are still matters to be considered at our next meeting. Are we agreed that no further work be done on those points?

**Members indicated agreement.**

**The Convener:** I thank the witnesses for attending.

## Conveners' Speeches

**The Convener:** Item 5 is a referral from Alex Neil MSP on the time that is allocated to committee conveners during stage 1 and stage 3 debates. I have referred Alex Neil's comments to the Presiding Officer to see whether the suggestions can be accommodated within the existing scheme of things. If not, we might discuss the subject in an issues paper in the fullness of time. Clearly, if we give the relevant committee conveners more time, we have to take time away from other speakers in the debate. That is the issue that we would have to resolve.

**Brian Adam:** The next relevant debate will take place on March 14, on the Housing (Scotland) Bill. The Social Justice Committee is the lead committee, the Local Government Committee dealt with a substantial part of the bill independently, the Equal Opportunities Committee has dealt with the bill and the Finance Committee is discussing the financial memorandum today. If the convener of each of those committees took the time that Alex Neil suggests, there would be no speeches at all from back-bench members. I cannot see any justification for that.

The timing of such debates needs to be reviewed. The time that has been allocated for the Housing (Scotland) Bill is inappropriate. Given the complexity of the bill, we should have a much longer debate to allow participation by members who have an interest but are not committee conveners and therefore not already in a privileged position, who are not committee members and therefore have not had a chance to take part in the debate and who are not front-bench speakers or ministers. Bills are for the whole Parliament—we have all been elected to represent everyone's interests. We should consider carefully—perhaps at another meeting—how we deal with the bigger bills and how they are timetabled.

**Patricia Ferguson:** I am also concerned that it would be difficult to monitor whether the convener was speaking strictly as convener of the committee—they might include their own political viewpoint in any speeches. Alex Neil's letter was rather ambiguous. He says that the length of time that he was given to speak on the Education (Graduate Endowment and Student Support) (Scotland) (No 2) Bill

"did not allow me to put across the Committee, as opposed to the Party point of view".

**The Convener:** So he wants the extra time to speak on behalf of the committee.

**Patricia Ferguson:** Exactly. That makes it more complicated. It also makes it difficult for the



Presiding Officer to make a judgment call on whether a member is straying into party policy, particularly if they do not know the minutiae of a party's approach to a subject. That, added to Brian Adam's points, makes me slightly reluctant to take the matter much further.

**Donald Gorrie:** I take a different view. I agree with Brian Adam that the stage 1 debates on important bills are not nearly long enough, which is annoying. I have found that the members who tend to speak in debates are the committee members who have dealt with the issue, and other members who have an interest do not get called. The same must happen in other party groups.

On the other hand, the convener of the lead committee should have a reasonable amount of time to speak in a debate, provided that he or she is clearly setting out the committee's stall. The committee will have done a lot of work and the convener's speech is helpful to the members who have not read the committee report industriously, even though they should have done. I agree that the situation becomes more complex if more than one committee is involved. We need more time for the debate and more time for the committee convener.

**Mr Paterson:** I agree with Donald Gorrie, with the proviso that giving one member more time does not have an adverse effect on other members. However, it is legitimate to give conveners extra time or more status—I do not know whether there is a difference between the two—to explain the committee's position. Four minutes, frankly, is not enough. I recognise that the situation puts the Presiding Officer in a difficult position, and there have been a few cases in which conveners from all parties have strayed on to their own political agenda instead of sticking to the committee's remit. However, we could live with that if committee members took retribution and ticked off the convener at the next committee meeting instead of that happening in the chamber. The committee system's self-regulating mechanisms should be used; I would not put the onus on the Presiding Officer to control any convener, unless what the convener was saying was out the window.

**The Convener:** Okay. We have had a good thrash at the issues and, obviously, Sir David Steel will respond in due course. We will also gather the views of conveners. Members have made the point forcefully that giving the conveners more status in such debates would impact on back benchers. When we return to the issue, we should probably approach it from the standpoint of protecting back benchers' interests and claims on parliamentary time. Are we agreed to draw up a paper and consider the responses in due course?

**Members indicated agreement.**

**Brian Adam:** I hijacked the issue by focusing on the Housing (Scotland) Bill. However, other bills that come before the Parliament could be 111 sections long. Could we consider, and make some recommendations on, timetabling and the allocation of time to speakers?

**The Convener:** We could do that. However, the difficulty is that we would be second-guessing the Parliamentary Bureau by saying that it has not allocated sufficient time to discuss that stage of the Housing (Scotland) Bill and, theoretically, other bills. Perhaps we should not pick up on specific points.

**Brian Adam:** I was highlighting a general point.

**The Convener:** If we felt that, generally, there was insufficient time for stage 1 debates, it would be legitimate for us to consider the matter, discuss it with the bureau and make recommendations on it. We will note your comments and bear them in mind when considering our forward work programme.

## Non-Executive Half Days

**The Convener:** Item 6 concerns an issue that arose from the Scottish Socialist Party's use of its half morning to have three 30-minute debates. There was a lot of comment about that in the chamber so, shortly after, I wrote to Sir David Steel. It struck me that we ought to be involved and not just let the Parliamentary Bureau deal with the matter. My letter staked a claim for us to be included in any decisions. If members agree, we will receive an issues paper on this in due course.

**Brian Adam:** I do not have any problem with that in principle, but the heading that has been chosen for this agenda item is unfortunate. We do not want to dictate only to the non-Executive parties how they handle their half days. The principle is how we deal with 30-minute debates. It is not only the non-Executive parties that have 30-minute debates; the Executive has also, occasionally, had 30-minute debates. The issues paper that we receive should, therefore, be on 30-minute debates and not on non-Executive half days.

**The Convener:** That is a fair point.

**Mr Macintosh:** Have there been any complaints about 30-minute debates?

**Brian Adam:** The general problem is the one that arose during the SSP debates—back benchers cannot get in. We must protect their rights. There are circumstances in which it is appropriate to have a 30-minute debate. However, our discussion should be about what those circumstances should be, not about the management of non-Executive half days. Non-Executive half days are really a matter for the non-Executive parties. The issue for us is 30-minute debates and access for back benchers.

**Patricia Ferguson:** If we are to have a paper along the lines that Brian Adam suggests, we must bear in mind the fact that the SSP debates were very different to the kind of debates that Brian is referring to, which do not tend to have too many back benchers wishing to speak. They tend to have more of an imperative, rather than being—as the three SSP debates were—on wide-ranging and important areas of business that cannot be dealt with appropriately in half an hour. It is important to draw a distinction between the two kinds of debates.

**The Convener:** Following Brian Adam's suggestion will mean that we consider the two kinds of debates. We will consider the purpose of the Sewel debates, for which we generally have 30 minutes, and we will see the difference between that kind of debate and debates in non-Executive time.

**Mr Paterson:** I must add one thing to make this nice soup boil a bit—party managers. I do not mean business managers. When it comes to determining who speaks in a debate, we must remember the political system itself, which militates against back benchers. The very reason that back benchers might not have spoken in a debate is that they were told, "Don't bother—you're wasting your time."

**The Convener:** That is a matter for you to resolve with your business managers. The point is that Sewel debates tend to be essential. There have to be debates on certain things, and allocating half an hour for such debates allows a decent minimum amount of time. Those debates have not been hugely controversial. Very different, however, is the raising of three vast political topics and the summoning of three ministers in the course of a morning. However, we are straying into the issues that our paper will bring out.

**Mr Paterson:** I ask you to accept that, if we are making rules for one set of people, those rules must be transparent and must impact on all groups in the same way.

**The Convener:** That would be the purpose of the discussion.

**Mr Paterson:** All I am saying is that this is not just as simple as saying that the two kinds of debate are different; I can assure you that different pressures are also put on members.

**Patricia Ferguson:** It is worth pointing out that Presiding Officers do not stick rigidly to party lists.

**The Convener:** As some party members are frequently heard to complain.

**Mr Paterson:** Ah'm no being a sook, Patricia, but Ah'm dead happy that that happens.

**The Convener:** All right—we have agreed that we will receive a paper and consider all those issues in great depth.

**Members indicated agreement.**

## Committee Effectiveness

**The Convener:** Item 7 is the paper on increasing the effectiveness of committees. We have all seen the paper before and signed up to it on our respective committees. Do members agree that we will all try to live with the principles in the paper?

**Members** *indicated agreement.*

**The Convener:** That takes us to the end of today's business. I thank members for their attendance and co-operation. I look forward to returning to our discussions in a month's time.

*Meeting closed at 12:44.*



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