

PROCEDURES COMMITTEE

Tuesday 26 June 2001
(*Morning*)

Session 1

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PROCEDURES COMMITTEE

6th 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

THE FOLLOWING ALSO ATTENDED:

David McGill (Scottish Parliament Directorate of Clerking and Reporting)

Elizabeth Watson (Scottish Parliament Directorate of Clerking and Reporting)

WITNESS

Fiona Hyslop (Lothians) (SNP)

CLERK TO THE COMMITTEE

John Patterson

SENIOR ASSISTANT CLERK

Mark MacPherson

ASSISTANT CLERK

Katherine Wright

LOCATION

Committee Room 4

Scottish Parliament

Procedures Committee

Tuesday 26 June 2001

(Morning)

[THE CONVENER *opened the meeting at 10:31*]

The Convener (Mr Murray Tosh): Good morning. I thank everybody for their attendance at the sixth meeting this year of the Procedures Committee, for which we have a relatively light agenda. I extend a particular welcome to Gordon Ashley, from the Parliament of Victoria. It is interesting—but, I am sure, entirely coincidental—that our recent discussion about Australian Parliaments and our Parliament should result in such an early visit. I warn Gil Paterson to keep his use of aboriginal language to the minimum.

Mr Frank McAveety (Glasgow Shettleston) (Lab): It is Lanarkshire patois.

The Convener: It passes as whatever language it requires to be for the circumstances of the discussion.

Bills (Stage 3)

The Convener: The first item on the agenda is stage 3 order of consideration. David McGill, from the legislation team, will explain the matter to us.

David McGill (Scottish Parliament Directorate of Clerking and Reporting): The paper addresses a potential problem that occurred to us when we were preparing amendments for stage 3 of the Housing (Scotland) Bill. Fortunately, the problem did not arise in relation to that bill, but we thought that it would be worth while addressing the matter before the next stage 3 proceedings were reached.

The matter is relatively straightforward. The standing orders oblige us, when there is no order of consideration motion at stage 3, to take amendments to the long title first. Given that amendments to the long title are almost always consequential to other amendments, that is not the best way to handle proceedings. The paper should be relatively self-explanatory. I am happy to answer any questions that members might have.

The Convener: Members have received the paper and the draft revisions to standing orders. The change seems sensible and straightforward. Are there any questions?

Members: No.

The Convener: Can we agree to accept the report and recommend the amendments to standing orders?

Members *indicated agreement.*

The Convener: That was the easiest day's work that David McGill has ever done—and he had been told what a dreadful committee this was to come to.

Joint Committee Meetings

The Convener: Agenda item 2 concerns the implications of a recent joint meeting of the Justice 1 Committee and Justice 2 Committee, which had to be cancelled because of quorum problems. That caused a degree of adverse comment in the press.

I think that we should commission the directorate of clerking and reporting to analyse the issues and make some recommendations about how we might deal with such circumstances in the future. In particular, I would like to consider the quorum of joint committee meetings and the circumstances in which committees move from formal session to informal session. An issue of confidentiality arose in the case of the meeting of the justice committees, with the result that people who were seated in the public gallery—I do not know how many there were—had to be cleared from the meeting. I would also like to consider the *Official Report* of joint sessions because, once the meeting stopped being a joint committee meeting and became a joint informal committee briefing, the opportunity to have an *Official Report* of proceedings was lost.

There may be other issues that do not immediately occur to me, but I thought that we should commission an issues paper in the first instance. That will allow us to examine those aspects of the problem that are highlighted by officials and to think laterally about the implications of what is drawn to our attention.

Assuming that members agree to commission an issues paper, I am happy for other points that may occur to members about the implications of that meeting to be included in the short list that I just gave.

Brian Adam (North-East Scotland) (SNP): I agree with your view, convener.

Mr Kenneth Macintosh (Eastwood) (Lab): Have you spoken to or heard from the conveners of the Justice 1 Committee or the Justice 2 Committee?

The Convener: No. Although there has been time for the conveners to reply to my letters, I have not received a reply from either of them. To be fair, that is probably due to pressure of work.

I do not think that the issues have arisen specifically from the work of the Justice 1 Committee and the Justice 2 Committee, although it is clear that those two committees are among the committees that are most likely to meet jointly. Broad procedural issues are involved and I am keen to receive the views of the Justice 1 Committee and Justice 2 Committee conveners in

the fullness of time. As far as I know, they are the only conveners who have been through such an episode and I have no doubt that they will have views about it.

Mr Gil Paterson (Central Scotland) (SNP): How often do those committees meet jointly? What is the purpose of such joint meetings? Is it to set the committees' agendas or to discuss work load?

Mr Macintosh: I can clarify that the joint meeting on 1 May was held for the Justice 1 Committee and Justice 2 Committee to consider the budget process. Although those committees split the work load of the Justice and Home Affairs Committee, both committees decided that it was the duty of all MSPs to scrutinise the Executive's budget and that therefore members of both committee should come together to undertake that specific task. Apart from that, I am not sure whether the committees meet on an ad hoc basis.

The Convener: It is possible that the two committees hold joint meetings to set their agendas and to discuss work sharing issues.

I am not prejudging whether the quorum should be counted as a quorum of the joint membership or whether the quorum of each committee should be counted separately. I expect that that issue will be raised and that we will discuss it.

I should point out that there are opportunities for joint committee meetings, although those opportunities have not been heavily used. It is important that we cover the theoretical possibility of a joint meeting between the Transport and the Environment Committee and the Rural Development Committee at which issues to do with environmental pollution and agriculture could be discussed. For example, those committees are discussing holding a joint investigation into fish farming, and there is scope for joint meetings. We must clarify the circumstances in which joint meetings take place. We must also consider the fallback position. If we decide to insist that each committee's quorum must be met, what happens to business if there is a quorum of one committee but not of the other committee? Should that business be lost? Should people be sent away?

I want to examine the whole process, because it is clear that the Parliament did not look good as a result of that episode. We must be careful to manage the process better in future, if we can.

Mr Paterson: Will the issues paper consider the work load of the Justice 1 Committee and the Justice 2 Committee? I do not know whether that falls within our remit.

The Convener: I am not keen to consider the committees' work load. We will consider the procedures for joint meetings, and I would be

reluctant to consider work load unless those committees suggested that issue to us.

Mr Paterson: You mentioned that the committees met jointly to discuss a specific piece of business. That sounded odd to me. The reason for creating two justice committees was that the Justice and Home Affairs Committee was overburdened and overworked, but holding joint meetings defeats that purpose, as the Justice 1 Committee and the Justice 2 Committee will have to get together to discuss an aspect of the Parliament's work.

The Convener: That is in the nature of things such as the budget, which applies to the work of a whole department. Both the Justice 1 Committee and the Justice 2 Committee could be involved in budget scrutiny. The handling of legislation or investigation of the justice system could be allocated to one committee, but we would not argue that only one committee should consider budgetary issues. Gil Paterson raises a much broader issue than the one that we are considering. As I have said, I am keen that we should focus not on the relationship between the Justice 1 Committee and the Justice 2 Committee, but on the relationship between committee A and committee B in the event of a joint meeting being held.

Brian Adam: There have been other joint meetings of committees, none of which ended up in the situation that has been described. Early in the session we considered the Public Finance and Accountability (Scotland) Bill, which involved the Finance Committee and the Audit Committee meeting jointly. They did not have any difficulties, but they could have had. I am happy to go along with the recommendation.

The Convener: The recommendation is that we commission an issues paper and reconsider the matter in the fullness of time. Are members happy with that?

Members *indicated agreement.*

Committee Reports (Minority Views)

The Convener: Agenda item 3 concerns a letter that Fiona Hyslop MSP—whom I invite to join members at the table—wrote last summer. That letter arose from difficulties that were encountered in concluding a report by the Social Inclusion, Housing and Voluntary Sector Committee. I apologise to Fiona Hyslop for the fact that it has taken us so long to consider this matter. As she knows, we decided to deal with it in the context of a body of work on committee operations. That has now ripened and the issue is back before the committee. I ask Fiona Hyslop to outline her concerns and to invite the committee to address the issues that in her view need to be dealt with.

Fiona Hyslop (Lothians) (SNP): Thank you for giving me an opportunity to speak to the committee on this matter. As a young Parliament, we will develop our approach to certain issues as we go along. One of those issues is minority reports.

I remind members of the context of this debate. My letter of 4 September sets out reasonably comprehensively some of the issues and concerns that need to be addressed. One of the most controversial inquiries that the Parliament has conducted was into housing stock transfer. The Social Inclusion, Housing and Voluntary Sector Committee spent about six months taking evidence on that subject. By the time that the difficulties arose, a consensus had been reached within the committee. Although I had lost a number of divisions on controversial issues, I was content. I recognised that the strength of committee reports is that they should be consensual where at all possible. The committee had agreed that, where there had been a division, dissent should be noted. That would have made quite clear my political position on some of the fundamental issues.

The difficulties arose three days before the report was due to be signed off. We had spent about two weeks deliberating on the first and second drafts of the report, and we were considering the third and final draft. My concerns did not relate to the report's recommendations, because all the decisions about the recommendations had been made, but to the fact that at a very late stage the text of the report was being altered. The convener had proposed 50 amendments that anyone reading the report would have recognised as amounting to selective, politically motivated editing of its contents. For example, quotes from the Scottish Trades Union Congress and Scottish tenants organisations were being removed and references to organisations

and positions favourable to the Executive were being introduced. My first question is, is it appropriate for a committee convener to do that?

I understand that what I have described is not against standing orders. However, as I say in point 2 of my letter, on the role of the convener, the clerking services directorate issued a paper that states:

"Where there is disagreement on the wording of parts of reports, Conveners should discourage early calls for a division on the issue and help members to agree a common line wherever possible."

Page 13 of the same paper states that conveners

"should not use their position to gain unfair political advantage"

and should

"treat all members even handedly".

That guidance concerns the conduct of the convener. My concern was that, despite the consensus that had existed until that point, the convener was trying to change the political content of our report at such a late stage. More important, I also had concerns about the source and authorship of the amendments that were being proposed. I had reason to believe that the member who was proposing the amendments was not necessarily the source of them.

10:45

I wanted an inquiry at that stage, but the problem was that there was no one that I could go to. I went first to the Presiding Officer, since his responsibility is, obviously, to the Parliament. However, he said that he had no locus. The first thing that the Procedures Committee should consider is whether standing orders should be changed to allow concerns about a report to be raised during its preparation. Currently, standing orders provide that only the committee that is making the report has any locus in the procedures for producing that report. There is no reference point for people—either committee members or those from external bodies—who have concerns about a committee report that is being produced.

The only other thing that I could do was to make a complaint to the Standards Committee. I tried to proceed with that, because I was concerned not only about that specific issue, but about the workings of the Parliament. One of the Parliament's strengths is its committee structure, which promotes consensus and is extremely helpful in the production of unanimous views.

I also think that we have a problem where the political balance is such that the coalition majority is always in favour of the governing bodies. That is another issue that the Procedures Committee might want to consider.

I suggest that the convener's role should be governed either by strengthening standing orders or by issuing more guidance. I suspect that the conveners liaison group may have discussed what is and what is not good conduct and that it has also accepted that the text of a report is as political as its recommendations. I suggest that the text should always be agreed first, because the conclusions will be based on the text. The text is the common understanding of what the consensus view is. I recommend strongly that major amendments to text should not be made at the final stage of a report. Such amendments should happen at the outset and should be agreed by the committee. Thereafter, debate should take place only on the recommendations.

My serious concerns were about not the subject of the disagreements, but the way in which our committee was being used or—as I saw it—potentially abused. I had no means of substantiating, through an inquiry, what I thought were very serious concerns indeed. My first concern, therefore, relates to the circumstances that led me to want to produce a minority report. There is a whole range of issues to consider in that regard.

Having come to the conclusion that I would produce a minority report, I then had to find out what I could do. At that stage, only one minority report had been produced, so I was on virgin territory. Point 4 of my letter sets out the advice that the clerks gave me. I understand that those three options are still the only avenues that are open to any members who want to produce a minority report.

The first option was to produce a full report and use the committee's previous drafts. What I wanted to do was to produce the report as it stood three days before what was meant to be final sign-off. I would have been quite content to do that, even though such a report would have contained recommendations that I had voted against. What I saw as political interference with the text would then have been quite clear.

I would also like to point out that, under standing orders, I am not allowed to discuss what happened at a private meeting. I presume that, in inviting me to discuss the issue, the Procedures Committee is quite happy that I discuss in public session what happened at a private meeting. Again, that is an anomaly. In addition, I was not allowed to produce what would have been a near-final version of our committee's report, because I would have been publishing the content of private meetings. There is something not quite right about that.

The second option was for me to produce a minority commentary that would set out my views, and have that commentary included in the final

report. That was what the committee agreed to. Had it not done so, the third option was to produce a report at my own expense, which I would have had to publish and source. It was lucky that I had managed to keep enough references to allow me to produce a reasonable minority commentary.

That raises issues about the conduct of the committee and the convener at that stage. After agreeing that I could produce a minority commentary, the convener went back on her decision and asked the committee to revisit it. I am not sure whether that is appropriate. After I had spent three days drafting my report, it was a bit much for the initial suggestion that the committee accepted my proposal to produce a minority report to be revisited at the committee's next meeting.

The present procedures allow the majority of a committee to decide the content of a minority report. I see little point in producing a minority commentary if it can be edited by the majority. That would make nonsense of such a report. A vote was taken on that, and it was lucky that the majority of the Social Inclusion, Housing and Voluntary Sector Committee saw sense and decided that if I had produced a report, it was up to me to decide what was in it.

The majority should not be able to determine the content of a minority report, but some agreement on the scope should be reached between those who propose the minority position and those in the majority. That is reasonable. Having read the Procedures Committee's papers and its clerk's recommendations, I think that that would reinforce the position that views should not be polarised and that consensus should be achieved on committees, where possible, because that is the strength of the committee system.

That takes me through some of my concerns at that time. Since then, other committees and other individuals have had the same problems. On balance, and in pursuit of continuous improvement, it is incumbent on all members—especially during the Parliament's first session—who see problems in the procedures to look for some solutions or at least to bring the issues to the attention of those who can deal with them, and, I hope, improve the position for those who follow us.

The Convener: Thank you. I call on Elizabeth Watson, who has provided the committee with a briefing on minority views. I do not think that the briefing covers all the points that Fiona Hyslop made, but it attempts to move on the debate to how minority opinions can best be accommodated. I ask Elizabeth Watson to make any salient points on her paper. I will then throw the discussion open to members, to ask questions and give views.

Elizabeth Watson (Scottish Parliament Directorate of Clerking and Reporting): In the paper to members, I go through the options that exist in the current framework for allowing minority views to be reflected in a committee report. Standing orders allow the committees much flexibility when they consider draft reports. Standing orders do not require committees to take written amendments or follow an amending process similar to that for bills, which have a more formal process. That reflects most committees' practice of following an iterative process that involves little formality about the way in which the final version of a report is reached.

The key to any committee report is that it is agreed by a majority of a committee. Often, that is by consensus, but on occasion, it is done by division. As Ms Hyslop said, the key is that agreement is obtained to the content of the report. That provides the flexibility that many committees welcome in handling such matters. I can add little, other than to say that it is for members to decide whether it is appropriate to make the system more bound by standing orders or to retain flexibility.

The Convener: Before the committee discusses the issues, I will ask Fiona Hyslop a couple of questions, so that I can be absolutely clear about some of the background. When I received your initial letter, I thought that there had been substantial changes to the text between the Social Inclusion, Housing and Voluntary Sector Committee agreeing a draft of the report and the report returning to that committee for finalisation. However, you have made it clear that the changes that you found so difficult were all formally made in the committee meeting. The convener had not made changes behind the scenes.

Fiona Hyslop: No.

The Convener: Quite early in your presentation, you referred to difficulties arising

“three days before the report was due to be signed off”.

That deadline was presumably self-imposed by the Social Inclusion, Housing and Voluntary Sector Committee.

Fiona Hyslop: It was also the original deadline. Circumstances then took over: the original timetable was not kept to and it was pushed back a further week, if not a fortnight.

The Convener: Will you clarify whether what happened was simply that the convener forced the pace to achieve a deadline or—as I think you might have indicated—that the Social Inclusion, Housing and Voluntary Sector Committee went back to the report rather than finishing it off? I want to be clear whether we are talking about a procedural situation—mistake is not the right word—with which the committee had to deal or

something more fundamental.

Fiona Hyslop: It was fairly fundamental in that everybody who attended the controversial meeting to which I referred had expected it to be the preparation for the final signing-off of the report. It was the final tweaking of a report. For the report to come back with major political editing on a text that had been agreed on several drafts before seemed a bit suspicious to me and of serious concern.

The Convener: I open the discussion to members. It is less essential for us to get at what happened at a series of private meetings—we can know only what members have told us about those meetings—than to discuss the principles that underlie the presentation of minority reports and, as Elizabeth Watson said, decide whether the Parliament should be more prescriptive and formal than it has been in covering such situations. That is not to say that specific things from the dispute are not relevant, but I want to get at the important points of principle rather than sort out something that is now a year behind us.

Brian Adam: I am more than happy that we should discuss how we deal with minority views. There is also an important point of principle with which we need to deal: the role of conveners in reaching a consensus on the text of a report.

I am concerned by Fiona Hyslop's allegation—I suppose that is the appropriate word—that the convener of the Social Inclusion, Housing and Voluntary Sector Committee, at a late stage, on the third consideration of a report, introduced 50 new matters. Is it appropriate that a convener does that, on their own initiative—or not, as has been hinted? Should we recommend to conveners a normal procedure for reaching agreement on a committee report?

My experience has been that a committee gets a draft report from the clerks. The committee gives the report a once-over. Often, a committee agrees many of the sections and does not return to those that were agreed. It identifies the areas where there is disagreement and attempts to reach an agreement or decides that it will consider those matters further at the next meeting. At the second discussion, it is pretty well dotting the i's and crossing the t's. On the third go, the committee will usually be trying to resolve a last issue or two.

Fiona Hyslop's letter suggests that a large number of matters were introduced or reintroduced at a late stage. That is an important point for us to give guidance on. I do not know how we would change standing orders to take account of it, but we can certainly issue guidance.

Getting involved with the people concerned is not important because the situation is history now. However, we do not want such a situation to recur.

There should be guidance as to how we proceed with reports. If the committees are to be independent and to do things consensually, revisiting many items in a report at a late stage, which seems to have happened in the case of the Social Inclusion, Housing and Voluntary Sector Committee, is rather inappropriate. Furthermore, the position of the convener ought to be to assist in reaching consensus, rather than to initiate fresh discussions.

I think that we should deal with how we tackle the production of committee reports and the role of the convener in producing those reports, as well as how, for areas in which we cannot reach agreement, minority views ought to be reported. I have been through such a procedure in another committee of which I am member. I have found that current procedures lead to difficulties, and think that we need to come up with a better formula.

11:00

I do not know that we want to go so far as to highlight our differences but, if the only way in which the different views in a committee—the majority view and the minority view—are to be expressed is to highlight the majority view and then make people dig somewhere in the depths of the back end of an annexe to find out the minority view, I do not think that that is how we should proceed.

The Parliament is not just about arriving at a majority view by way of its committee reports. My impression is that we should be finding out what members' views are—it may well be a question of views, as opposed to one committee view. We ought perhaps to have a mechanism to highlight the differences as much as the areas of consensus.

The Convener: Can I press you a little on what you have just said? As a deputy business manager—forgive me if that is not your correct title—you perhaps have more of a strategic overview of some of the more political disputes in committees. You have said that there have been continuing difficulties. I do not know about that; I am on two committees, both of which manage to evolve reports and, in the case of the Transport and the Environment Committee, to contain any political differences within agreed parameters. Do you have a sense that there is a war of attrition in some committees with regard to reporting?

Brian Adam: You may be overstating the position somewhat. Perhaps I ought to have a strategic overview, but I was not speaking on that basis; I was speaking based on my own experience of how the Social Justice Committee arrived at its stage 1 report on the Housing

(Scotland) Bill. Naturally enough, there were areas of significant political difference on that. It is the mechanisms by which such differences are to be reported with which I have some difficulty. I think that that is because of the procedures that are currently in place.

My difficulties were not of the same order as those in which Fiona Hyslop found herself—which led to the paper now in front of us—but I think that we should consider the purpose of committee reports. Are they intended to convey a consensus position that we must reach or to give the views of the committee? If it is more a matter of giving the views of the committee—there will be more than one view in many circumstances—the question is how we deal with that difference in view.

We should at least consider whether to give equal prominence to the various sets of views held by committee members. Currently, if there is a minority view, we have to get at that by going through the various annexes of a committee report to find out what was said at the committee, and—

The Convener: With respect, that is true only if such an option is chosen. Paragraph 8 of Elizabeth Watson's report indicates that there is a range of alternatives. I have participated in reports that have reflected the views of individuals, sometimes by name, in the main body of the report and among its recommendations. People do not necessarily have to refer to an annexe. That might be important if members want to convey an entirely different approach in an alternative report, but it is often possible to absorb the differences of view on specific matters in a report that is broadly agreed overall, especially on the transactional stuff, which simply summarises the evidence that has been received.

Brian Adam: What Elizabeth Watson has described in paragraph 8 is a mechanism that is widely used. It has been used in the Social Justice Committee.

The purpose of reports is to inform debates in the Parliament or to allow the wider public to know what the Parliament thinks about certain issues. In some circumstances, the techniques that are mentioned in paragraph 8 are fine. Nevertheless, at the end of the report there will also be recommendations. We emphasise the areas in which there is consensus and try to resolve our differences, but if there are significant differences, especially over sensitive political issues, there must be a mechanism that more fairly reflects the fact that there are a variety of views or a majority view and a minority view. I do not think that the current procedure has an adequate mechanism for doing that.

The idea of producing a totally independent minority report, with no support from the clerks,

goes against the founding principles of the Parliament. We need to tackle the problem. What do we want to achieve through reports? What are they meant to deliver? Who is going to read them? If we are trying to reflect all the views, a mechanism should be in place to ensure that there is a proper balance of views in reports. A summary of the report—not only of the recommendations and the principal areas of agreement, but of the areas in which there was disagreement—may provide such a mechanism.

I do not find it possible to read every bit of paper that comes before me. If I took part in a debate in the Parliament that was based on a report from a committee that I had not attended, I might not have read every word that had been published. It would be important to see what a summary said about the areas in which there was no consensus, because the debate would focus on those areas. Such a summary would be helpful for me, as a parliamentarian, and for members of the public who wanted to be informed of the areas of agreement and disagreement and the mechanism by which the report was produced. The current procedures are not so helpful.

The Convener: In effect, you are saying that you would like reports to include, somewhere fairly prominent, a summary of differences. While you think about the nuts and bolts of that, I shall invite Gil Paterson to speak. He has been indicating for the past half an hour or so that he wants to speak.

Mr Paterson: I am concerned about the fact that, after a committee has sat for six months, at the 11th hour, the content of its report can be changed by taking out negative statements and inserting positive statements, or vice versa. It is difficult to suggest how we can overcome that under the standing orders; the questions are political and I do not know how we can influence conveners or any other members. Nevertheless, it is not good that what is outlined in Fiona Hyslop's letter can take place. What is the point of conducting a six-month inquiry if only selected parts of it are used? I do not have an answer to the problem under the standing orders. I shall ask the clerks to consider whether there is a way round it. I do not think that there is.

We can consider the suggestion that a minority report be produced. I do not think that there would be any other solution in this circumstance but to write a minority report. In this case, the minority report would have been the committee report as stated a week earlier. That was the report that the committee had agreed to. Reports may be put to the committee to peruse again and to change, but there is no point in having a minority report unless it contains the views of the members who are in the minority. We should examine that issue in standing orders and produce a solution. It is

inappropriate that members who have already won the battle by changing six months' work should have another bite at the cherry by changing the sentiments expressed in the minority report.

Mr Macintosh: Although we are discussing procedures, some of these matters may be better dealt with by the Standards Committee. Did Fiona Hyslop say that the matter was put to the Standards Committee?

Fiona Hyslop: I thought that some of the issues were standards issues. When I contacted the Standards Committee, it told me that it was concerned about some of the procedural issues. My concerns were procedural and I had concerns about the authorship of some of the amendments, but to pursue that from a standards point of view I would have had to make accusations against named individuals, which seemed excessive for what I wanted to achieve. I had concerns, but I could not pinpoint which individual I should make an accusation against. I contacted the Standards Committee. That was not well known at the time, because standing orders state that a member who refers a matter to the Standards Committee should not say that they are doing so. I am probably breaking standing orders by telling this committee that I did so. I assume that you want me to give this inquiry the facts.

Mr Macintosh: Has the investigation been concluded by the Standards Committee, in which case it would be all right to talk about it?

Fiona Hyslop: No. The Standards Committee did not want to pursue the matter; it wanted me to give it evidence first. I had suspicions. An inquiry in private could have determined whether my suspicions were accurate. The problem with the Standards Committee—it is part of the procedural issue, which I hope the Standards Committee will consider—is that it is necessary to provide the evidence before it can do anything. It is necessary to conclude the inquiry before a matter can be taken to the Standards Committee. I wanted an inquiry, which would have been best done under the auspices of the Presiding Officer, but he has no locus in such matters. As Elizabeth Watson said, the committee might not want to be too restrictive about committee reports, but I ask it to consider whether the Presiding Officer should be given more locus and powers in this area.

The Convener: I want to sound a note of caution. I like the discussion to flow logically and naturally, but we are infringing on matters that are the remit of the Standards Committee, not of this committee. We must be clear that we are talking about the reporting of meetings, the handling of reports, the convening of reports, the amount of guidance and whether we should use standing orders or guidance to frame the solutions. Standards issues, such as allegations about the

origin of amendments, are not relevant to this committee—we cannot consider them. If any evidence or allegations are to be pursued, they should go to the Standards Committee.

Mr Macintosh: I wanted that clarified, because the first three points in Fiona Hyslop's letter are, in effect, complaints rather than procedural issues. This discussion is taking place without the then convener of the Social Inclusion, Housing and Voluntary Sector Committee, Margaret Curran, being given the chance to respond. She is in effect being blamed for the breakdown of consensus in the committee. My recollection of events—this is second hand—is that Ms Hyslop led a walk-out by SNP members, who had press releases in their hands. It is not fair to hear one side of the story, with the convener getting all the blame.

Issues about the procedures of producing minority reports are worth discussing. I am not sure that I agree with the drift of the committee's discussion. I would not agree with any watering down of the consultative steering group principles, which say that there should be no minority reports. The quest for consensus in committees is an important tool.

My experience will always be different from that of members of minority parties, because it is likely that members of coalition parties will have a bigger influence on the outcome of a committee report because they are more numerous, although that is not always the case. My experience is that all members try to reach consensus. In the quest for that consensus, which varies from committee to committee, members of the coalition parties work with members of minority parties.

At the end of the stage of trying to reach consensus—which often requires compromise—some difficulties remain too great to overcome. At that point, members must either acknowledge those difficulties or halt the process altogether and produce a minority report. However, if a minority report is produced, there is no point commencing the process in the first place, because we might as well simply produce four party manifestos. My colleagues and I could enter the process saying, "We are not going to give an inch on this. We will stick to our guns and push the matter through, because we have the numbers and so we can impose our will on every committee on every occasion." We could do that, but—

Mr Paterson: No, you cannot.

11:15

Mr Macintosh: My point is hypothetical. That would be an extremely undesirable situation to be in.

The quest for consensus is important, but no

one should be forced to sign up to something in which they do not believe. There should be room in the process to acknowledge that.

Brian Adam said that the committees exist to inform debate, but they also exist to influence debate. That has been seen in a number of ways—committees have influenced the Executive on a host of bills and actions. Indeed, the Social Justice Committee has done so prominently. To get away from that process and to water it down by producing minority reports would be a retrograde step that would split members down party lines in a way that would be extremely unhelpful.

There are questions that I assume each convener must wrestle with each time they arise, such as how to reflect the strong differences of opinion that almost always come at the end of six or so months of discussion. The conveners liaison group might wish to discuss ways of addressing those issues. I recognised a couple of the techniques in Elizabeth Watson's report, particularly those that are outlined in paragraph 8. Such techniques satisfy committee members.

I was a member of the Education, Culture and Sport Committee, which witnessed strong disagreements, but we were able to produce a unanimous committee report, which all members of the committee felt was a huge plus. We did not stifle anyone's opinion; members were able to express their views.

I will mention another example that shows why the production of minority reports is wrong. Last week, the Enterprise and Lifelong Learning Committee produced a report on the new economy—again, it was the result of months of deliberations and time spent going over the draft report. Ultimately, two committee members who could not sign up to the report produced their own report, which was in effect the same as a minority report, although it was not an official minority report, because it was produced by the members and their party, rather than by the Parliament. The two members held a press conference on the same day as the committee published its report, before the press conference to launch the committee report—in other words, before the committee report was published. I understand that the convener reprimanded them.

That incident shows the failings of minority reports. All that happened was that the press conference that launched the committee's full report was dominated by questions on the content of the minority report. That completely overlooked the huge amount of consensual work that all members were able to sign up to and which was in the committee's report, which was a substantial piece of work. The media coverage was skewed by the publication of what was in effect, but not

officially, a minority report.

I gather that many of the issues that Fiona Hyslop has raised cause a great deal of anger and concern on both sides. The first three points in her letter are not really for this committee. The fourth is about minority reports and I have very strong feelings on that issue. I would be happy to discuss the matter further or—and this is more likely—for it to go to the conveners group for discussion on whether we are happy about our methods for resolving disputes.

Mr Paterson: Consensus is okay if you agree with everything, but you cannot work yourself into a frenzy to achieve consensus if it does not exist. There has to be a mechanism for reflecting views, not only of committee members, but of people who give evidence to committees. We are all minorities in the Parliament. It so happens that Kenny Macintosh's minority is somewhat bigger than mine, but there is no guarantee that one party will always have a majority—especially in committees. Often the Executive does not have a majority on a committee. In fact, last week on the Local Government Committee, the Executive did not have a majority.

There must be a way in which members of, for example, the Local Government Committee can, if they so desire, make known their views on the committee's work. There is no point pretending that there is consensus and that we are all pals together when, on a particular issue, we are not.

The Convener: I will ask Frank McAveety to comment next and I know that Fiona Hyslop would like to respond to some of the points raised. I will then try to pull some of the points together. We will see whether that works.

Mr McAveety: Gil Paterson has touched, in an honest way, on the fact that there will be major differences in some areas of public policy. Let us not kid ourselves otherwise.

It has been suggested that people can be ignored. Perhaps, because of numbers, Ken Macintosh and I—and others—can drive the tank, but that does not mean that we are inclined to roll it over people on every occasion.

Fiona Hyslop has asked whether procedures exist to address the issues that she raises. Evidence that we have heard today indicates that there is flexibility—it all depends on the nature of the dispute. I was fairly heavily involved in the housing issue. There was certainly a substantial dispute between the two major minority parties in the Parliament. The flexibility that different conveners have adopted is interesting. Perhaps there should be guidance for conveners on how to handle disputes and on whether reports should be changed. I am flexible, because I have submitted late amendments to a report that will be published

shortly. Admittedly, I got a good doing in the committee, even from my colleagues—that tells us something about the process. Perhaps I was wrong and they were right, but there is now a unanimous committee report that I am happy to sign up to, because I understand the role of the committee.

Discipline in how we conduct ourselves within and without committees is important. On occasion, the Executive does not have a majority on a committee—as has happened on the Local Government Committee—and there is the opportunity for the thrill of an ambush. That lasts briefly, for a week, before reality kicks in again and decisions are revisited.

There is a question over whether the issues raised in Fiona Hyslop's letter are for the Standards Committee. If Fiona feels strongly enough about the issues, she should put them to the Standards Committee, although I remain sceptical about them.

I am newer to committees than some of the veterans round the table. I, as much as anyone, am learning. Perhaps we should lay down our swords and armour before entering a committee room. There are issues to be discussed. The CSG report is about finding a way of reflecting the pluralist views of members. Members do not necessarily share all the views in their party's manifesto and that has to be reflected in the distillation of views. The ideas generated in paragraph 8 of Elizabeth Watson's letter give a flavour of how to do that.

There is an issue about the role of conveners. We should give conveners guidance that builds on what already exists. We should discuss that further, because when members of all parties convene committees, the temptation is for folk to apply greater pressure if the convener is of a different political party. We should be realistic about that.

The great strength of the Parliament is that at the end of the day, there is a report that has currency and credibility. If we go down the road of having minority reports all the time—and I would say this even if my party was the minority in Scotland—it will devalue reports, because it will not allow members to come out of their trenches and engage in debate effectively.

Fiona Hyslop: Ken Macintosh was right when he talked about the need for compromise. Committee members must exhibit self-restraint if committees are to work.

I will pick up some of Brian Adam's points. In my situation, the solution that was reached was the third one listed in paragraph 8 of Elizabeth Watson's paper. Funnily enough, until the last minute, I had signed up to the second solution,

because I thought that it gave me enough scope to express my dissenting view so, in effect, I had made my compromises, and reached consensus. Indeed, I agreed to 55 out of more than 60 recommendations.

To pick up Ken Macintosh's point about recent experiences in the Enterprise and Lifelong Learning Committee, because the Social Inclusion, Housing and Voluntary Sector Committee allowed me to produce a minority commentary, it allowed me to identify five major concerns out of 60 recommendations—the remainder were worthy and constructive. As deputy convener, I took part in a press conference to launch the report and spoke to the 55 out of 60 plus recommendations that I agreed with, but areas of difference were pointed out.

Brian Adam made a point about how reports are used. People want to know the areas of consensus and difference, because they may not have made up their minds and they may be looking for guidance from the committee on the main areas of contention and the arguments for and against, to help them to reach a view. If the type of commentary that I produced is acknowledged, it could substantiate the view that the report contains the consensus position.

To address the first of the concerns in my letter, all I am asking is that the Presiding Officer be given a locus to speak to conveners when there are concerns about procedural issues. I agree that the second and third concerns can be addressed in guidance on the role of the convener and on how committees go about drafting reports. The fourth concern may be addressed by guidance or in standing orders, although the latter would be stronger. The three options for recording dissenting views, which are listed in paragraph 8 of Elizabeth Watson's paper, are not new—they existed a year ago—but they have no status in standing orders. The challenge for the Procedures Committee is to decide whether the three options should be listed in standing orders. That would be a positive way forward.

The issue is one of self-restraint and consensus, but Brian Adam has made the point that there is no point in having consensus for consensus' sake. The role of committees sometimes is to inform debate on areas of contention. The issue is how that is articulated. There are ways of doing that. I had severe procedural problems. I was breaking new ground when I pursued the issue. It was important to share my view of that. The route that we ended up taking in the Social Inclusion, Housing and Voluntary Sector Committee was the correct one, but I had to pursue it by force of argument with my committee colleagues. The right to produce a minority commentary should be strengthened, because had it not been for the

good will of the Conservative member of the committee, I may not have been able to do what I did. The production of minority reports is dependent upon restraint and good will. Standing orders should have more backbone to allow them to be produced.

The Convener: I would like to sum up the discussion and float some thoughts before you to see whether we can agree on where we should go. I start by offering a personal apology to the then convener of the Social Inclusion, Housing and Voluntary Sector Committee, as the Procedures Committee inquiry has at times verged on being a bit of a kangaroo court. I say that in deference to our visitor from the Australian Parliament, who is in the public gallery.

Mr McAveety: You have not been on a political correctness course, convener.

11:30

The Convener: Accusations have been made and we quite deliberately did not seek a response, because it was not our intention to look at the specifics of the case. What we tried to do was to consider the lessons that we might draw from the case without passing any judgment or apportioning any blame.

Accusations have been made that the convenership was not great. Accusations have also been made in relation to another committee about what might be described as the opportunistic or provocative behaviour of minority members in holding guerrilla press conferences. When one starts to throw bombs about, explosions happen all over the place. I put in that military analogy to please Frank McAveety. That is how consensual chairmanship works—I try to give everybody something.

I do not think that there is a procedural solution, or one that the standing orders can provide, to human frailty, which is what weak convenership or grandstanding by politicians effectively is. There must be an understanding of everyone's roles and of how good practice should evolve. One of the strengths of our Parliament is that over the couple of years that we have been working, committees have by and large evolved ways of handling problems. On the occasion in question, however, the Social Inclusion, Housing and Voluntary Sector Committee obviously did not manage that. That was something of an exception, as the examples in Elizabeth Watson's paper highlight.

We must accept that a committee report begins in draft form and evolves through several stages. A committee report should start with the remit that the committee has set itself and should then summarise the evidence. It should report the evidence taken on the committee's main concerns

in a balanced and comprehensive way. It cannot be said to be good practice if the summary of evidence is amended. I would have thought that committee members ought to be able to agree among themselves what was said and by whom. The clerks provide the initial text of a summary and all the references and the evidence is, in any case, presented in full in volume 2 of the report. It ought therefore always to be possible to agree on the bulk of what goes into the report.

The breakdown obviously comes at the point at which the committee makes its recommendations. I would have thought that it ought to be part of the duty of every convener, with the members of the committee, to ensure that the diversity of views, where it exists, is reflected in an acceptable way in the report. That might be done using footnotes or by highlighting differences in the text. For example, when the Transport and the Environment Committee did a report on genetically modified foods, it named in bold paragraphs in the summary those members who did not agree with what was otherwise stated as the recommendation of the committee on each of the contentious points. That was excellent practice. The members who were named as dissenters in that case were perfectly happy and they were part of the process of deciding how that would be reported. It is good practice to reflect everyone's views and to agree on how the committee should present those views.

I do not think that it is good practice for members of the committee to go off and do their own press conference, as has been alleged. However, it is inevitable that, if the committee is presenting its report on a given day, those members who are part of a minority and who feel strongly that they want to get their message across will do something to make their point.

Last week, when the Transport and the Environment Committee reported on the water industry, it held a press briefing at which individual members made it clear that they would, where they thought it appropriate, discuss issues with journalists on which they were not in agreement with the report. Although the report was contentious in some respects and was subject to debates and votes, it was handled throughout with good will on all sides. That was an example of good practice.

It is bad practice for committees to get fenced in with tight, self-imposed deadlines and then have to deal with a flood of amendments proposed at short notice. If a convener plans to amend a report, it is good practice for them to give advance notice to the clerk of the committee. Ideally, they should do that within a time frame that allows all members to be aware of the amendment before the final meeting on the report takes place.

It is part of the role of the convener to think

carefully about how minority interests are represented. It is part of the role of every committee member to think about how the committee's reports can be presented in a positive and favourable light. However, members should always have the ability to point out where they are not happy with the committee's recommendations.

In principle, minority reports are probably a bad idea. However, I can envisage circumstances in which they might be appropriate. I understand why, in the case that we have been discussing, Fiona Hyslop felt that she wanted to produce a minority report. If relationships within a committee and its way of working have broken down to the point that some members are not happy with the way in which an inquiry has been handled or with its outcome, producing a minority report should not be ruled out as an option. The fact that it is necessary should be seen as a failure on the part of all those involved. If people want to apportion blame, they must consider the specific circumstances of each case.

I am not entirely certain that there is value in producing further guidance to committee conveners. I know that such guidance exists, because I filed it very carefully when it arrived. I could find it, if I had to. Reissuing guidance would not necessarily solve this problem. We could produce an additional paper for conveners, but it would be difficult to justify that. I am reluctant to issue such a paper, as that would look like a rap on the knuckles from the Procedures Committee. Our role is to promote good practice, rather than to tell conveners to pull their socks up.

I am also reluctant to involve the Presiding Officer. The Presiding Officer cannot realistically be expected to chivy along the committee conveners. However, if relations on a committee do not look good, the Presiding Officer may want to take a more proactive role and try to effect improvements. That is best done discreetly and privately, rather than as an acknowledged part of the Presiding Officer's role. If the Presiding Officer feels that he can or should intervene in situations where there are difficulties, this committee should not find fault with that. It is our business to ensure that the Parliament's job is done efficiently, effectively and with dignity at all times.

I suspect that the best solution would be for the report that Elizabeth Watson has written, incorporating where appropriate the views that have been expressed at this meeting, to be circulated among the committee clerks for discussion. They can then talk to conveners about where difficulties have arisen recently. I suspect that good practice has evolved away from the situation that Fiona Hyslop described and that that has become an historic event. However, it is still very important, because it illustrates to all of us the

danger that the committee process may break down.

It is important for us to remember what committees are meant to do. They are supposed to try to achieve a consensual report, if that is possible. The convener's job is to try to bring that about. If a committee is unable to reach a consensus because of the personalities or the issues involved, or because of mistakes on either side, there ought to be mechanisms for dealing with that. The paper that is before us makes it clear that such mechanisms exist. At this stage it would be undesirable for us to go beyond that. We do not want to tie committees' hands by changing standing orders.

As I said, I do not think that there are procedural solutions to what are, in effect, difficulties in relationships and mistakes that people make. It is important to say that, in terms of procedure, we would be supportive of the right to express minority views. To answer Fiona Hyslop's specific point, I agree that if committee members feel that a minority report is necessary, they should produce one and the majority should not condition or control it. That would be oppressive. I do not understand the circumstances in which that situation arose.

Finally, it is very difficult for outside people to know and understand what has happened in the series of private meetings in which a committee finalises a report. We may want to consider that issue again. Although it has not been raised in the course of the debate, it has been in my mind ever since we first received correspondence on the matter last summer.

I understand why committees should finalise reports in private—they want the report to remain unpublicised until it is ready and for the work to come out complete and consistent. Committees do not want a report to leak in dribs and drabs or for members to be posturing as they prepare it. I wonder, however, whether we should reconsider having an *Official Report* of private meetings. Reports of private meetings could be held back and published with the committee report. That way, people would be able to read what was said at the meetings and understand the evolution of the report. That would create transparency and give everyone the ability to look back and see where conclusions came from. That is not a matter to be considered today, but I am putting it on record as something that I would like us to consider another day.

On the particular issue that Fiona Hyslop raises, we should say that we considered it for no other purpose than to see whether we could recommend better practice. I do not think that we need to change standing orders, but if necessary we could consider whether any changes would be helpful.

For now, the important thing is to reflect on the role of good convenership and effective clerking, which is to ensure that people are helped to evolve a consensual committee report. Where consensus does not exist, as fair and balanced a committee report as possible must be achieved. I would not want us to go further than that at this stage.

We are discussing important matters that go to the heart of the way in which the Parliament is supposed to work. As time has gone on and people have gained in experience, we have begun to work better. I hope that we do not reach a situation where it is necessary to change the standing orders. However, if further evidence comes forward and we decide that that is necessary, we should be prepared to do that. Nobody has raised difficulties in relation to other committees or other specific places. If anyone can come back and show me a pattern that demonstrates that we are not working effectively and that changes to standing orders are required, I am prepared to consider that. However, I end where I began, I do not think that we can find procedural solutions or answers in the standing orders to problems that are about relationships.

Brian Adam: The initial difficulty came from the procedure that was adopted in dealing with the text of the report. I am not sure that guidance has been given to conveners on how that should be handled—it seems to have evolved through custom and practice. If we had some guidance from the clerks and the conveners liaison group on how the text of a report should be handled, it may help to resolve future difficulties.

The Convener: I suggest that Elizabeth Watson looks at the current guidance, reflects on what has been said today and discusses it with the clerks with a view to issuing further guidance should it be necessary. I would want that to come from the directorate of clerking and reporting as the result of a review of the way in which committees have operated across the board, rather than as a lightning bolt hurled down from on high by the Procedures Committee.

Brian Adam: You are absolutely right, Convener. We should not be trying to scapegoat anyone, or do anything of that nature. We should be trying to evolve and refine the methods by which we operate. We should give serious consideration to the purpose of our reports. I whole-heartedly agree that we ought to try to produce consensual reports. Such reports, especially if they take an initiative or a view that may be different from that of the Executive, carry much more weight.

11:45

However, if a report contained a summary—a distillation of the recommendations, the areas of consensus and the areas of disagreement—somewhere prominent, such as at the beginning of the report, that would help both parliamentarians and the public to form views or to undertake further investigation in a helpful and informed way. Under the current procedure, the reader tends to have to work to get at where the areas of difference are. I am not suggesting that the summary should look for differences, merely that it should give more meaning to the report.

The Convener: I apologise. You made that point during the discussion, but I did not reflect it in my conclusions. Let us leave that suggestion on the table for Elizabeth Watson to consider. I suggest that you read the Transport and the Environment Committee's report on the water industry, which was published last week. The summary of recommendations at the front makes it clear where the areas of difference are. I suggest that you read that and decide whether you feel that such a summary is appropriate.

Brian Adam: I will do that.

The Convener: That committee has tried hard to ensure that all members' views are properly reflected. Thank you for your suggestion, which is helpful.

Mr Macintosh: Consensus almost broke down in the Education, Culture and Sport Committee when its report on the Scottish Qualifications Authority was published. The issue was controversial, but we produced a consensual report. The experience was similar to Fiona Hyslop's: all members attended the press conference but were able to express their individual views.

The Convener: Well, Fiona, we have given this issue a pretty good thrash. I hope that you feel that we have made some progress. As you are aware, we were never going to find anybody guilty or not guilty. However, I took the matter seriously, as people were not happy with the way in which the Social Inclusion, Housing and the Voluntary Sector Committee worked on that report.

As Brian Adam says, we are investigating how a committee works and its role in relation to a report and we have laid down some markers that may or may not be the subject of further guidance. I thank you for drawing the matter to our attention and for stimulating what I hope has been a useful debate. You may comment on the discussion, if you want to.

Fiona Hyslop: I thank you for taking the time to address the issue. It is the responsibility of all members to think about how we can improve our

procedures. Reflecting on the situation a year on from my initial letter raises its own issues. The situation has a host of reference points—political issues and standards issues—but, most important, it is about how we make things happen. A lot of it is about learning on the job. What happened in this instance is that we came to a conclusion and a reference that ended up being part of what is now common practice.

Sometimes, we look to procedure and to standing orders for guidance in exceptional situations. You are right to say that, by and large, committees can and do proceed in an agreed way when there are opposing views. However, it should be remembered that members of the Parliament must look to standing orders when there are exceptions. As long as the Procedures Committee is sure that standing orders can cope with the unusual as well as the commonplace, I will trust your guidance and judgment on how to proceed.

The Convener: We will return to those issues if further circumstances suggest that we require to do so. The question of making changes to standing orders is not one that we will decide on quickly or lightly. I hope that it will not be necessary in relation to committee reports. If at that stage we decide that that is the case, we will do what we have to do in the light of experience.

Fiona Hyslop: Thank you.

The Convener: I thank Elizabeth Watson.

Committees (Substitution)

The Convener: That takes us to item 4, which is our consideration of substitution on committees. I will give a quick précis of the report. Our questionnaire, which asked members what they thought of the matter, has not had a good response. It is suggested that we continue to consult over the summer and it is recommended that, at the end of that time and when the majority of responses have been received, we move forward quickly with a definitive paper. If we do not get responses from a majority of members, I suggest that we proceed on the basis of the responses that have been received at that time. Are members happy to agree to that recommendation?

Members *indicated agreement.*

Decision Time (Timing)

The Convener: We move quickly to item 5, which is consideration of a brief report on variations to the timing of decision time, which was written in response to a letter from the Presiding Officer. The report is straightforward. Its conclusion in paragraph 10 contains the recommendation that the Presiding Officers be given discretion to vary the timing of decision time.

If we agree to that in principle, it is recommended that we seek reassurance about how members—like Mr McAveety who is not present at the moment and who was not present for a while earlier—who are away from the chamber for part of a series of important votes know when decisions are to be taken early. My initial view is that, if we are assured that members will not be caught short, we could let the Presiding Officers have the greater flexibility that they seek. That said, I am happy to hear the views of colleagues.

Brian Adam: I am happy with the recommendation. We ought to ask the Parliamentary Bureau, or perhaps more appropriately the Scottish Parliamentary Corporate Body, to provide some physical manifestation of a division, such as a division bell. In the present circumstances, in particular during stage 3 debates when we have two-minute and 30-second warnings, there is a need for an audible and/or visible warning of divisions. That would be worth while, because we are going to work in our present situation for about two years.

I am content to give the Presiding Officer and his deputies the discretion to vary decision time by 15 minutes either way. However, I also suggest that we bring ourselves into line with other Parliaments in which there is an audible and/or visible warning that divisions are about to take place.

The Convener: I welcome Frank McAveety back to the committee with the news that he has missed an important vote.

Mr McAveety: Again? Do not tell the business managers.

The Convener: For how long does Brian Adam think a division bell should ring?

Brian Adam: I do not know.

Mr McAveety: Long enough for me to hear it.

The Convener: Brian Adam's point is fair but, if a division bell was to ring for 10 minutes, that would undermine the Presiding Officer's 15-minute flexibility.

Mr Macintosh: I welcome Brian Adam's suggestion. I have often wondered why we do not

have a bell in parliamentary headquarters.

The time that is needed is the time that it takes for a person of average physical ability, or even of below average physical ability, to get from PHQ to the chamber to vote in time. Before we make the recommendation, I suggest that we canvas the views of the Parliamentary Bureau. At the moment, the bureau is the body that makes all timetabling decisions. We have not asked its members what they think about the proposal. Although there might be nothing in principle wrong with the idea of flexibility—I am happy to give the Presiding Officers that flexibility—I would like to hear what the bureau has to say before we take the recommendation any further.

The Convener: That is a good point.

Mr Paterson: Perhaps there should be a 15-minute warning of the 15-minute warning. In other words, a warning that the bell will ring should be issued. Perhaps the televisions could be used, rather than a bell. The system is ours. Perhaps the televisions could carry a message that decision time will be brought forward. That warning would be issued 15 minutes before the bell was to ring.

The Convener: The other issue is later decision times, to allow debates to run for as long as they have been scheduled to run at times when parliamentary business has been disrupted. There is a question not only about decision time being early and catching people short, but of it being extended. Shall we—as Kenneth Macintosh suggests—consult the bureau?

Mr Paterson: That would be wise.

The Convener: We will reconsider the issue in the light of the bureau's response.

Brian Adam: We should also consult on the appropriate mechanism for receiving the warning. We should put that to the SPCB, as well as to the bureau.

The Convener: In a sense, the SPCB would simply have to follow whatever was decided, but I agree that we should consult widely.

Consultative Steering Group Principles

The Convener: Agenda item 6 is a report from the Standards Committee on accessing the Parliament. I draw members' attention to the last line of paragraph 4 in paper PR/01/6/6, which says that we need not discuss the report. We can simply accept it as part of the evidence that we gather in our investigation of the CSG principles. I am always happy to accept evidence, especially when it comes from such an eminent source as the Standards Committee.

Mr McAveety: Words in print do not always reflect irony, but that certainly sounded ironic, convener.

The Convener: You are slow today; you missed the reference to the division bell as relating to Pink Floyd's 1994 album.

Mr McAveety: That was a fallow period for that band—old geezers like you appreciate that kind of stuff.

The Convener: The last time that I was at a concert, I saw you there.

Mr McAveety: At least I have the decency still to look like a mod.

The Convener: You were a mod the first time round. This is becoming ridiculous.

The Convener: Agenda item 7 is for information, except in one respect. The paper asks for members' views on taking public meetings out to the rest of Scotland, which means that we would try to spread three or four meetings across parts of Scotland, to take views from the community at large. I suspect that we might be on a bit of a hiding to nothing, in that people will make all sorts of points that do not relate to the CSG principles. However, the point is made that in drawing up its principles and doing all the preparatory work, the CSG held a series of local meetings, which are summarised in the paper. It might be useful for us to get out there and smell the coffee.

Mr Paterson: I understand from your deliberations that people in Australia might be interested in hearing what we have to say. What about meeting in Australia?

The Convener: If you can persuade the SPCB to fund a trip to Australia, we who are about to have our allowances investigated will salute you. We will take the opportunity to speak to visiting Australians when they are here—that relates to agenda item 8.

Brian Adam: How will we determine which

areas, towns or cities we visit?

The Convener: If we are to have three meetings, I suggest that we have one in the central belt and that we also go somewhere that is reasonably remote. The Borders, the north-east and the west are suggested in the paper. Other possibilities are the south, west central Scotland and the north. Could we consider places that have not had a parliamentary committee visit and try to plug some gaps?

Mr Paterson: That would be a reasonable approach. It is a good idea, if we can do it.

The Convener: Some of the venues that have been suggested have hosted several meetings. We should perhaps think of going to places that are either particularly difficult physically—where people feel physical separation—or to communities where people feel that they have problems or issues that are not easily articulated, or where they feel that they have not been influencing us enough, for example Frank McAveety's constituency.

Brian Adam: I support the suggestion that we should take parliamentary committees where they have not been before. I do not know whether any committees have been to Orkney or Shetland yet. They probably have, but there will be lots of communities in which there has not yet been a parliamentary committee meeting. Committees have been to many places, however. Dumfries and the Borders have been visited, as have the major cities.

12:00

Mr Macintosh: I echo the convener's point about going somewhere that is not necessarily physically remote, but where people might not be socially included and therefore do not normally access the Parliament. Holding committee meetings in such a place would make it physically easier for people who live there to come and speak to us. I am thinking of several of the estates in Glasgow and the surrounding area.

The Convener: So you are thinking of somewhere in Glasgow, Paisley, Greenock, Dumbarton or elsewhere on Clydeside.

Brian Adam: It should be somewhere other than Glasgow, but in the west. I do not know whether the Parliament has been to such places as Elgin, Keith or Huntly; parliamentary committees have certainly been to Aberdeen and Dundee.

The Convener: And to Inverness.

Brian Adam: Yes, a committee has been to Inverness. Perhaps we could consider somewhere else in the north-east corner of Scotland, such as

Peterhead or Banff.

The Convener: If members are happy to accept a social-cum-geographical spread in considering places we have not previously been, and to trust us with the task of coming up with a rota of meetings, I expect that when we fix those meetings, every member of the committee will want to attend one or two of them. We will spread it about a bit; we should all be involved subject to availability, diary spaces and so on.

Brian Adam: In spite of the fact that we could have bad weather at the turn of the year or after new year, I think that we ought to hold the remote meetings after new year, rather than during the autumn. When we have received the views of those who have to come and talk to us here, we will be in a better position to deal with members of the public, as the report suggests. I do not think that we should get too hung up about travel difficulties or about slight delays in producing reports. I would prefer to do that after we received evidence, instead of trying to cram everything into as short a time as possible.

The Convener: During the previous discussion on the matter, I issued a semi-stricture against committees binding themselves through over-tight deadlines—that is a fair point. Do you have any view on that, John?

John Patterson (Clerk): The third last line in the annexe suggests three dates in November, on the bases that the alternative was December, and that the committee's intention was to report at about the turn of the year. If the committee is content to report later next year, that will give us more flexibility to arrange meetings and avoid bad weather. We could consider the end of January, February or whenever.

Brian Adam: It is always difficult to predict when there will be bad weather. We are just as likely to have bad weather in November or December as in January or February.

The Convener: You will recall that, this year, we had snowstorms in the Borders and in the north-east in February. There were still difficulties even in March.

Mr Macintosh: I never thought that I would say this, but I wish that Lloyd Quinan were on the committee. Maybe he would be able to help us.

The Convener: I think that Lloyd was just the messenger. [*Interruption.*] Oh, be quiet.

Mr McAveety: I have not read the annexe yet, but it would be helpful to know the feelings of people who attended CSG meetings on the issues of contact, accessibility and so on. We do not want to repeat a mistake that the CSG might have made, which resulted in questions being asked about why certain locations were chosen. That

might make things more difficult.

One of the adverse aspects of meeting in an isolated area is that, obviously, very few people would be able to get there. We can expect that contradiction to be voiced. I have not read through the summary of views, but I wonder whether there is a wee pointer in there about how visits are organised. That would be useful.

John Patterson: We are in touch with the people who organised such matters in the then Scottish Office. We have done a bit of research.

The Convener: I think that we have agreed a course of action on that.

Committee Business

The Convener: That takes us to item 8, which is discussion of the committee's dates for the latter part of this year. Given the amount of evidence that we will take, we will need to meet more frequently than has been our habit. For information, the meeting dates are shown in a paper that members have before them.

Meeting closed at 12:04.

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