

PROCEDURES COMMITTEE

Tuesday 26 February 2002
(*Morning*)

Session 1

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4th Meeting 2002, Session 1

CONVENER

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

DEPUTY CONVENER

*Mr Kenneth Macintosh (Eastwood) (Lab)

COMMITTEE MEMBERS

*Susan Deacon (Edinburgh East and Musselburgh) (Lab)

*Donald Gorrie (Central Scotland) (LD)

*Fiona Hyslop (Lothians) (SNP)

*Mr Frank McAveety (Glasgow Shettleston) (Lab)

*Mr Gil Paterson (Central Scotland) (SNP)

*attended

WITNESSES

Chris Bartter (Unison)

Gordon Davies (Royal Incorporation of Architects in Scotland)

John Downie (Federation of Small Businesses)

Elaine Hook (Royal Institution of Chartered Surveyors in Scotland)

Ian McKay (Educational Institute of Scotland)

Alex Neil MSP (Convener, Enterprise and Lifelong Learning Committee)

Margaret Nicol (Educational Institute of Scotland)

Lynne Raeside (Royal Institution of Chartered Surveyors in Scotland)

Gavin Scott (Freight Transport Association)

Matt Smith (Unison)

Sebastian Tombs (Royal Incorporation of Architects in Scotland)

CLERK TO THE COMMITTEE

John Patterson

SENIOR ASSISTANT CLERK

Mark MacPherson

LOCATION

Chamber

Scottish Parliament

Procedures Committee

Tuesday 26 February 2002

(Morning)

[THE CONVENER *opened the meeting at 09:34*]

Consultative Steering Group Principles Inquiry

The Convener (Mr Murray Tosh): Good morning. The only apology is from Susan Deacon, who will be late.

The meeting continues our long-standing and long drawn-out investigation into the principles of the consultative steering group. The witnesses are Alex Neil MSP, Matt Smith and Chris Barter of Unison, Ian McKay and Margaret Nicol of the Educational Institute of Scotland, Gordon Davies and Sebastian Tombs of the Royal Incorporation of Architects in Scotland, Gavin Scott of the Freight Transport Association, Lynne Raeside and Elaine Hook of the Royal Institution of Chartered Surveyors in Scotland and John Downie of the Federation of Small Businesses. All the witnesses are here, except Jane Todd.

Alex Neil will kick off and we will work our way through the witnesses. Papers have been circulated. After introductory statements, we will raise points. After discussion and review of the evidence, we may wish to pursue points that have not arisen in the discussion and will possibly do so in writing.

Alex Neil MSP (Convener, Enterprise and Lifelong Learning Committee): The committee has a paper from the Enterprise and Lifelong Learning Committee from June last year. I want to divide my comments into two sections. First, I want to reiterate some points that the committee discussed and expand on others. Secondly, I want to deal with the recent comments that organisations and the business community have made about the Parliament not engaging sufficiently with the business community. When I refer to the business community, I mean the trade union movement as well as the employers' side.

The Enterprise and Lifelong Learning Committee wanted to get across four key points, all of which, bar one, were points of consensus. The first point concerned sharing power. Some committee members felt that the Scottish Executive could go further in sharing power with the Parliament in a number of respects. That said, since the

establishment of the Parliament, two ministers have had responsibility for enterprise and lifelong learning—Henry McLeish and Wendy Alexander—and, in their level of co-operation, they and their departments have been ahead of the game compared with other Scottish Executive departments. Leaving aside party-political points, I can say that, as convener of the Enterprise and Lifelong Learning Committee, I have had fairly full co-operation from Wendy Alexander and her support staff. The committee is consulted on a broad range of subject areas, often before decisions are taken. Indeed, in respect of the lifelong learning inquiry—which is the committee's major work this year—we have a commitment that the minister will not make decisions on the lifelong learning strategy until the committee has concluded its deliberations, held a lifelong learning convention and produced its final report in June. If that became typical of how departments work, it would be beneficial to the Parliament. There was a feeling in the committee that the Executive as a whole could improve substantially, but that there is good co-operation between our committee and the department that we shadow.

The three areas of major concern relate to the budget, quangos and the civil service. Five or six quangos account for around 90 per cent of the total budget for which the department is responsible. The relationship between parliamentary committees and quangos and the accountability of quangos to the Parliament have exercised the committee. Therefore this year, we have changed our practice in relation to the budget process. Instead of taking a generic view of the Executive's proposed budget, we will pick a particular quango each year—this year, it is Scottish Enterprise—and consider it in detail. By doing that, we think that we will get under lines in the budget and get behind what is important.

Although there have been substantial improvements in how budget information is presented, our committee's main concern was to find better ways of establishing the relationship between expenditure and anticipated outcomes and then to consider actual performance against targets. Even this year, we have felt that the information is still not presented in a manner that allows us properly to measure performance against targets and to establish whether we are getting value for money. Substantial improvements still have to be made in that regard.

We have found that the civil service's accountability to the Parliament varies a great deal, and the Enterprise and Lifelong Learning Committee expressed those concerns in its paper.

Those were the main areas that the Enterprise and Lifelong Learning Committee discussed. I am the convener of that committee, but I wish to

speak now not on its behalf, but personally. I emphasise that, in case I get into trouble—it would not be the first time.

I have been giving some thought to how the business community can better interact with the Parliament and have done some research into what happens in the United States. There, the White House conference on small businesses meets once every five years and has done so for about the past 20 years. The federal conference is made up of representatives from the states. That representation is, in turn, made up of representatives of cities and counties. The body receives full secretarial and research support from the White House, with congressional involvement. Its work now has such standing with Congress and the President—Democrat or Republican—that the conference, in effect, sets the agenda for legislation relating to trade, internal and external employment and trade unions with the White House on a consensual basis.

Such a conference would establish a clear route or conduit through which both sides of the business committee could do more than just meet members of the Scottish Parliament for dinner, welcome as that would be. Instead, they could engage in discussion and work on the policy issues that need to be addressed systematically and regularly. We do not have such a mechanism.

I am producing a paper on the need for a Scottish version of the White House conference on small businesses. That would allow representatives from both sides of the small business community—employers and trade unions—to get much more actively involved with the Parliament and Executive in the development of the business agenda in Scotland.

The Convener: Thank you. I saw John Downie scribbling furiously while you were presenting that idea, so I am sure that you will get some support from his quarter—the Federation of Small Businesses.

I ask you to reflect, from your standpoint as a committee convener, on a couple of points that have come up in the written evidence from some of this morning's witnesses. One point is that people have severe difficulty with the length of the consultation periods that committees set. A call has been made for the Parliament to do the same as the Executive and adopt a 12-week consultation period.

Have the groups that you deal with, including interest groups, businesses and unions, been able to deal effectively with your committee when you have been examining legislation? Is there time, particularly at stage 2, for outside groups that are stakeholders in the process and that have something to say about it to say it? Has that

proved a difficulty, as some of the witnesses here have argued?

09:45

Alex Neil: From my experience as convener, I can say that the Enterprise and Lifelong Learning Committee has gone out of its way to ensure that those who come to give oral evidence, particularly in relation to legislation or in a major inquiry such as the lifelong learning inquiry, can be accommodated. I can think of only one or two occasions at the most when we were not able to accommodate witnesses. In those cases, however, the committee was able to obtain supplementary written evidence. That proved necessary because a meeting of the Parliament was timetabled for the same day and the committee had to complete its deliberations by a certain time.

One issue, which is perhaps not so much for the committees as it is for the Parliamentary Bureau, is the timing of committees' consideration of bills, particularly if more than one committee—a lead committee and one or more subsidiary committees—is involved. The bureau needs to be much more conscious of the need for additional time to allow committees to respond.

For example, we are currently considering the Tobacco Advertising and Promotion (Scotland) Bill as a subsidiary committee. The timing for that has been tighter than we would have liked and our consideration of the bill has clashed with the lifelong learning inquiry, which is a priority. We have managed to consider the bill, but we have had to get round the shortage of time by meeting every week. In fact, we are meeting twice next week. Quite frankly, if the bureau had timed things a bit better, that would not have been necessary. In principle, we would like to get back to a maximum of one committee meeting a week and, ideally, one meeting every two weeks. I think that the committee functions better when that is the timetable. There is scope for improvement, but responsibility for making that improvement lies primarily, though not solely, with the Parliamentary Bureau.

To ensure that people have the opportunity to maximise their input when presenting evidence, the Enterprise and Lifelong Learning Committee, during the Parliament's first year, pioneered the holding of debates in the chamber. We have taken that a bit further in our methodology for the lifelong learning inquiry. We will publish an interim report around the third week of March. When we come to make recommendations, we will not say, "We recommend" but "We are minded to recommend". We are using that wording because our recommendations will go before a lifelong learning convention, which will be made up of well over 200

people who are involved in the consumption of lifelong learning as well as its delivery. Most of them will already have presented written or oral evidence, but the convention will provide an opportunity for them to examine the overall issue in the context of our report. They will be able to participate in plenary sessions and workshops. The content of the plenary meeting will be treated as formal evidence, which we will consider before finalising our report, which will be published before the summer recess. I would not like to pre-empt what the committee might say in its report, but it might suggest that such a convention should become a regular feature of the development of lifelong learning policy. If it proves successful, it would be a good way of involving people.

The Enterprise and Lifelong Learning Committee has taken a deliberate policy decision to ensure that at least 50 per cent of those who participate in the convention are consumers of lifelong learning. We do not want the convention to be dominated by those who deliver it. We think it extremely important that those at the receiving end of lifelong learning have a say that is at least equal to that of those who deliver it.

Fiona Hyslop (Lothians) (SNP): I understand that the Enterprise and Lifelong Learning Committee is one of the best examples with regard to consultation and involvement, in a variety of ways. You spoke of your particular relationship with the enterprise and lifelong learning department and I was interested in your explanation of that.

I am also interested in the question of timetabling. As you know, I am a member of the Parliamentary Bureau. One of the issues that a number of witnesses have voiced is the lack of time, particularly if they present evidence on behalf of representative organisations and have to consult. There is a provision for committees to ask for more time.

More important, are you adequately consulted by the Parliamentary Bureau on what you require as end dates when the bureau sets the timetable for stage 1 and stage 2 consideration of bills? I am concerned that we might be falling between two stools: you might want the bureau to be more generous with the timetable, but it can do that only if it is aware that the committee needs more time.

Concern has also been voiced about the number of Executive consultation documents that are published just before Christmas or just before other recesses. Has the Enterprise and Lifelong Learning Committee experienced problems timetabling evidence-taking sessions at stage 1 when time is lost because of recesses?

Alex Neil: I have been the convener of the Enterprise and Lifelong Learning Committee since

September 2000 and I have been invited to a meeting of the Parliamentary Bureau only once to discuss the timing of a bill. The bureau rejected my recommendation regarding the timing of the Tobacco Advertising and Promotion (Scotland) Bill. The bureau should consult much more with committees and should involve committee conveners more in the process, to ensure that the timing of bills is more appropriate.

My personal view is that we have not got right the allocation of time for debates in the Parliament. Many of the more important debates do not receive the time that they should be given, whereas some less important debates are given far too much time, giving the impression that the Parliament is concentrating on the wrong priorities. The bureau needs to take that into consideration.

Reference was made to the Executive's timing of public announcements to ensure maximum coverage for good news and minimum coverage for bad news—which is a fairly topical subject. I must speak in a personal capacity on this matter. I have not seen anything to suggest that the Executive is doing anything other than trying to achieve maximum coverage for good news and minimum coverage for bad news. Clearly, it would like bad news to receive minimal attention and good news to receive maximum attention.

We tend to plan the publication of committee reports well in advance. It has been my practice since I became convener of the Enterprise and Lifelong Learning Committee, and it was John Swinney's practice when he held the position, to ensure that any press presentation of committee work—such as press conferences on committee reports—involves the lead members from each party represented on the committee. It is not possible to make such arrangements in 24 hours; planning over two or three weeks is usually required. It is not possible for the committee always to maximise coverage of its reports, simply because the date and time of publication of such reports are often set much further in advance than is the case for Executive statements.

Fiona Hyslop: I was more concerned about what happens when the Executive issues a consultation document or draft legislation for consultation. Many of those who have given evidence to us have expressed concerns about restrictions on the amount of time that they have to consult with their members before giving evidence to committees, in particular at stage 1. Do you share those concerns?

Alex Neil: Organisations have expressed concerns to us that the timing of bills is too tight and they require more time to enable them to consult their members. That is particularly true of organisations that are made up of a network of branches and local organisations and which

require time to consult them. The organisations that tend to be able to respond more quickly are those that do not have to do that. The Parliament's job should be to facilitate involvement of both kinds of organisation and to ensure that they have the opportunity to consult properly.

If we do not give organisations the time that they need, we end up with evidence that is not as well researched or that is blander than it otherwise would be. I have noticed that the more time we give people to prepare evidence, the higher the quality of that evidence. That applies to both written and oral evidence.

Donald Gorrie (Central Scotland) (LD): I want to set aside the divisive issue of how members of quangos are selected and focus on quangos' policies. Do you and the Enterprise and Lifelong Learning Committee have any positive, practical suggestions for improving those?

Alex Neil: We are trying to do that by bringing quango board members and senior management teams before the committee. There are many examples of our doing that. Occasionally, we have given witnesses a rough time because we have felt that they were not coming up with the goods. One quango gave oral evidence that a number of members of the committee felt was not up to scratch, and we made that absolutely clear. The effect of our saying that on the organisation was to persuade it to take the Enterprise and Lifelong Learning Committee seriously and to prepare much more thoroughly than it had occasionally done in the past.

Ninety per cent of the time, the evidence that we receive from that quango and from all other quangos is perfect, but now and again we receive evidence that is not of the high quality that we expect. When that happens, the Enterprise and Lifelong Learning Committee makes it absolutely clear that that is the case.

The relationship between committees and quangos is not just about committees finding points on which to criticise quangos. It is also about getting committee members to understand where a quango is coming from and what it sees as its responsibility. In January this year, the Enterprise and Lifelong Learning Committee held a formal committee meeting in the board offices of a quango: Scottish Enterprise. Both the formal meeting and the informal contacts that took place between members of the committee and representatives of Scottish Enterprise over lunch afterwards proved to be very successful. Committees need not simply meet here and have quangos come to them; they can go to see what quangos are doing. It is not always possible through written and oral evidence to get a rounded picture of what a quango is trying to do. Occasionally, committee members—collectively or

individually—must spend time examining what is happening on the ground. That is one way in which we are trying to improve the operation of quangos.

Mr Gil Paterson (Central Scotland) (SNP): You mentioned that the Enterprise and Lifelong Learning Committee is in touch with trade unions and trade and industry and I know that you meet people personally. You indicated that you have detected negative vibes from the business community and trade unions. Is there a common thread running through the criticisms, which might help us in our deliberations?

Alex Neil: I will refer to something that my good friend John Downie said in a newspaper article published a couple of weeks before the recess. I think that the headline was "The missing MSPs". The point that John was making, and that others have made, is that a host of organisations arrange functions for MSPs during the week—briefings, sessions, dinners and so on—but attendance at them is not great. I know that the Confederation of British Industry has made that criticism in the past and I have no doubt that some trade unions would make a similar criticism, although so far I have not heard them make it publicly. The reason for that is that there are so many functions that, even if every MSP tried to attend two of them an evening while the Parliament was sitting, attendance at quite a number of events would still not be very high.

That raises the question of how organisations can best interface with the Parliament. To be frank, the business and industrial community in Scotland needs something akin to the White House conference that I mentioned. About 100 years ago, both Winston Churchill and Sidney Webb proposed the establishment of an industrial parliament, to run in parallel with the House of Commons. Maybe we need a modern version of an industrial parliament that could regularly and systematically feed in ideas, proposals and concerns to the legislative Parliament. I am not talking about setting up a fringe institution that would operate when the Parliament was sitting, but about mainstreaming such a body, as an extension of the Parliament's activity in the community. Establishing a modern industrial parliament to feed in ideas to this Parliament would be the best way of proceeding.

The Convener: I thank Alex Neil for his evidence.

We will now hear from Matt Smith from Unison.

10:00

Matt Smith (Unison): I thank the committee for giving me the opportunity to attend this morning's meeting and to add to the evidence that we have already submitted.

I take it that members are aware of the extent of Unison's interest in this inquiry. We have 147,000 members in Scotland and see the Parliament as being of immense importance to our members. I emphasise that we are not just producers of public services, but consumers of them. The Parliament's impact is therefore important to us. Our interface with the Parliament is a two-way process. We must examine our internal operations, not just observe how the Parliament operates. I might pick up that point again in a moment.

We have a long-standing commitment to the Parliament and are happy to become involved in the inquiry into the CSG principles. We submitted evidence to the CSG's original inquiry and a lot of what we said was taken on board. I am not saying that that happened just because we submitted evidence, but I am sure that we had some impact on the CSG's deliberations.

We continue to look at how the Parliament operates. Although this issue is not part of the committee's remit, I mention that we have only recently and almost unanimously agreed that we should support the Parliament's present size and composition in terms of the electoral arrangements. That is a recent policy, which shows that we take such issues into account carefully from time to time.

We have taken some major steps to find out how we can improve how we operate when interfacing and working with the Parliament. We have set up a series of policy pools that mirror the Parliament's committees and have sought to involve a range of people who would not ordinarily be involved. Those people are not necessarily activists in the union, but members who have an interest in an issue and can perhaps bring professional expertise to the discussion.

On Alex Neil's point about dealing with the Parliament as a whole, we held an event at the Hub last year to which we invited the whole Parliament—I do not know whether Alex Neil was there—so that we could exchange views on the policy positions that we had taken. We have set up a number of mechanisms to do that. I emphasise that they relate not just to the way in which the Parliament operates in the new arrangements, but to how we interface with it and set up our own arrangements for that purpose.

When the committee started its inquiry, we consulted those in Unison who have had an interface with the Parliament—those who have been here and presented evidence. Overall, their experience has been fairly good. They have not been disappointed; their experience has been positive. In particular, some with an interest in equal opportunities issues have been keen to emphasise the important role that the Parliament has played in raising those matters.

We have submitted evidence on a range of issues. I will pick up on a few of those, including umbrella groups. Alex Neil said that the unions are part of the business community. I understand that argument, but we feel that others often believe that there is a single union view—the Scottish Trades Union Congress often gives that view. However, that can mean that unions are marginalised. The unions are a large part of civic society in Scotland. There are about two thirds of a million trade unionists in Scotland, but within that figure there are a lot of other specific interests. That is often not understood.

Over the weekend, I was flicking through the CSG report, sad person that I may be. I noted how the evidence was presented. After all the organisations and umbrella groups are listed, the unions are mentioned under the heading "Other". I do not think that that reflects the importance of our membership or the size and scale of the operation of the largest voluntary and democratic organisations in the country.

A combined union view is important. I know that our friends on the business side of things are not always able to arrive at a single view when they come together. We can achieve such a view within the STUC, but specific issues relating to individual unions could be taken on board. I hope that that will be examined. Parliamentary committees and other bodies that consult could set up a system whereby they identify those with a specific interest in matters of importance.

Time scales have been mentioned. Sufficient time is often given for consultation, but there are instances in which it is not. That can be a problem for us as an organisation that must consult widely within its own structure. I will give one recent example. The consultation draft of the proposed local government bill was issued on 21 December for a response by 6 February. Important as the bill is, I do not think that many of our members spent a lot of time between 21 December and early January reading it. There is a problem with the amount of time that is given.

We have considered openness and our limited success in having amendments accepted. We have made lengthy submissions on some bills, including the Water Industry (Scotland) Bill and the Freedom of Information (Scotland) Bill. It may be that our views were just not accepted, but we are not sure that all the issues that we presented were given the full consideration that they should have been given.

We have also examined what I think you refer to as Sewel motions—legislation in which there is a joint interest with the Westminster Parliament. Too little consideration is given to and too little consultation is carried out on matters that arise from that quarter.

The power of committees to initiate legislation is another area in which experience is somewhat limited. We have not seen a lot of that, although perhaps that is just because it is still early days. We raise the issue as a pointer. We look to that power to see a lot of new things happen. We will watch its use with interest.

We understand why the registration of lobbyists has been suggested, but we are concerned that that might give legitimacy to one group—the official lobbyists—and put in some doubt the legitimacy of others who are not on the official register. We need some clarification on that point.

As I indicated, there has been a lot of good progress on equal opportunities. We are pleased with the work that has been done on that. One pointer for the future is that Unison and the Parliament need to find ways in which to involve wider Scotland in a number of the areas with which we deal. I emphasise the need to involve young people. That is one area where there is a serious lack of engagement. I know that the Parliament has taken some steps to tackle that, but a lot more could be done to ensure that young people are more involved.

As we have submitted evidence, I will not say much more. We are positive overall about the Parliament. I emphasise that I am talking about the Parliament's processes, not its product. We need to continue to monitor what is going on and to be innovative. I close by emphasising the two-way process: as well as suggesting to the Parliament how it might improve, we are very aware that we must ensure that we are up to scratch and can meet the challenges that the Parliament poses us.

The Convener: Thank you. I will start by picking up on one of the points in your submission on which I do not think that you touched—Unison's ability to engage directly with committees rather than be approached through the STUC. When a committee puts out a general call for evidence, anyone can respond. Presumably you have a specific issue in mind that is a matter not between you and the STUC but between the Parliament and individual unions. If there is a way in which we should work that would allow people to put their points of view across more easily, I would like you to expand on it.

Matt Smith: We have no difficulties with how the STUC consults, but the committee should remember that the process is that the STUC hears about the consultation first and then has to consult its affiliates. That can be a problem if the time scale is tight. There are issues on which individual trade unions have real and specific interests. I would have thought that the Parliament could create a bank of that knowledge so that it can go directly to those organisations as well as to the

STUC when consulting. That is the practical point.

There is a more important point. The Parliament must recognise that individual trade unions have a place in civic society in Scotland. It is important not to lump 670,000 people together all the time, given that other, much smaller organisations often have separate recognition. That is not to undermine what the STUC does. I am very much part of the STUC, as are my colleagues. However, I make the point that trade unions have a wider remit and not simply the one voice.

Susan Deacon (Edinburgh East and Musselburgh) (Lab): I will stick with the relationship between umbrella organisations and their members, specifically the STUC and its affiliated trade unions. The issue is a perennial one for a number of trade unions. We perhaps hear about it more often from larger organisations such as Unison, but I know that it applies to many others. Will you go a wee bit further in your explanation of what kind of system the Parliament—and the Executive, for which the issues are exactly the same—could operate to ensure that the right unions are involved in the right processes, if I can put it like that?

I am concentrating on trade unions for obvious reasons, but there are parallel issues for other umbrella organisations. The consulting institution always has an anxiety. At least if it goes to the umbrella organisation, it knows that it will not cause a diplomatic incident by dint of going to one member organisation and not to another.

It strikes me that it is not beyond the wit of man or woman to agree on which unions it would be appropriate to consult in given subject areas. However, I am not aware of any systematic effort to draw up an agreement on that. Could that be pursued with the STUC and, in turn, its member organisations? If agreement on the issue could be reached and if it were understood that there would not be an outcry if a body was not consulted on a given subject area, that could oil the wheels quite dramatically.

Matt Smith: That is true. Individual unions could register their interest in a range of matters and could be consulted simultaneously. I believe that the STUC would agree with me that individual unions, as well as the STUC, have views. On consultation documents, we will often feed our views directly to the Parliament as well as to the STUC so that we can have influence on the position that is taken.

There could be a registration of interests in various issues. The process can become difficult for an organisation such as Unison, which has an interest in a range of issues. Recently, we discussed the legislative programme and consultative documents. We are trying to cut down

on what we would respond to. I did not think that we were necessarily terribly concerned about regulations concerning geese, for example, but I was told that we had white meat inspectors among our membership and so have an interest in the issue. We could try to reach a settlement whereby we can identify those issues that are germane to our interests, although I accept that that could be problematic.

Mr Frank McAveety (Glasgow Shettleston)

(Lab): How does the system compare to previous systems in which the union had to operate in raising issues and identifying policy developments? Is the system markedly different from the one before 1997?

Matt Smith: It is markedly better. There is no doubt about that at all. We now believe that when we are consulted about a matter our views will be taken on board. There was a feeling in the past—certainly before 1997—that responding to consultation was an exercise to go through for the sake of it. That is far less the case now.

Mr McAveety: Do you think that your members are aware of the process and are more likely to raise issues, through the union's policy framework or in partnership with other unions? One of the issues that we are considering is whether committees have initiated legislation, as they have the power to do. Are there areas in which you think that that power could have been utilised for the benefit of your members in the public and other sectors in the development of policy and ideas?

Matt Smith: There may be areas in which that power could have been used. As I said, we are conducting an exercise to see how we can improve the way in which we engage our membership. For example, we have, as I explained, set up a series of policy pools to parallel the committees of the Parliament. Through our journals and website, we have been encouraging people who would not ordinarily be involved in our activities to bring their expert knowledge to the process. We continue to post on our website the areas on which we are consulting and that we are debating internally. We are trying to improve the process of engagement, but that is not proving easy—the situation is new for us all.

Mr Kenneth Macintosh (Eastwood) (Lab): On the same point, do the different committees of the Parliament consult you in different ways? Do you find that some regularly consult you individually and that some do not?

Matt Smith: That varies. I cannot think of an example off the top of my head, but some committees are more inclined to acknowledge that Unison has a particular interest than are other committees, which seem to think that there are

things called trade unions to which they had better speak.

Mr Macintosh: You suggest that the process for UK legislation is less transparent. Do you have specific examples in mind of when you would have wished to make a submission but found that you did not have enough notice? Do you have suggestions about what could be done—I know that the issue is politically contentious—to improve the procedures that we use?

10:15

Chris Bartter (Unison): On UK legislation and Sewel motions, the concern is not about the right of the Scottish Parliament to agree that legislation be dealt with at Westminster. The problem that seems to arise is that, because of that process, there is not even a reduced level of the pre-legislative consultation and scrutiny that takes place for Scottish legislation. Legislation such as the National Health Service Reform and Health Care Professions Bill will have an impact on our members in Scotland—I am sure that the committee has other examples. We suggest that the process should allow for some kind of Scottish gathering of views before bills are sent back down to be debated at Westminster.

Mr Macintosh: Do you not have input to legislation as it goes through the UK Parliament? I would have thought that Unison, as a huge national union, would have input into UK bills.

Chris Bartter: I am sure that we have input at a UK level. However, in every organisation—possibly even Unison—some things are seen from a slightly different perspective in Scotland from how they are seen at UK level. That slight variance, or difference in perspective, cannot be articulated because of the speed with which the process is gone through.

Donald Gorrie: I have two related questions. You have suggested that the stage 2 process of committee amendments to bills is too rapid. You have also said that the powers of a committee to amend legislation appear to be largely unused. If we had a slower timetable, could you consult people within a week or two to get informed comment on an amendment that was or might be proposed?

What is your concept of democracy? The concept of democracy that officially reigns here is that the Executive must get its legislation through—we have a sort of Westminster system. The committees have had some success in changing bills, but if the civil servants—it is usually they—and ministers stand firm, the convention is that they have to get the bill through. Do you agree with that convention and how do you think that you could make a better impact, given the timetable?

Chris Bartter: On making an impact, we have found the timetable for the stage 2 process of committees considering amendments very tight, although the problem could arise because of the newness of the procedure to organisations such as Unison.

I was involved in the Freedom of Information (Scotland) Bill with the Justice 1 Committee. In that case, it would have been helpful if we had known early doors that the period for submission of amendments would be fairly truncated. I am sure that we could have been working on possible amendments while we were consulting on the bill. On making an impact and engaging with wider society, it might help if the processes and timetables were made clear.

As my colleague Matt Smith indicated, the time scales are not generally a problem. We have not had a problem with earlier consultation periods, just the one in the example of the Freedom of Information (Scotland) Bill, which is current.

On the concept of democracy, we echo the ideas and principles of the CSG report. We support the idea of a democratic, inclusive, accessible and open Parliament. That is why we are taking part in the committee inquiry—we want to ensure that the CSG principles have been taken up and that any necessary improvements can be made. As Matt Smith said, those principles have been implemented, by and large.

Donald Gorrie: As a member of the Justice 1 Committee, I know that the timetable is imposed by the Executive. I suppose that the Parliament could tell the Executive to get lost, but we are not yet grown up enough to do that. Your point that if people knew what the consultation period was they could contribute more easily was helpful. If you have any suggestions to improve the second half of the Freedom of Information (Scotland) Bill, put them in envelope and give them to me.

Fiona Hyslop: I was interested in what you were saying about Sewel motions. The Parliamentary Bureau has asked the committee to examine the operation of Sewel motions, which some of us think have been overused. To be fair to the Executive, my understanding is that it tries to introduce the Sewel motion as early as possible in the process of the UK bill, to allow the Scottish Parliament to decide whether it wants to give power to Westminster over devolved matters in a particular piece of legislation. However, that may mean that we receive the memorandum on a Monday for a decision on Wednesday or Thursday—that is just for the Parliament, never mind outside consultation. Although the Parliament may pass permission to the UK Parliament to legislate on our behalf, there is nothing to prevent the Parliament thereafter from having a view on the content of that legislation.

Are you suggesting that, although a Sewel motion may have been passed, the committees of the Parliament should have an opportunity to take a view on the UK bill during its early stages?

Chris Bartter: Substantially, yes. The grey area and interface between Westminster and the Scottish Parliament must be dealt with by co-operation between the two Parliaments. Our point is that the truncated time scale tends to lead to a lack of input from the Scottish Parliament and we see no reason why the Parliament should not comment on such legislation.

Fiona Hyslop: At the other extreme, during the passage of the Housing (Scotland) Bill, we were very keen to hear separate evidence from Unison and not just from the STUC. That bill provided for rather a lot of secondary legislation. To what extent does Unison have input to consideration of secondary legislation following a major act, such as the Housing (Scotland) Act 2001? Are you consulted on statutory instruments and do you think that you should be? Is that an area in which we need to make some progress?

Matt Smith: We would need to think about that. I am not aware that we have gone through that process. It is clear that we should be consulted on secondary legislation and I would want to ensure that we are consulted in future.

The Convener: That was a pertinent point. Our work programme includes an examination of the implications of Sewel motions. That will feature in our report on the CSG principles, although perhaps in the form of a holding statement. It is likely that we will be looking at that in greater detail and at greater length. Thank you for the practical and specific points that you have made.

Our next witnesses are from the Educational Institute of Scotland. We may have to juggle the running order later on. I welcome Ian McKay and invite him to make some introductory remarks before members ask questions.

Ian McKay (Educational Institute of Scotland): I will make some comments and Margaret Nicol will add to them.

We welcome the inquiry. It is good to see that the Parliament has an on-going commitment to good practice and to improving that practice. Although the EIS is best known as a trade union, we are not affiliated to any political party and never have been in our 150 years. We are fundamentally involved in issues that affect education generally, including those relating to parents and children. That underlines the point that Matt Smith made—the trade union movement involves many other interests.

Although we are a trade union that organises wholly in Scotland, we continue to be involved in

the UK legislative procedure, just as we have been in the past. Our experience of the Scottish Parliament is much better than our experience of the Parliament south of the border. In general, the experience of the Scottish Parliament for civic society generally, and certainly for the trade unions, is that it has demanded better preparation and research. We have needed to improve our ability—we might not show it all the time—to put our case when we are consulted. That can only be a good thing, although it creates one or two strains in our organisations from time to time.

Many of the points in our submission were illustrative, rather than specific to the areas in which they arose. The bill procedure has been mentioned. We recognise that when a committee deals with a bill, the process is different from when it is carrying out an inquiry. In our experience, committees have had much more time to deal with inquiries and have engaged a much broader range of people.

The ability to consult at stage 2—the committee stage—of a bill is our main concern. At stage 2, our experience has been that the timetabling decision—whether it is made by the bureau or the Executive—does not allow enough time for civic society to be as involved as it would be in a committee inquiry. That relates to the adoption of what can only be described as Westminster-style procedures in relation to amendments, for example. Most of us have witnessed the way in which that system operates. It is a shame that, although the amendments are often put together after a lot of consultation with civic society and external interest groups, that input is lost as a result of a quick turnaround procedure and the role of the minister and the civil servants involved. It would be helpful if stage 2 allowed for additional consultation and if the procedure at that point were elongated. As something of a bureaucrat myself, I can see why bureaucrats think it useful to be able to see all the arguments before stage 2 and so be able to deal with them. However, that does not always make for good legislation and some of the arguments that arise at that point could lead to better amendments and better legislation.

As an aside, I reiterate some of the points that Alex Neil made. It is useful for committees to remember that representative organisations, such as the EIS, find quick turnaround times difficult to deal with. The quality of response that the Parliament receives is strongly connected to that. It is easy to get a quick, off-the-cuff response from a representative of the organisation, but it is much better to get a considered response that has gone through the organisation's own processes. That takes time, not because we are dinosaurs and bureaucratic organisations, but because we are representative and democratic organisations. We involve people through meetings to discuss issues

before we reach the considered view that is taken back to the Parliament.

10:30

Transparency is particularly important if the involvement of civic society is to be enhanced. The point was made in passing that unless those outside the political circle know what the timetable or procedures for a bill or inquiry will be, it is virtually impossible for them to discover that information or to become involved by adding their voice to the process. The procedures and timetables must be clear somewhere in the parliamentary planning structure; if they were openly available, that would allow people on the outside to take part.

Before my colleague Margaret Nicol speaks, I would like to add our voice to a point that Matt Smith made. Although the size of the Parliament is outwith the original terms of the inquiry, the current consultation on that issue has some bearing on the committee's work. We ally ourselves with the statement of the group that is sponsored by the Centre for Scottish Public Policy that the number of MSPs must be kept at 129 if the functions that we welcome—which we claim are much better than those at Westminster—are to continue. A reduction in size would make it difficult for the Parliament, particularly its committee structure, to function as it does at present.

Margaret Nicol (Educational Institute of Scotland): Accessibility is 200 per cent better since the beginning of the Scottish Parliament. We find that the accessibility of MSPs and ministers has greatly increased, which we welcome. This is the third committee to which I have given evidence in the past three years. However, accessibility involves not only the opportunity to give evidence to committees but the opportunity for ministers to attend the events that we organise and listen to our views. Those events are not functions or dinners, which Alex Neil mentioned, but conferences that give ministers the opportunity to engage with teachers and young people.

We welcome the Scottish Parliament's commitment to equal opportunities, the setting up of the Equal Opportunities Committee and the Scottish Executive equality unit, and the equality tagging of documents that go through the Parliament. We welcome especially the chance for ministers who are involved in equal opportunities to attend conferences on that subject. Attendance at those conferences has been excellent. We feel that we have been listened to and that action has often followed.

I want to mention openness, representation and umbrella organisations. Widespread consultation tends to result in a scatter-gun approach. If one listens to many different views, one can decide to

do anything because so many people have said so many things, which results in a lack of clear focus.

I have concerns about two issues that are connected to representation. First, Matt Smith mentioned the representation of young people. Like members of the Scottish Parliament, I talk to and deal with young people. Most organisations that involve or represent young people tend to be for young people who are excluded or who suffer from some kind of disadvantage. It is excellent that the Scottish Parliament engages with those groups, but we must consider how to obtain the views of the vast majority of young people. That has not been done and, like Matt Smith, I do not know how it can be done.

The second issue is how the EIS is consulted and perceived. There is a tendency to think of the EIS as part of an umbrella group and as a pressure group for teachers, which is true. We are proud of being a pressure group and we will continue to be one. However, we are more than that—we are a specialist organisation and a professional body that has vast knowledge of education at every level in society. We hope that the committees will begin to consider specialist advice and knowledge and to think of the EIS not only as the major representative of teachers in Scotland, but as a professional body that can provide specialist knowledge.

The Convener: People should not get the impression that Alex Neil is over-impressed by lunches and dinners; I understand that he also appreciates working breakfasts.

I am interested in the points in the EIS's written submission—which Ian McKay developed in his opening statement—about the difficulty that the EIS has in engaging with bills at stage 2. I have never thought about that from the perspective of somebody outside the process, although, when I was a member of the Transport and the Environment Committee, I received suggestions on paper and by e-mail from various organisations about possible amendments. How does the EIS promote amendments? What should it be able to do to promote them at stage 2? Are amendments sprayed out to MSPs or are they concentrated on the members of the relevant committee? Does the EIS approach ministers to discover whether they are receptive to proposed amendments? Your answers will help to illuminate the difficulty that all groups that are on the outside and that try to influence bills might have in finding somebody to act on their suggestions.

Ian McKay: I said at the outset that the points in our submission are illustrative. The submission uses as an example the Standards in Scotland's Schools etc Bill, which was one of the first major pieces of legislation in the Parliament and with which we were closely involved. We discussed the

same example during the inquiry on lobbying. On the bill, ministers and civil servants consulted the EIS and many other organisations such as the Convention of Scottish Local Authorities, the Commission for Racial Equality and Children in Scotland. It is a little-known fact that the EIS has more members who are MSPs than any other trade union. Partly because of that, and partly through our membership group and through documentation that we issued to relevant committee members, we put across our points and offered possible amendments to MSPs who had an interest. That process was positive because it meant that during the nitty-gritty we could implement some practical points from the general consultative period at stage 1.

It is a fair criticism that trade unions and others in civic society often make only general points that are connected to their vested interests. We thought of the process as one in which we offered practical advice. We talked to ministers and we sent material and suggestions—some of which were taken up—to MSPs and relevant committee members. Unfortunately, once an amendment has been considered and the minister has rejected it, but offered to consider the matter, that is it—that part of the debate has gone. There is no opportunity for members of the committee, other MSPs or civic society to come back and say, "Okay—we agree that that particular thing about the amendment was wrong, but if you came at it in a slightly different way, you would find universal agreement". The procedures do not allow that to happen, which is a problem.

The Convener: In fact, the procedures allow that to happen at stage 3, when members can come back with an amendment that has required a degree of tweaking. That is common practice.

You convey the impression of having quite a lot of members to whom you can turn. I may be exaggerating, but you give the impression that you were quite well connected and clued-up on the processes, which you found relatively easy to deal with. You did not find it impossible to have amendments lodged that contained, in your view, strong points. At least those amendments were on the table for consideration. I presume that the EIS had to work out the procedure for itself. Other organisations that do not have the background, history or connections of the EIS, or do not have the same number of former or current members among MSPs—I saw the Unison representatives accept the challenge when you made that point—or that are less well-placed than the EIS find it difficult to get their amendments on the table. Perhaps the other witnesses will comment on that point.

Ian McKay: Two points arise from your comments, convener. The first is that the

Standards in Scotland's Schools etc Bill was one of the first bills to go through the Parliament. We had to do a hell of a lot of running around, making telephone calls and finding out what the procedures would be. A transparent procedure should be available, not just to MSPs and civil servants but to people in general, to tell them how a bill will be handled, what the timetable will be and how the bill procedure will operate. The fact that we are a large and powerful organisation enabled us to get our views across, but it would be more difficult for other organisations to do so.

Secondly, as you are aware, stage 3 is a much more truncated procedure. There is an imbalance between the long consultative procedure and the nitty-gritty points that are debated at stage 2—the stage at which more time is required. In our experience—other organisations may have different experiences—stage 3 is really about the Executive coming back to deal with those points that members had pretty much agreed should be reconsidered. We are looking for an opportunity to hold better discussions at stage 2, when a committee gives a bill its full attention.

The Convener: I accept what you say about stage 3, although I am aware of the practice at stage 2 when a minister says that the Executive will reconsider a matter for stage 3. There is some flexibility in that procedure, but it arises only if best practice is followed.

Mr Paterson: In paragraphs 2.4 and 2.5 of your submission, you express misgivings about the inquiries into the Scottish Qualifications Authority. Would you explain your concerns and suggest how we might avoid a similar fiasco—that may be the wrong word to use in this context—in future?

Ian McKay: Obviously, we could not give members a full taste of our views on those long and complicated inquiries in two short paragraphs. In our submission, we tried to say that the inquiries illustrated the power of the Parliament to scrutinise such events. We thought that the scrutiny that the SQA was put under by both the Education, Culture and Sport Committee and the Enterprise and Lifelong Learning Committee was useful and that it brought into the public domain a number of issues that allowed the SQA to make improvements.

The point that we tried to make to the Standards Committee was that, even during the inquiry process, which was useful, the EIS—an organisation that one might have thought would know something about the SQA—was sometimes very much in the dark about which committee was doing what. For example, should we have submitted evidence to both committees? Should we have talked about educational issues to the Education, Culture and Sport Committee and about other issues to the Enterprise and Lifelong Learning Committee? It became evident that the

committees had discussed that point with each other and had carved up the inquiries, but that information was not in the public domain and was not generally known. Although good inquiries were taking place, it was difficult for organisations such as the EIS to tailor submissions to the relevant committees. We were conscious of the risk that we might submit the wrong evidence to the wrong committee, as our evidence might then have been put to the side.

Mr Paterson: Are there ways of overcoming such problems? For example, should the committees have issued interim reports?

Ian McKay: It is a matter of transparency. The committees' terms of reference should be clear. Cases such as that of the SQA, in which the inquiry was divided between two committees, arise from time to time, but that divide should be made clear, so that organisations can take things up from there. We are not asking for special consideration. We are asking for the same level of transparency that is available in documentation, agendas and papers, for which the Parliament is to be commended. However, the inquiry into the SQA was an early inquiry, and procedures may well have improved since then. We used that example to illustrate the need for transparency. Civic society will have greater involvement in the Parliament if that transparency is in place.

10:45

Donald Gorrie: I will not pursue the issue of committee timetables, as you have already dealt with that matter helpfully.

I was interested in the point about representation on committees. When the Scotland Bill was going through Westminster, I recollect that some MPs tried to get non-voting people who knew something about the subject put on committees. However, we were told that we could not do that and our idea was chucked away.

If we manage to get around that problem by, say, co-option, could you establish a system through which the different unions that are involved in teaching would provide one person who would speak up for the teaching profession? The Education, Culture and Sport Committee would not want three or four extra members, but it might go for having one extra member.

Ian McKay: I understand that the committees already have a facility through which they can appoint advisers for inquiries. I hope that trade union or professional association representatives will be considered for those appointments, alongside the academics who have tended to be appointed, and that our people will be seen as just as able to fulfil that role legitimately.

Your question cuts across the discussion about

the representativeness of umbrella organisations. The teaching profession has a relatively easy way of working out which trade unions represent teachers. Whatever the convener's personal affiliations may once have been—

The Convener: They remain the same.

Ian McKay: The EIS has tended to be the representative organisation for teachers, simply because we represent 80-odd per cent of the teaching profession. However, all teachers organisations are brought together formally through the Scottish negotiating committee for teachers. We have a procedure for working out who is to be a representative. If a committee felt that such a representative would be useful, there would be no difficulty—at least, not within teaching—for the representative organisations to come up with someone to represent their interests. I am sure that the same applies to the other witnesses who are on today's billet and to professional associations that are involved in housing and other sectors. It would not be beyond our powers to come up with one representative, rather than committee members having to put up with six extra people sitting at a committee table.

Susan Deacon: We have spent a great deal of time in this inquiry, both today and at previous meetings, focusing on the committee process. Your submission helpfully touched on the EIS's relationship with other areas. Gil Paterson picked up on paragraphs 2.4 and 2.5, and I will pick up on paragraph 2.6, which raises the interesting issue of parliamentary questions and answers. The second sentence of paragraph 2.6 is particularly striking:

"This whole area has been characterised by the adoption of a Westminster style approach that might be described as politically motivated questions and obfuscated replies from civil servants."

I am almost tempted to say that you might say that, but we could not possibly comment.

Will you comment further? The issue has been raised before and it would be helpful to hear your thoughts on how that approach might be replaced by one that generates a bit more light and a bit less heat.

Ian McKay: I am glad that Susan Deacon picked up on that point; not only because it is a striking sentence, but also because the point is important. The EIS and a number of other organisations have adopted the practice of monitoring written answers, as we used to do at Westminster. We do that because ministers use written answers to announce detailed or localised changes to legislation or to make announcements on specific matters that affect different bodies.

In paragraph 2.6, we ask why it has to be done that way. If Government departments and civil

servants have to make such statements, why do they not make them in some kind of official bulletin? It is pointless for a member to be primed to ask a particular question and for a minister to have to stand up in Parliament to give that information. That is the Westminster fashion. If information needs to be brought into the public domain, it should be published in such a bulletin so that we can see it. If that were done, organisations such as the EIS would save a hell of a lot of the money that we spend at present on employing people to monitor written answers.

More importantly, that would allow written or oral questions to ministers to become part of the political debate that is part of the normal cut and thrust of politics. Ministers' answers to written or oral questions should not be used to release information. Information and debate are important to the life of a Parliament. The EIS hopes that one outcome of the committee's inquiry will be for those two aspects to be divided clearly.

Susan Deacon: I am grateful to you for your comments. It is interesting to note that most of those who have given evidence, including the EIS, have said relatively little about what goes on in plenary debates. As a nation we need to address the big issues, one of which is education. Politicians, professionals and those who are involved in education are fond of talking about the need for big debates. How effective are the big plenary debates on subjects such as education? Do you have suggestions on how we could improve and develop such debates?

Ian McKay: The last thing that a teacher would do would be to say anything about politicians doing their job, part of which is to strut their stuff on the stage that is the chamber. Plenary debate plays an important part in the life of the Parliament. However, the Parliament has to remember that such debate is conducted in the chamber alone, using only the expertise of MSPs. The outcome of a debate that involved wider interests might be better. That is not to say that wider interests should, in any way, undermine the right of elected members to make decisions, as that has to be paramount.

The EIS commends the Enterprise and Lifelong Learning Committee for holding a convention as part of its inquiry into lifelong learning. Alex Neil mentioned that. The convention will bring together a wider group of people to debate the outcome of the Enterprise and Lifelong Learning Committee's interim inquiry report. That model is useful and it could be used elsewhere.

There is a place for plenary debate in debating the big policy issues. However, that is different from a debate that seeks specialist input. We need both forms of debate. Perhaps the Parliament's current procedures allow only the former when a

bit of the latter is also required. The question is how to do that, while at the same time retaining the primacy of the legislators' right to decide. I am sure that the committee's inquiry will point us in the right direction on that issue.

Mr McAveety: You mentioned involving young people and engaging with them. You also commented on your participation in one aspect of a link-up between the Parliament's education service and schools. In the near future, we hope to move into the new Parliament building, which we hope will give the Parliament greater opportunities to maximise engagement with schools. That engagement has been one of the minor successes of the Parliament. How can we do that better?

Information technology was discussed. Should people start to think about a virtual Parliament that is connected to every primary and secondary school in Scotland and in which it would be possible to hear the views of young people from their own perspective rather than those views being processed by youth workers or teachers? If we are to engage youngsters as future citizens, why do we not consider such ideas now so that we have something innovative in a couple of years' time?

I am aware that we could not hear the views of all young people. I also know that their views change from hour to hour. That said, how could we distil their views into something meaningful that could influence policy development?

Margaret Nicol: In paragraphs 2.7 and 2.8 of our submission, we touched on precisely that point. We recommended the "Put it to your MSP" project that we have promoted in conjunction with the United Nations Children's Fund. That system allowed young people to become involved and interested in the Parliament. The presence of the Parliament in Edinburgh has made it accessible. Schoolchildren and their teachers have been able to see the democratic process in operation. That has made a huge difference—it is seriously popular in schools. As Frank McAveety rightly said, the move to Holyrood will improve that process.

As far as IT is concerned, I would love to see the precise details of Frank McAveety's suggestion. The Parliament's current website might not be the first resource that schoolchildren access when they get up in the morning. As well as being accessible to young people, the website needs to be attractive to them. Careful planning would be needed if the Parliament were to go down that road. Although schools have made huge strides in information technology, they do not have the IT that would allow children—particularly in primary schools and more importantly in special schools—to access such a system.

In principle, I agree that the idea is excellent. It is one way that the Parliament could try to engage with the majority of young people. The "Put it to your MSP" project is another way of doing that. There will be other answers to the question, but I do not know what they are.

Mr McAveety: People have tried to draw a parallel between the participation of young folk in the democratic process and their participation in recent television programmes such as "Big Brother" and "Pop Idol". Those programmes have shown that lack of access to the internet does not seem to be a barrier to participation in live link-ups or direct voting.

However, we are talking about the serious engagement of young folk in the development of ideas and policy. That raises the question of whether Scotland's new democracy should be included in the curriculum of our primary and secondary schools. Since the establishment of the Scottish Parliament, some schools have made a genuine effort to include the role of Scotland's new democracy in their five to 14 programme, in their curriculum for modern studies or in other aspects of social education. In other schools, less effort has been made. Members are aware of that because they visit schools.

I wonder whether we can engage in a process that involves Executive ministers, members of this committee, senior folk involved in youth work, Unison and the EIS. If the suggestion came from outside the Parliament first, it might be a dynamic idea that could be developed more effectively. Would you support that in principle?

11:00

Ian McKay: I want to add to what Margaret Nicol said. I think the original "Popstars" had a greater participation than any democratic process that we have had in the UK for the past 100 years, although we must remember that the level of that activity was picking one of six—or whatever it happened to be. Anything that is in any way two-way is much more difficult to organise. It is easy for us to organise something that does not involve much activity on the part of young people, but it is more difficult to go beyond that.

However, as somebody who occasionally surfs the web, I see no reason why the chatroom-hosted events that are quite common on the web cannot also be taken up by ministers, conveners and so on, in the commendable way in which www.scottishparliamentlive.com has put itself across. It would be relatively easy to hold a live interactive event on school days and direct it towards the pupils whom you want to engage. We would go back and do the wee advert again—it would be helpful for the Parliament education

service and initiatives such as "Put it to your MSP" to have official endorsement so that they receive a response from schools. Frank McAveety will know from his experience that such an event would have to be introduced into the curriculum and organised so that pupils could access the information technology at that time. It would need to be planned. It would not be spontaneous, but would have to have a degree of official endorsement and planning behind it.

The Convener: Thank you. That was useful evidence. We will move out of sequence and hear evidence from John Downie, because he has to leave at about half-past 11.

John Downie (Federation of Small Businesses): The Federation of Small Businesses, which has 15,500 members in Scotland, who employ more than 110,000 people, has extensive experience of interacting with the Parliament. We believe that, overall, the CSG principles have been demonstrated.

We have focused on the committee process and the Enterprise and Lifelong Learning Committee has naturally been the main focus of our involvement. That committee has undertaken a wide range of inquiries that are relevant to the business community. Its first inquiry into the provision of business support and economic development services was instigated following strong representations from the business community. The committee acknowledged our concerns and the inquiry was initiated in conjunction with an inquiry and review by the Executive. We did not agree with the creation of local economic forums as the conclusion of the inquiry, but we recognised that there had been a careful and transparent engagement with the business community throughout the process. We had the opportunity to put forward our views and—more important, as was discussed earlier—to submit evidence. That was the key to the process, as we have an evidence-based policy-making process. However, the consultation process needs to give organisations enough time to gather their evidence.

The Enterprise and Lifelong Learning Committee's first inquiry set a standard for its continued successful co-operation with business. In its inquiries into the new economy and lifelong learning, it has interacted with businesses either by visiting them or by holding sessions at which MSPs can gauge the views of businesses or trade associations on those issues.

In 1999, the FSB submitted to the Executive proposals for a small business rates relief scheme. That resulted in an inquiry by the Local Government Committee. After taking evidence from us and from a wide range of other business organisations, the committee published a report, in

which our proposal received some constructive criticism. We then reviewed the proposal, discussed changes to it with MSPs, officials and ministers, and made a new submission for consideration by the committee and the Executive. In the meantime, the Executive had initiated a consultation on a small business rates relief scheme, which was extremely helpful.

The Local Government Committee then undertook a second tranche of evidence taking. Once that was complete, the Executive announced that it intended to introduce a scheme very much in line with that proposed by the federation. Although we were pleased with that outcome, the crucial point is that an open, transparent dialogue took place, in which business organisations, assessors, departments and all those concerned had at least two opportunities to put their views and to give evidence. From the initial suggestion, we moved into a process of consultation with both the Parliament and the Executive. That was a very successful example of the transparent dealings that we have with the Parliament. Even when we are not called officially to give evidence—for example, as part of the Enterprise and Lifelong Learning Committee's lifelong learning inquiry—we are able to speak to committee advisers, who then come back to us with additional questions based on our original submission.

I agree with Matt Smith and Ian McKay that there should be more transparency in the committees' thought processes when undertaking inquiries or considering legislation. Committee work programmes are published, but they do not provide enough information. There is not enough transparency in the appointment of advisers, and it is not clear how committees arrived at their choice. There are a number of examples of committees picking advisers whose reports did not meet the standards that those committees expected.

Organisations such as the FSB, the Freight Transport Association and the trade unions are a valuable policy and information resource for the Parliament. As both Matt Smith and Ian McKay indicated, more use needs to be made of us. Every organisation has areas of particular expertise. We submit responses to Executive consultation papers and to parliamentary inquiries and we make proposals, but we are also able to consult our members. If, in the course of an inquiry, MSPs wish to visit businesses and to gauge feeling at the grass roots, we can facilitate such meetings. We can improve the consultation process in a range of ways.

I would like to make some specific points about the CSG guidelines. In most committees, the role of rapporteur is carried out largely by the clerk, in conjunction with advisers and the convener. In

several inquiries conducted by the European Committee, an MSP has taken the lead and reported back to the committee as a whole. Other committees may want to consider following that example. Given the range of inquiries that committees undertake, that can be difficult. It is much easier for MSPs to act as rapporteurs on specific subjects. The Enterprise and Lifelong Learning Committee's lifelong learning inquiry is very wide ranging, and it would be difficult for one MSP to act as a rapporteur for that.

Although we are participating in the Scottish Civic Forum, we believe that it has yet to make a significant contribution to the parliamentary process. The same could be said of many umbrella groups. We accept that there is a need for organisations to identify, pursue and reach a consensus on issues of common interest. Such a debate is currently under way on a Scottish economic strategy. However, we worry about producing feedback that comes down to the lowest common denominator—a position that pleases everyone but does not reflect directly the views of organisations. Although we like to join in discussions that are aimed at achieving a consensus, we are concerned that we should have the option of expressing our particular views. There are many issues on which we will not reach a consensus.

As Matt Smith mentioned, a particular bone of contention is the length of consultation periods. We acknowledge the practical constraints on the Executive and Parliament, but tight time scales for consultation make it difficult for organisations or individuals to submit detailed and evidence-based responses. That undermines the public's faith in the consultation process.

Matt Smith mentioned the Executive's recent consultation paper on the proposed local government bill, which covers a power of well-being, community planning and best value. That paper was released on 21 December 2001 but did not go on the Parliament's website until 9 January 2002. There is no way that we could consult our 15,000 members effectively in January when people were going back to work after having time off—there were other issues to be considered. It is significant that the federation was the only main business organisation to respond to the consultation; there were few responses from business. That consultation was extremely important and there will be implications for businesses, which are not fully appreciated because of when the paper was released.

I commend the Local Government Committee for holding a civic participation day on the local government bill on 25 March. I understand that, as the committee is not taking evidence at stage 1, it will use that day as an evidence-taking session and will take evidence at stage 2.

The Enterprise and Lifelong Learning Committee's conventions are an excellent way of engaging with the business community and wider civic society. However, for organisations such as ours and for the credibility of the consultation process, there should be longer consultations. Alternatively, we have to be made aware early on that the consultation period will be truncated and that a quick response is needed.

Another matter that is related to bills or specific issues is scrutiny by more than one parliamentary committee. Given the importance of transport as one of the main drivers of our economy, we believe that the Enterprise and Lifelong Learning Committee should always consider transport bills.

It has been said that there is perhaps not enough transparency in consultation and joint working by committees. That is particularly relevant to the European Committee, which scrutinised and produced reports on a large number of issues such as the single currency, the water framework directive, the common fisheries policy and employment rights, all of which fall within other committees' remits. Given the amount of legislation that is emanating from Brussels, it will be important in the future that we involve other parliamentary committees within the process.

I understand that the European Committee has problems because it seems to receive consultations on European issues through Whitehall, which has a short time scale in which to ask organisations for their views. Perhaps the committee has to work more directly with Scottish Executive officials in Brussels to get consultations from Europe at an early stage so that the Parliament, Executive and organisations in Scotland can feed in a distinctly Scottish perspective on a number of issues.

We believe that scrutiny by more than one committee is healthy and takes the holistic and joined-up governmental approach that we need.

Overall we believe that members, ministers, conveners and members of committees have embraced the CSG proposals. We acknowledged that the Parliament, like any new business, would take time to find its feet and that not everything would go smoothly from day one. We can see the difference in the way in which the Parliament has been interacting with business since that initial period. It is much more effective and transparent. Access is extremely good to individual MSPs, ministers and officials at all levels, which was not so apparent in the days of the Scottish Office.

In conclusion, we believe that the Parliament has delivered responsible, open and participative government that is accessible to the business community. The interaction between business and individual MSPs was discussed earlier. There is a

wide range of events. Alex Neil gave the example of the Scottish Financial Enterprise briefing for MSPs, to which 25 MSPs accepted invitations but only seven turned up on the day. Naturally, SFE was rather upset about that and the matter generated some newspaper coverage. We have a variety of ways of interacting with MSPs, such as individual meetings, lunches, dinners and conferences. We now recognise the constraints on MSPs' time and are looking for ways in which to work the system better.

The Convener: You said that the Scottish Civic Forum has yet to demonstrate a significant contribution to the process and you added that the FSB is a member of the forum. Why is that the case? Is there something that Parliament needs to do better to help the forum to contribute more?

11:15

John Downie: To be frank, our view is that the Scottish Civic Forum is a bit of a talking shop. It has received funding from the Executive and it produces briefings for individual members. The speed of the forum's internal process—its interaction with its members—could be improved. The forum organises consultation events, which are useful. However, it does not really get to the nub of the difficulty or make a significant contribution to committee inquiries or the passage of bills.

The internal process of the forum needs to be sharpened up. That is not something that the Parliament or the Executive can do. Indeed, you have been quite open to the forum's contribution. Speed is a problem for umbrella organisations because they have so many organisations to consult.

Fiona Hyslop: I was interested in your comment on European issues. Much of our focus on sharing power has been on the relationship between the Executive, the Parliament and people but, clearly, Europe has a major influence. Are the committees doing enough work on scrutinising European issues and initiatives or should they be doing more?

John Downie: All committees should examine and consider European legislation—not just the European Committee. Although the legislation might come from Europe, it deals with transport, the economy, water, employee rights and all the broad issues covered by the committees. The European Committee must work in partnership with other committees when it is scrutinising European legislation.

We would like the Executive to be much more proactive and put forward a distinctively Scottish voice in Brussels. We have Scotland House and there are officials based in Brussels whom we

need to use more effectively. They can provide early intelligence to parliamentarians on what is happening in Europe and what bills are coming up. They can let committees know what they might be considering within the next year or so. Legislation from Brussels takes a long time. We must work through that process and be more proactive.

More legislation affecting the business community emanates from Brussels than from Westminster. We must consider that more carefully. Business organisations in Scotland are looking to Edinburgh for microeconomy issues and to Brussels for macroeconomy issues.

Fiona Hyslop: That is a clear message that we need an early warning system and that the committees need to do more work on European issues. However, if the committees are expected to do more work on European issues, the Parliament might be accused of trying to do too much. If we expand into European issues—as I think we should—is there a danger that we will try to do too much and not do any of it particularly well? To what extent must we balance the work that exists? Do you agree that we are trying to do too much? You want the Parliament to do more, but how can we do that, particularly when we might be faced with a cut in numbers?

John Downie: The issue is not about doing much more. Legislation that comes from Brussels must be considered from a Scottish perspective, through consultation or parliamentary scrutiny. We must consider how such legislation will affect individuals and businesses in Scotland. That is not a matter of doing more; it is necessary. Such legislation is not only about Europe, but about specific subjects such as transport and the economy. We must be more proactive in considering European legislation as it arises.

Mr McAveety: Before 1997, there was what one would euphemistically call scepticism about the role of the Parliament in engaging with the business community. Has that fear been resolved? Is the Parliament better than the predecessor structures with which business engaged? Do you want that process to continue?

John Downie: Without doubt, there has been a vast improvement in the accessibility of MSPs, ministers and officials and of the policy-making process. People might not always agree 100 per cent with the conclusions, but at least they can participate. A recent example of that is the proposed local government bill. We submitted a response to the consultation paper on the proposed bill and met officials and we will meet the minister to make our views and concerns known. From the consultation paper, we had an idea of the way in which the bill will give local authorities more discretion and power. We were concerned that the bill would give local authorities

trading powers that would allow them to compete unfairly with businesses, but following our discussions with officials we are much happier that safeguards will be built into the bill to ensure that that does not happen.

With the old system, it was extremely difficult to interact with officials at Westminster on specific issues and on bills and consultations. As part of the process that Fiona Hyslop mentioned, perhaps we are trying to do too much. It is extremely difficult, given their resources, for the organisations that are represented today to keep up to date and to participate in every consultation and inquiry. We want to do that, but resources are our biggest difficulty. Accessibility has improved since the Parliament was established and we want that process to continue.

Mr McAveety: The broad principle of your organisation might be that smaller is better, but would a reduction in the number of MSPs work against the principle of accessibility, which you articulated?

John Downie: Yes, I think that it would. The main difference between Westminster and Holyrood is the Scottish Parliament's committee system, which, from the business community's perspective, has been effective. The committees have initiated inquiries and scrutinised bills such as the Transport (Scotland) Bill and the Water Industry (Scotland) Bill. They have considered issues and we have been able to get our views across. We are concerned about a reduction in the number of members, because that might reduce the effectiveness of the committee system and the Parliament. It could also affect our ability to put our views across to members and to have them take up issues on behalf of Scottish business.

Donald Gorrie: I want to explore how the Parliament can get the best possible advice. There seem to be two factors. First, people must have good information; many intelligent people make stupid remarks about the Parliament on the basis of what they read in newspapers or of other inaccurate information. How do we best get accurate information to your members? Secondly, how do we tap their genuine views? We have all experienced distorted consultations in which information is put out and questions are asked to ensure that the required answers are received. How do we get good information to your people and others, and how do we get their genuine views back again?

John Downie: That is extremely difficult. When we receive consultation papers or inquiries from committees, we use a menu of consultation options with our members, depending on whether we have a 12-week period or a four-week period. We might use a survey or focus groups. We use a wide variety of methods to gauge a response to

the proposals in question.

First, we précis the proposals and put them on one or two pages of A4. That gets the main issues across; it enables our members to understand and assimilate the issues quickly and to give us a response. The Parliament and the Executive could take on that role. We receive consultation papers, but individuals—whether in business or the civic community—will not read 50, or even 25, pages of a consultation paper in order to respond. They need the issues to be encapsulated in two pages, as do members of the Scottish Parliament. When we send in a response to a paper, we try to keep it as short as possible. We all know the amount of material that MSPs receive. We try to make our responses two pages long, if possible. Sometimes we cannot do that. The lifelong learning inquiry is a good example. I think that our response went on to eight pages, even though we kept it as short as possible. MSPs need focused material and it should be recognised that individual businesses do, too.

We would like MSPs to use our facilities and the facilities of trade unions to talk to our members much more. We would be happy to facilitate local discussions and meetings. We do that on an ad hoc basis when MSPs come to us with requests or during certain periods. There will be a wide range of debates for the elections next year. We could act as more of an information flow between the Parliament and our membership. The Parliament's website needs to be a bit more interactive.

Mr Paterson: In your oral presentation, you mentioned the need for transparency in the appointment of advisers. Are you talking about advisers to committees or spin doctors?

John Downie: I meant advisers to committees. When a committee inquiry is announced, a number of advisers are selected. We might be unsure why those people were selected. Sometimes it is obvious that they have particular expertise. It would be interesting to know the thought process of the committee and its clerks and the advice that they receive when they appoint those advisers. Sometimes we have views on the perspective that an adviser might have. It is difficult to find someone who does not have a perspective on or a vested interest in some of the inquiries. The issue is all about transparency.

Mr Paterson: Are you looking for information on the end result or are you looking for information on what is supplied to committee members before they make up their minds?

John Downie: Information on the end result would be useful. Obviously, we understand confidentiality. As far as we are aware, there does not seem to be any set process that committees go through to choose an adviser. Do members interview three or four candidates? Who puts

forward the initial names? With public appointments and invitations to events that the Executive holds, the usual suspects tend to feature. Civil servants have a list, which has probably been around for three or four years. We have not noticed any changes to it. To encourage wider participation, we must look at how committees make decisions on who advises them.

On education, as Ian McKay pointed out, the EIS would be an obvious choice. On small business issues, it would perhaps be an idea to come to the Federation of Small Businesses for advice on whom to appoint. I do not seek the appointment of one of us, but a committee could ask us for advice on names of potential advisers—those who have a specific remit or expertise that would be useful, regardless of whether they are in academia or have direct business experience.

11:30

Mr Macintosh: My question is for John Downie, but Unison or the EIS might wish to answer it, too. Some witnesses talked about the difficulty of finding enough time at parts of the parliamentary process, particularly stage 2 of bills. According to your evidence, the Federation of Small Businesses has had positive interaction with the Parliament. The EIS suggests that some stage 2 amendments and the way in which they are dealt with lack transparency. I have much sympathy with that view. I would not say that many amendments float around, but sometimes people are unsure of their origins or of who is promoting them.

I am interested in your experience. Has the situation improved since the Parliament began, as I think it has? How do you approach the process? How do you tackle transparency, which concerns who promotes an amendment and how you ensure that everybody knows where it comes from? How do you avoid politicising amendments? I imagine that that is tricky if an amendment is given to the wrong person or identified with the wrong group. You talked about consensus, which is sometimes difficult to achieve. I would welcome your comments.

John Downie: The position is extremely difficult. We have given evidence on several bills and discussed possible stage 2 amendments with committee members. In our briefings, which we give to as many MSPs throughout a committee as possible, we say basically the same to everyone. Similarly, if we suggest any amendments, we say the same to everyone. We do not differentiate and we try not to politicise the matter, because our perspective is that we present the view of business in an amendment that an MSP might want to lodge. Our experience of the amendment process is that MSPs ask us what we think. They

say, "What do you think of this? Have you any ideas for amendments? Does the bill need to be amended from a business perspective?" We enter into a dialogue with them.

We may not have been as proactive as others in suggesting amendments, because only the Transport (Scotland) Bill and the Water Industry (Scotland) Bill have related to business and the committee involved took on board our views at stage 1. We saw no need for proposing amendments after that. We talked to MSPs about their perspectives on the bills and the amendments that they were lodging, but we did not develop that.

Perhaps we have not had as much experience of the process as the EIS has had, but we ensure that we do not politicise any briefings that we give MSPs on possible amendments or on perspectives. Our briefings always go across the board.

Mr Macintosh: Do Margaret Nicol or Ian McKay want to comment, particularly on the difficulty of avoiding politicising amendments and on increasing transparency? Would the EIS welcome the inclusion of its name on stage 2 amendments that it had promoted? MSPs usually discover who promoted an amendment immediately, because they have been told, or later, but I do not imagine that many members of the public know when the EIS has suggested an amendment. I feel that that is a missing factor.

Ian McKay: As John Downie said, one should not seek to politicise the process at that point. We make available advice and comment, but not on a party-political basis. When we have proposed amendments, we have proposed them to all committee members, whatever their party-political view—whether they are part of the Executive coalition or the Opposition. That is the case for most civic society organisations, which try to reflect a consensus in a specialist area, rather than a party-political view.

It is important that the identity of an amendment's proposer is known and I agree that that would be useful to know. It would be inappropriate for a name to be on the billet, for example, but the source of an amendment must be clear and transparent.

Time is important not only to the process of developing amendments. It is much more important once the minister has made his or her view towards an amendment known, because at that stage tweaks can be made and we can say, "Okay, if you are not happy with X, let's change it to X plus Y, which will find consensus."

John Downie and I have been talking about the fact that there is often a consensus out there, which goes beyond the party political. It would be

useful for the Parliament to be able to tap into both specialist knowledge and consensus so that legislation is good.

Mr Macintosh: Perhaps Chris Bartter wants to come in on that point. I know that Donald Gorrie suggested that there was a consensual approach, but if the Executive makes its views known about an amendment at stage 2, that can politicise the process. I wonder how we get round that, and how we help everybody to get round it. The process does not have to be politicised; there should still be room for manoeuvre.

Chris Bartter: We concur with both Ian McKay and John Downie on that. When we consider and comment on amendments, we try not to politicise that and we try to ensure that people know what our position is. There should be a way of recognising formally the need for input from outside organisations at stage 2. As Ian McKay said, we would not necessarily want our names on the amendments on the marshalled list, but people should have some idea of how the amendments appeared.

On input from outside organisations, we are coming together increasingly with other organisations with which we might not agree 100 per cent on every issue but with which we have common interest on a particular topic. We will move further along that road in the future. On freedom of information, we have been working with groups as diverse as Friends of the Earth Scotland and the Scottish Consumer Council as a strategy group and there has been considerable consensus. It is a shame that that consensus is not clearly identifiable to the committees when they are discussing amendments.

The Convener: Thank you. I bring that part of the evidence to a close. We move on to the representatives from the Royal Incorporation of Architects in Scotland. Sebastian Tombs will lead off.

Sebastian Tombs (Royal Incorporation of Architects in Scotland): I will start and then pass over to Gordon Davies, who is the president of the RIAS. We welcome the opportunity to contribute, as that seems to be a good example of CSG principles being put into practice in and of itself. Our experience of contributing to the work of the Parliament is limited. We had experience in the 1990s of engaging with the Westminster Parliament on the preparation for local government unitarisation in Scotland and later with the review of the architects registration legislation and the formation of the Architects Registration Board under the Architects Act 1997.

Our view is that Scotland, with its democratic processes, is now much better. The opportunities offered for engagement through the cross-party groups system have been welcome and we have

participated in the cross-party architecture and the built environment group of the Scottish Parliament. That allows a lot of stage zero issues to be debated before they come into the legislative process.

I will give a bit of background about the RIAS. We were formed in 1916 as a sister body to the Royal Institute of British Architects in London, with which we work closely on legislative matters in the UK. We have two broad aims. The first is to promote knowledge and appreciation of Scottish architecture. We welcome the interest of the Executive and Parliament in policy issues on architecture. We welcome the consultation document "A Policy on Architecture For Scotland", which was launched in late 1999. There was a useful and informative debate on the subject in the chamber on 16 May 2001 and a policy was published in October 2001. That enabled a lot of discussion between members of the profession and representatives of the Scottish Parliament.

Since then, we have been encouraged by the Executive's support for the Lighthouse and its education work with young people. In the past year, we have also launched a millennium award, which is for lay people who have come up with ideas for improving their areas. That award is also housed at the Lighthouse, which is an important facility for all Scotland.

The other, and perhaps more important, aspect of our work with regard to the Procedures Committee's inquiry is that of representing and supporting architects in developing and improving their practice. We have the important role of informing them about the work of the Scottish Parliament and the Scottish Executive and hearing their views on how policy should develop—the committee heard from other witnesses this morning of the difficulties of doing that quickly.

There are about 3,000 architects in Scotland, of whom 80 per cent are members of chartered institutes. It is fair to say that we represent the profession reasonably well in relation to policy issues in Scotland. There are about 800 offices in the public and private sectors. Following the changes of the past decade, most are in the private sector. I will pick up on the comments that were made by the representative of the Federation of Small Businesses.

Architects' operations are microbusinesses that, based on the statistical evidence that is available to us, are split into almost equal fifths. There are one-architect businesses, businesses that have two and three architects, businesses that have four to seven architects, businesses that have eight to 17 architects and businesses that have 18 or more architects—we know of only one office in Scotland that has more than 100 staff. It is important that members appreciate that

communicating with architects requires a large circulation, because we do not operate large businesses. Our evidence suggests that the average office consists of about six staff, of whom three are architects and three are support staff, such as technical and clerical/administration staff.

As has happened in other sectors, we would welcome MSPs seeing what architects do by visiting projects or architects' offices, or by visiting our office. We see ourselves as a centre of expertise and assistance. I am pleased to say that such involvement is beginning to happen, with MSPs contacting us to look for advice and information. We are always happy to try to assist them.

Before I hand over to our president, my final point is that architects have considerable responsibility. Architects' offices may be small, but they handle hundreds of millions of pounds of construction business, in partnership with other professions, contractors, subcontractors, suppliers and, most important, clients. We contribute to the 6 per cent to 10 per cent of gross domestic product that is focused on construction in Scotland and to the work of the Scottish construction industry group, which represents trade unions, contractors, specialists, suppliers and professionals.

One of our organisation's problems with monitoring and interfacing with the work of the Parliament has been the cross-cutting issues that impact on construction and architecture. Almost all policy areas have some impact, through the buildings that tend to house them. Architecture is also a cultural issue. The task of monitoring the work of committees, departments and ministers is made difficult when the organisation of the Parliament changes. For example, we discovered just this week that the minister with responsibility for architecture has changed again.

I will now hand over to our president.

The Convener: Perhaps he will be able to tell us who the new minister for architecture is.

Sebastian Tombs: Elaine Murray has taken over from Mike Watson.

The Convener: There you go—we did not know that, either.

Gordon Davies (Royal Incorporation of Architects in Scotland): I will concentrate on the aspects of our submission that relate to the sharing of power. The Scottish Parliament, as a new institution, should not be afraid to adopt new ways of being responsive and inclusive in its policy-making processes. In our view, if the Parliament addressed a number of the aspects of sharing power, the policy-making processes would be improved and made more responsive and

inclusive.

We believe that the parliamentary committee system, as established, is potentially a powerful instrument for promoting wide-ranging debates on the issues on which legislation is based, as it allows people who have an interest in the subject matter to become involved in those debates. We are of the view that healthy government exists when the process of formulating legislation recognises the importance of civic and economic bodies and groups and takes their views into account in the legislative process.

The RIAS is a non-governmental organisation. We already contribute to the public policy debate, as Sebastian Tombs has outlined. We are often seen as promoting our self-interest through the lobbying process. Ways need to be found in which to involve NGOs and other interests earlier, rather than later, in the policy-making process. Our royal charter embodies the wider public interest as well as that of the discipline that we represent.

11:45

We have reservations about the consultation process where the issues are complex, the response periods are short and the policies are already hardening. That leaves little opportunity for anything other than direct lobbying, which is less transparent than a pre-legislative debate. Our argument is for pre-legislative debate on all issues. Committees can develop and introduce legislation; they should use their powers to involve those with an interest in dialogue, so that the real issues are teased out.

The key to good legislation is to establish the underlying issues and then to debate them and formulate legislation on the basis of that debate. The issues are best established through a wide-ranging dialogue, prior to the drafting of legislation, involving all interests in a round-table debate. That would be an open, transparent and inclusive process, in contrast to the lobbying system, in which specific interests present views privately.

A good example is the way in which the Scottish Law Commission dealt with the development of the law of the tenement. That involved a long process, although we acknowledge that our suggestion might be time consuming and demanding. The Law Commission pursued a long process of pre-legislative debate, discussion, seminar and correspondence. The end result of such a process is likely to gain wide support, just as it did in the change to the law of the tenement. Such a process would enable those with expertise in the subject matter to be involved in debate. It is important that committees exercise the power to co-opt non-MSPs into their deliberations. It would be preferable if debates such as this one were

less formal and were round-table discussions that allowed witnesses to discuss comments made by other contributors, rather than simply to respond to the questions of MSPs.

Finally, I have a comment on accountability and the powerful executive bodies, such as Communities Scotland, Historic Scotland and Scottish Enterprise, which have a profound impact on the lives of Scots. We would like those bodies to be subject to wide-ranging and close scrutiny. That could be provided through examination and debate in the parliamentary committees.

The Convener: Paragraph 5 of your submission reads:

"We are pleased that consultation periods have generally been sufficient to enable considered responses."

However, you just said that you find the consultation periods pretty tight and getting tighter. Could you clarify that?

Gordon Davies: We have a wide-ranging membership, which is spread across the country and we operate a committee structure, which makes it difficult for us to get broad-based comments within the time scales that are set. We have to adopt certain procedures. Our comment is very specific: we feel that it would be much more constructive if we were asked what the issues were and were able to contribute to a generalised pre-legislative debate.

Sebastian Tombs: With the Parliament, we have generally found the time scales to be reasonable; with the Executive, there have been examples of more difficult time scales. That distinction may not have been made clear in our paper.

Donald Gorrie: How can the Parliament get the best advice? You have mentioned open seminars involving MSPs and experts. Should we have a parliamentary committee consisting perhaps of advisers, enthusiasts for ruins, like me, and enthusiasts for modern architecture? Or should we have a better quango than we have had previously—you mentioned the Historic Buildings Council and the Ancient Monuments Board. Would you like there to be some kind of joint seminar, a parliamentary committee with advisers, or an expert committee that could feed information to the Parliament?

Gordon Davies: Two aspects are worth considering. I like your idea of a joint seminar at which experts and MSPs could consider a wide range of issues. We are involved in construction, which covers the range from new buildings right through to the refurbishment of our heritage. That involves an inordinately wide range of ministerial and departmental interests and it can be difficult for us to have a focus. A framework that allowed us to have that focus would be very helpful indeed.

Other professions and other interests within the construction industry would find it very helpful as well.

We are obviously aware of the consultation on quangos—two that represent the historic buildings interest are to go. The future of the Royal fine art commission for Scotland is being debated and no conclusions have yet been reached; we hope to contribute to that debate at some point. The commission could form the basis of an organisation that could better inform the Parliament about certain issues. At the moment, the commission is relatively underfunded and can consider only certain issues. A broad debate on development—in the widest possible sense—through an organisation such as the commission would be very helpful in improving the standard of development in Scotland.

Fiona Hyslop: I was interested in the witnesses' comments on the preparation for the law of the tenement. That legislation has been long awaited and we still do not know when it will arrive.

We are examining the sharing of power between the Executive, the people and the Parliament. Your organisation will obviously be involved in the Law Commission's report on the law of the tenement and I assume that you will be involved in the Executive's early preparations and consultations. Have you been consulted by the Executive? You are one of the representatives of the Scottish people on this issue. How important is that role in the early Executive consultations, before legislation comes anywhere near the Parliament? Is that role more important to your members than the role that you will play when the legislation finally gets to the Parliament and the committees deal with it at stage 2?

Sebastian Tombs: We valued greatly the early consultations during which the Law Commission explored the issues and the possible policy routes. The management of tenements that are multiply owned is complex and difficult and the law as it stands is quite inadequate. Recent examples of bits falling off buildings have not necessarily involved the specific difficulties of the law of the tenement but they have illustrated the fact that old buildings need to be looked after and that there should be legally enforceable management processes to ensure that that happens.

Our particular interest is in ensuring that our buildings are kept in a very good state and that procedures for decision making are clear. We became interested in working with landlords, factors, surveyors, contractors, legislators and lawyers across the board and around the table, and in having a genuine discussion about how best to put management procedures in place. That was long before there were any legislative proposals on the issue. Furthermore, the Law

Commission considered precedents in Australia and elsewhere to find better ways of management. Early involvement always contributes to richer debate and is more likely to lead to a better solution.

Fiona Hyslop: I am not sure when the meetings with the Law Commission to which you refer took place. However, would it have been useful for members of the relevant committees to have participated at that early stage, or would you prefer them to keep some distance to allow them to have a clean look at the issue when the bill reaches stage 2?

Sebastian Tombs: Those early discussions took place before the Parliament came into existence. However, I welcome early contact. Understanding the complexity of the issues is more likely if MSPs are involved from the beginning.

Mr Macintosh: I was interested to hear that you feel that the Parliament is perhaps not approaching consensus as enthusiastically as was initially envisaged. You have already cited one small example of that. Has that perception arisen from your dealings with the Parliament, or has it come through the media?

Gordon Davies: Much of our information about the Parliament comes from the media. We feel that there is sometimes more concentration on political matters than on the real issues. We were trying to find a way of establishing the real issues first, which would then inform the framing of legislation and the later debate on that legislation among the politicians. Although we accept that politicians are elected to frame and to make decisions about legislation, we want lower-level contributions to the debate. We do not feel that that happens in the way that it could. The Scotland Act 1998 established a framework that enables the widest possible debate to happen at the earliest possible time, and that is useful for all aspects of legislation.

Mr Macintosh: I am intrigued by your comments, because the built environment and architecture are not exactly the subject of intense party-political disputes. Given that fact, I want you to comment on the points that you make about the Parliament building project—which is not the subject of any party-political dispute whatsoever—in section 5 of your submission. I welcome your suggestion that the Parliament's new building is perhaps misunderstood and that more could be done to explain the new project. Could the Parliament do anything about that?

Gordon Davies: That section highlights our feeling that the widest possible information has not been made available. At the beginning, we believed that the population of Scotland should

take ownership of the building as a symbol of its new-found powers. However, that has not happened as it should have. Apart from the exhibition, there has been no publicity about the development of the design. More general publicity such as television programmes on the subject would have been useful in explaining the whole approach to the design. After all, the Parliament building is probably the most important building that will be constructed in Scotland this millennium. Allowing those who were not involved in the process to understand it more holistically would have been more educational and would have helped to disseminate a wider understanding of how buildings are designed. We are disappointed that many of those aspects have been lost in the debate about costs and procurement routes.

Mr Paterson: In section 4 of your submission, you mention that the code of conduct has given people

"some reassurance on matters of integrity".

I am not so sure that the public is widely aware of the Scottish Parliament's code of conduct, although it is good to see that you think that the public know about it. Given the way in which you have worded that section, do you think that the code of conduct is good? If so, should we do much more to publicise it, as that might help with some of the public's negative perceptions of the Parliament?

Sebastian Tombs: Yes, we certainly support the code of conduct. With an election in the offing, there is an opportunity for the Parliament to present the code of conduct in a new light when the election campaign gets under way in just over a year. You will appreciate that we make these comments from the point of view of the profession, rather than the general public.

12:00

The Convener: Thank you very much. We will now move to Gavin Scott.

Gavin Scott (Freight Transport Association): In common with everybody else, I welcome the opportunity to speak to the committee. The Freight Transport Association is a funny beast, in that in the main we are a secondary trade association. Although most of the larger providers of transport, including the rail operators, are members of the association, the vast majority of our members are manufacturing organisations who use transport as a secondary part of their operations, whether they provide it themselves or buy it in from other places. Although our members operate half the vehicles in this country, on the whole they are not professional hauliers and providers of transport but users of transport.

To some extent, despite concerns about the work load, we were pleased with the move of transport to the enterprise brief from a brief with planning and the environment. Freight transport sits more happily with industry and enterprise.

As far as the operation of the Parliament is concerned, you will see from our letter to the committee that we have found that, generally, accessibility to MSPs has been much better than access to MPs was in the past, although MPs are doing their best to catch up, so MSPs had better keep their pencils sharpened. The use of e-mail and mobile telephones has helped us immensely to contact and deal with MSPs. That is partly because we are here in Edinburgh rather than in London, but even with our London hat on we find contact with MSPs a lot easier to organise.

We could say the same for civil servants. On the whole, we have found it quite easy to make contact and arrange meetings with civil servants. On the whole, they have been very open in their dealings and discussions with us on transport issues. I contrast that with my experiences with civil servants in another place. Although Whitehall civil servants are now trying to get into the teamwork spirit, there is still a degree of resistance and the "Oh, I could not possibly comment without speaking to my minister" attitude exists in places such as Marsham Street, but let us brush over that.

However, we have a criticism that arises from our dealings with the committee system, especially with the Transport and the Environment Committee on the Transport (Scotland) Bill last year. We made contact with the clerk to the committee both by letter and in person, and we were extremely disappointed that we were not asked to give evidence, other than through the Confederation of British Industry, of which the Freight Transport Association is a member.

There is no doubt that the CBI is an august body, but it tends to look to the Freight Transport Association for transport policy input. We expected to be invited to appear in front of the committee in our own right, rather than as a sub-delegation of the CBI. Indeed, it was only as a result of our good relationship with the CBI and by petting our lip and stamping our feet that we managed to appear in front of the committee. We are disappointed that that was the situation and hope that it will not happen again.

It may be that I attend the wrong debates in the chamber, but over the last little while, debates seem to be more adversarial and less consensual. It is disappointing to find that we have just about reached the "party opposite" situation in debates. Unlike Robert McNeil, I do not sit in at every single session and write down what I see—indeed, I do not always read what he writes.

I am also concerned about written answers. It may be that my concern involves only the written answers that I read, as I read only those that relate to my area of business. Non-answers to questions are becoming increasingly common. Answers such as, "The minister meets lots of people and talks about all sorts of things," is not an answer to a question. I could have answered the damn thing a lot better, as I know the answer that is sought by the questioner. That sort of reply does nothing to enhance the standing of the Parliament. It would be better for no reply to be given than for civil servants to produce replies such as that.

The Convener: I remember your contribution to the Transport and the Environment Committee. Quality goes a long way—I recall that you uttered the immortal words, "Beam me up, Scotty." They were quoted in at least one diary column.

You made a point about the non-implementation of workplace parking charges, whose removal from the bill the Transport and the Environment Committee saw to. I am sure that you feel that you got reasonable output for your input. The points that you made are on record for the clerk to that committee to note in the future.

Mr Macintosh: Evidence from the Royal Institution of Chartered Surveyors in Scotland will be heard next. RICS Scotland has made a suggestion that has been echoed in all the evidence that we have received today. Its submission says:

"there appear to be no established guidelines to determine who will be asked to provide oral evidence."

It is difficult to determine who is to give evidence. Should evidence be given by umbrella organisations or by individual unions such as Unison? Who represents teachers—is it the EIS or some other union? There will always be differences of opinion among the members of the committee as to who should be invited to give evidence. Would a set of published criteria ease your concerns?

Gavin Scott: To do so could create a double-edged sword. If criteria are published, someone will inevitably be missed out. At the very early stages of the inquiry, before the committee had done any work, we made contact with the clerk in writing and in person. It was disappointing to find ourselves disregarded. Had it not been for the good relationship that we have with the CBI, it is doubtful that we would have been called to give evidence.

Mr Macintosh: You made the point well. I suspect that an ignorance barrier has often to be overcome by members and others. Organisations place great stock on giving oral evidence. I am not sure what your experience of giving evidence is

but, if written evidence is read and taken in, it can be more productive than oral evidence sessions. I worry that organisations battle to appear before committees, which is not a productive use of energies. Perhaps there are better ways of putting across views to MSPs.

Gavin Scott: Giving evidence to a committee, as opposed to doing background work with MSPs, is important. We certainly contact committee members to put across our points, but it is still important to give evidence in the way that we are doing now. That provides an opportunity for discussion, which written evidence by itself does not.

Donald Gorrie: My question is not intended to be rude. Given that our time is limited, should the Transport and the Environment Committee speak to you, or half a dozen lorry drivers and a manager, or go to see a freight depot in operation and go for a wee ride in a lorry? Should it do all of those?

Gavin Scott: If the committee had lots of time, it could do all those things. Given that we represent a large chunk of the industry, that we have a democratic process that garners the views of the industry and that we can propound those views professionally, the committee should speak to us. I would be happy to take members to a freight depot or a regional distribution centre—in fact, several MSPs have been to such places—but is that a productive use of their time? Such trips are nice and interesting and I am sure that members would get something out of them, but it depends on what they are trying to achieve. I would not suggest speaking to half a dozen lorry drivers—members might as well speak to half a dozen taxi drivers. There would be the same quality of input.

The Convener: Fortunately, the diarists have gone.

Gavin Scott: A trade association's job is to represent interests and views in its industry—that is our locus.

Donald Gorrie: Most political agendas are driven by taxi drivers, as they are the only members of the public whom many politicians meet.

Mr Paterson: Mr Scott, from what the convener said, I gather that when you eventually got to the committee, things changed. Things were unsatisfactory, but you were given the opportunity to say your piece, and that was satisfactory.

Gavin Scott: Yes. Once our foot was in the door, we were happy with how the committee treated us.

Mr McAveety: I am tempted to ask Donald Gorrie if the principle that he mentioned should apply to a major inquiry into licensed premises in

order to understand them more.

Mr Scott, do you think—as virtually everyone who has given evidence does—that the system is better than before in that organisations such as yours have a capacity to shape and influence policy development and the framework for debate in Scotland?

Gavin Scott: Definitely.

Mr McAveety: Would you have articulated that view as clearly prior to 1997? Would you have said that with the same confidence prior to 1997 in the debate on the development of the Parliament?

Gavin Scott: I do not think so. Pre-1997, the problem was that everything was inevitably dragged to the centre at Westminster. My perception is that our dealings with civil servants before 1997 were slightly more free than they have been since. I think that civil servants post-devolution in the Executive feel somewhat more hide-bound in some actions that they can take than they felt pre-devolution.

Mr McAveety: Is that because they think that they ran things before but are not running things any more?

Gavin Scott: That is probably the answer.

Mr McAveety: Is that not reasonably welcome?

Susan Deacon: Parliamentary questions were mentioned and I asked a previous witness about the subject. The trend that you perceive in the area that you monitor perhaps applies more widely. The words that I quoted from the EIS submission are probably a good wee summary of what is going on. There is a feeling that the process is being more politicised, rather than being used to elicit information, and that questions are being more motivated by attempts to score political points, which, in turn, leads to more risk-averse, safe or generalised responses. Many of us share the view that that is not a particularly good trend. Another factor is the sheer volume of questions that are going through, which has an impact on the Parliament and the Executive.

Do you have any suggestions as to how the process could be turned around? Is that the sort of issue that you raise in your discussions with MSPs of all hues? I have a sense that if we are going to be better behaved in such matters, we need to hear that message from outside parties on a regular basis.

12:15

Gavin Scott: Part of the problem is the situation in respect of reserved powers and the fact that the Executive sometimes seems to hide behind that. There is no doubt that some questions are asked in an attempt to score political points, but I am

sure that it would not take too much trawling through the written answers reports to find some questions that are perfectly valid, but which are given a non-answer. I do not know whether that is because the person who writes the answer is trying to respond to the political point by not answering the question or because they simply cannot be bothered. Some questions are clearly about point scoring, but that is not true of all the questions that have received a response along the lines of "I meet with so and so often and discuss all sorts of things." To my mind, that is not an answer.

Susan Deacon: We appreciate that you are raising that concern with us today, but have you raised it elsewhere?

Gavin Scott: I have raised the concern privately with other members, but I have not made a big song and dance about it. Others have mentioned the matter to me—it seems that we are all sad cases who look through the written answers report.

The Convener: Thank you for that interesting final point—particularly given that your initial problem was that no one knew the humour that you would inject into your performances. If the clerk to the Transport and the Environment Committee had but appreciated that, I am sure that the door would have been wide open from the very outset. I have no doubt that the clerk will know better next time.

Our next witness is Lynne Raeside from the Royal Institution of Chartered Surveyors in Scotland.

Lynne Raeside (Royal Institution of Chartered Surveyors in Scotland): The Royal Institution of Chartered Surveyors in Scotland is grateful for the opportunity to present evidence to the Procedures Committee. Our evidence is based on the institution's experience of contributing to a variety of parliamentary and Executive initiatives.

We are an apolitical professional body, which represents some 9,000 members throughout Scotland in the land, property and construction sectors. Our members practise in both the public and private sectors.

Many of the points that the RICS would like to make mirror what has been said this morning, so I will concentrate on matters that are of particular concern to us. I want to emphasise the institution's support for what the Parliament has achieved so far. We looked forward to the establishment of the Scottish Parliament and were enthusiastic about contributing to policy that is particular to Scotland's needs and circumstances. In the first three years since the establishment of the Parliament, there has been a considerable opportunity to contribute and access to Government ministers and MSPs

has been much better than in the past.

Like other witnesses, the RICS has sometimes found that the time scales within which we have been asked to comment have been too short. Some of those time scales are dictated by the legislative timetable and by parliamentary procedures, but tight deadlines have also been imposed in committee inquiries and we feel that more effort should be made to extend those time scales. In order to ensure that committees receive views that are truly representative of wider society, it is essential that representative bodies such as the RICS have the time to consult their membership widely and fully. Without sufficient time, participation is more difficult.

If the Parliament wants to adopt a participative approach as opposed to a consultative one, we suggest that changes should be made to some working procedures, particularly those of committees. For example, at present, committees tend to take evidence from individual sets of witnesses, as opposed to having round-table discussions. Even if a panel of witnesses from different organisations has been invited to attend, as is the case this morning, there does not appear to be much opportunity for discussion among the witnesses.

Panels are often made up of organisations from similar backgrounds, so committee members hear similar perspectives and views. If round-table discussions involving organisations that hold different views and perspectives were to be held, that might be more beneficial for the members of the committee and for the organisations that are giving evidence.

As has been mentioned, the RICS Scotland is concerned that no transparent guidelines exist on who is asked to provide oral evidence. We appreciate that to take evidence from every organisation that expresses an interest may not be practical, but care must be taken to ensure that a proper balance is achieved. Organisations from each side of the debate should be invited to attend. We would welcome a more transparent approach to the selection of witnesses. That could be achieved by the establishment of criteria or by some other method. As has been mentioned, such guidelines should also apply to the selection of external advisers.

Much mention has been made this morning of the involvement of organisations in stage 2 debates. In general, external organisations have ample opportunity to submit evidence at stage 1, when the general principles of a bill are being debated. However, the detail of legislation, which is of concern to external organisations, is debated at stage 2 and it can be difficult for external organisations to participate at that stage, as the time scales for lodging amendments are short.

Amendments have to be lodged by MSPs and it is difficult for apolitical and smaller organisations to work with MSPs. The RICS Scotland would find it difficult to align itself with one particular MSP as we might be considered to be entering the realms of politics. We suggest that organisations should be able to submit amendments to committee clerks. The committee could debate the amendments and adopt them as committee amendments. That might be one way of taking the politics out of the process of lodging amendments.

Rather than reiterate more of what is contained in our written evidence, I conclude by saying that, on balance, the institution believes that the Parliament has worked hard to fulfil the aspirations of the CSG principles. The inquiry is evidence of a continuing will to do so. We are happy to answer any questions.

The Convener: Thank you. In your written submission, you express your reticence about submitting amendments to MSPs. As a past member of the Transport and the Environment Committee, I received lots of papers from the RICS Scotland. I presume that you sent them to all MSPs or to members of the Transport and the Environment Committee. If you want to propose amendments, you could circulate them to members of the relevant committee. Many organisations follow that practice.

It is standard practice for members who have lodged an amendment to acknowledge when they speak to the amendment in committee that the ideas behind the amendment were suggested by an outside organisation. If the amendment is of a tentative or probing nature, that can be helpful to the member, as he or she can distance themselves from the content of the amendment. Alternatively, saying that the idea came from a reputable professional body can be seen as a means of giving an amendment authority. Perhaps your proposal is overcautious.

Lynne Raeside: When the RICS Scotland submits amendments for the forthcoming stage 2 debate on the Land Reform (Scotland) Bill, it will submit them to each member of the relevant committees. Our concern is that such amendments could thereafter be politicised. That is why we seek alternative methods of submitting amendments.

The Convener: Rather than propose alternative methods, would it be better for proper guidance, setting out the standard practice for lodging amendments, to be given to organisations such as the RICS Scotland?

Lynne Raeside: Such guidance would be welcome.

Mr McAveety: In the conclusion to your written submission, you propose an independent annual

audit of the Parliament's activities. Why do you suggest that the Scottish Civic Forum would be an ideal body to undertake such an audit?

Lynne Raeside: The Royal Institution of Chartered Surveyors in Scotland is a member of the Civic Forum and I should state at the outset that I sit on its council. As has already been mentioned, the Civic Forum has perhaps not fulfilled its potential. That is unfortunate. The Civic Forum represents a wide range of civic organisations—from very small voluntary organisations to larger organisations such as the RICS and the Federation of Small Businesses. If it were able to work properly, the Civic Forum could seek the views of a wide range of organisations. If it, as opposed to the Parliament, were to carry out an audit, the audit might be considered to be more independent.

Mr Macintosh: As I said when I talked about the submission from the EIS, in the early stages of the Parliament there was more of a danger of amendments being politicised. Things have moved on, but there is still a danger—which the witnesses obviously recognise—that the wrong MSP, with especially strong party political views, could end up damaging an organisation's case rather than promoting it.

I welcome the suggestions in your submission on encouraging transparency and on a different way of promoting amendments. I certainly feel that amendments would be helped if an MSP were identified as the promoter but an organisation were identified as the originator. I welcome both of those suggestions and the proposals on guidelines for oral evidence.

I wanted to ask two further questions, one of which picks up on the point that Frank McAveety raised. I am interested that you feel that the Parliament has not supported the Civic Forum sufficiently in the two and a half years that it has been going. Does there need to be a concordat, or does there need to be specific financial assistance? How important is financial assistance? I am aware that there is a great deal of support among MSPs for the Civic Forum, but do you feel that that should be backed up by a financial structure?

Lynne Raeside: My concern in relation to financial support is that the Scottish Civic Forum is funded 100 per cent by the Executive, which makes it difficult to maintain a level of independence. Matters might be slightly easier if the forum were funded 50 per cent by the Executive and 50 per cent by the Parliament.

On a concordat, a formal structure for the relationship between the Civic Forum and the Parliament might be helpful.

Mr Macintosh: John Downie made the point

that so far the Civic Forum has not been very successful. Why should the Parliament give it a leg up and promote it above other organisations, such as those that are represented here?

12:30

Lynne Raeside: The Scottish Civic Forum should not be invited to give evidence on particular issues. Because it represents such a wide range of organisations, it would be impossible for it to come to a single view. Its role should be to act as a facilitator, to enable the Parliament and parliamentary committees to reach out to the more marginalised organisations, which does not mean organisations such as the RICS Scotland or the others that are represented here. Although we are members of the Civic Forum, we joined it in an effort to assist wider civic society to participate and not because we felt that we needed it to make our points heard. The Civic Forum could act more as a facilitator than as a body that has a specific view on matters.

Mr Macintosh: I welcome the comments in your submission on the manner in which committees take and receive evidence and on the interaction with witnesses. You have made those points before with a different hat on, but they are equally welcome this time.

Your submission comments on the number of MSPs. Have you submitted those comments to the Westminster consultation or only to ours?

Lynne Raeside: We have submitted the comments only to the committee.

Mr Paterson: I will follow up that question. Does the Parliament's decision to reduce the number of members on committees give the lead to Westminster to say that we can do without some MSPs and that the number should be reduced from 129?

Lynne Raeside: The reduction in the number of MSPs on committees does not necessarily lead to the conclusion that there should be a reduction in the number of MSPs, which would be hugely detrimental to the Parliament because it would not allow enough time to scrutinise legislation. We have heard this morning that MSPs have extremely busy diaries and that they find it difficult to fit everything in. Matters would be even more difficult if there were fewer MSPs to deal with the work.

Mr Paterson: Page 5 of your submission has a paragraph on the committees. You have experience from the outside looking in, rather than of sitting on a committee. I take on board the comment about illness and the reduction in numbers. Does the committees' smaller size make them less effective? If so, should we revisit the matter and increase the number of members on

committees?

Lynne Raeside: That is an interesting question. I reconsidered it after I gave evidence to the committee as a representative of the Scottish Civic Forum. During that meeting, Kenneth Macintosh made the point that members feel that having fewer members on committees makes the committees more effective. I am happy to take that point on board.

Mr Paterson: You will have a watching brief.

Lynne Raeside: Yes.

Donald Gorrie: I want to ask about your organisation's bad experience of giving evidence to a committee, when you felt under attack. Was the attack on your organisation's views, on the validity of your organisation or on something else?

Lynne Raeside: We have had bad experiences with two committees. The attacks were not about our views on the bill concerned, but about the validity of our organisation.

Donald Gorrie: Should we draw up rules to help prevent that, or is it a question of good manners, which people either have or do not have?

Lynne Raeside: Perhaps drawing up rules would be going too far, but conveners should have a role in ensuring that questions are relevant and are not asked to score political points.

The Convener: I presume that you understand that there are different standards for different witnesses. The example that we had of the Enterprise and Lifelong Learning Committee giving hell to the SQA might be reasonable, but that might not be an appropriate way to treat a local voluntary organisation with a particular point to make.

Lynne Raeside: There is probably a distinction; some organisations are accountable and distinctions must be made. The problem arises with representatives of small or voluntary organisations, who might find the experience intimidating. Care must be taken to ensure that such people are asked questions that are relevant and that are not made to make political points.

The Convener: We have exhausted this morning's business. I thank the witnesses. If anyone wishes to say anything or has any late thoughts, I would happily entertain them.

Sebastian Tombs: One point from the RICS Scotland submission that has not been discussed much is the public perception of the distinctions between the Parliament, the civil service, the Cabinet and the Executive. Efforts must be made to help to make the distinction. The use of the one word "Executive" for two different arms of governance is extremely confusing. We should try to address that.

The Convener: That constructive point has been made from a number of quarters.

Meeting closed at 12:36.

That concludes this morning's business. I thank everyone who took part; it was another useful session.

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