

PROCEDURES COMMITTEE

Tuesday 11 June 2002
(*Morning*)

Session 1

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PROCEDURES COMMITTEE

9th 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)

*Paul Martin (Glasgow Springburn) (Lab)

*Mr Gil Paterson (Central Scotland) (SNP)

COMMITTEE SUBSTITUTES

Phil Gallie (South of Scotland) (Con)

Richard Lochhead (North-East Scotland) (SNP)

*attended

THE FOLLOWING ALSO ATTENDED:

Hugh Flinn (Scottish Parliament Directorate of Clerking and Reporting)

Andrew Mylne (Scottish Parliament Directorate of Clerking and Reporting)

WITNESSES

Patricia Ferguson (Minister for Parliamentary Business)

Michael Lugton (Scottish Executive Finance and Central Services Department)

Andrew McNaughton (Scottish Executive Finance and Central Services Department)

CLERK TO THE COMMITTEE

John Patterson

SENIOR ASSISTANT CLERK

Mark MacPherson

ASSISTANT CLERK

Lewis McNaughton

LOCATION

Committee Room 4

Scottish Parliament

Procedures Committee

Tuesday 11 June 2002

(Morning)

[THE CONVENER *opened the meeting at 09:30*]

The Deputy Presiding Officer (Mr Murray Tosh): Good morning and welcome to the ninth meeting this year of the Procedures Committee. Before we proceed to the main business, I would like to add an item to the agenda, which is to announce that I assume that one of our committee members, Susan Deacon, will not be present, because she gave birth to James over the weekend. We understand that mother and child are both well, but there are no reports about how Mr Boothman is faring. I am sure that the committee would like to record its congratulations and best wishes to all parties.

Parliamentary Questions

The Convener: The first item on the agenda—which has, of course, become the second—concerns another report from the Scottish Executive about monitoring the volume of parliamentary questions. I welcome the Minister for Parliamentary Business, Patricia Ferguson, to the meeting.

Patricia, I ask you to introduce your team to the meeting, although we know them well, and to make some preliminary remarks.

The Minister for Parliamentary Business (Patricia Ferguson): This morning I am joined by Michael Lugton and Andrew McNaughton, both from the Scottish Executive.

We are grateful for the opportunity to give further evidence to the committee on behalf of the Executive in connection with the committee's continuing inquiry into parliamentary questions and related issues. I also welcome the continuing co-operation and joint working between Executive officials and Parliament staff with regard to making progress on the many important matters that are under consideration.

As we undertook to do, we have provided the committee with an annual review covering the use of the Executive staff directory by MSPs and Parliament staff. I will be happy to answer any questions that committee members have about the directory and about monitoring and management of parliamentary questions. First, however, it might be helpful if I make some comments on the topics.

As the chamber desk's recent report shows, the Executive continues to receive a significantly high number of parliamentary questions. During the last six months—November to April—that are covered by the report, there was an increase in the number of questions lodged. There was a record high of almost 1,100 questions to the Executive in January—an increase of 49 per cent on the number that were lodged in January 2001. Despite that increase, I am glad to say that the Executive's performance has remained high, with an average of 74 per cent of questions being answered on time during the period November 2001 to April 2002. Our best performance was in March 2002, when an impressive 90 per cent of questions were answered on time.

We are keen to sustain that overall improvement and we continue to take steps to maintain our performance. One of the aims of phase 2 of the parliamentary question tracking system, which is being developed, is the provision of more easily accessible management information. More immediate management information will allow progress on individual questions to be monitored

more closely by departments and ministers and will enable any rectifying action to be taken quickly in relation to outstanding parliamentary questions. When phase 2 of the tracking system is implemented, we expect fewer questions to be outstanding for long periods. Our latest information shows that, as at the close of business yesterday, there were 197 PQs for which answers were still outstanding. However, less than a quarter of those have been outstanding for more than four weeks. In addition, as a result of the recent public holidays, fewer than 10 working days were available for formulation of answers for 92 out of the 197 questions.

The chamber desk's figures show that a significant number of questions are still being lodged during recesses. For example, during July and August last year, more than 1,120 questions were lodged, which was an increase over the number lodged in the equivalent period in 2000. Although the extension of the time period that is allowed for answers immediately prior to and during recess has eased the burden, it would be helpful if the committee, as previously discussed, could reconsider the situation with regard to activity during recesses. The committee will be pleased to know that we are not looking for a moratorium, but it would be useful if the committee could re-examine the time that is allowed for answering questions at such times. It would be helpful if the extension of the time that is allowed for answers to be formulated could be increased by another week before the recess period, in which case the 28-day period would start two weeks ahead of the recess. Alternatively, consideration could perhaps be given to extending the 28 days to 35 days, which would make a significant difference.

I mentioned the impact of the recent public holidays on the number of questions that we were in a position to answer on time last week. It would be helpful if the committee considered written parliamentary questions in relation to public holidays. Currently, in the case of questions that are lodged prior to a public holiday, the date for reply does not make allowance for the public holiday's falling within the 14 days for answering the question. For example, questions that were lodged between 22 May and 30 May were, in effect, due for answer only seven working days later. There were three days of public holidays at the end of May and beginning of June, which were, in effect, lost to officials and staff when preparing answers to those questions. There would be benefit all round if rule 13.5.2 of the standing orders was changed to refer, instead of to calendar days, to working days. That would allow us to overcome such problems. I would be grateful if the committee considered that matter.

I will touch quickly on an issue that might be

worth pursuing in the longer term—the admissibility of PQs and motions. A number of PQs and motions have recently been accepted, which relate to reserved matters or to matters for which the Executive is not responsible. There seems to be a degree of flexibility as far as those are concerned. We understand that and in most cases can accept it, but it is important that there is some restraint and that we do not stray beyond the recognised boundaries of what is acceptable. The more accurate, detailed and precise questions are, the easier it is to provide an answer. The clearer the questions' intentions, the easier it is to get appropriate answers from the Executive. The committee might usefully consider that matter later. I am happy to provide a list of questions or motions in relation to which there might have been problems.

Committee members will have had the opportunity to examine the findings of the annual review of the Executive business directory. The review provides an analysis of how the arrangements for making the directory available to MSPs and Parliament staff have operated in practice. Our conclusion is that there are no significant changes from the findings that were reported previously in the eight-month review. From the Executive's point of view, the system appears to be working satisfactorily and without significant problems or misuse.

During the course of the year—April to April—136 inquiries were logged. The majority of those, 69 per cent, were dealt with on the day that they were received. At the meeting of the Procedures Committee on 12 March, I undertook to report back to the committee on how and why the facility is being used and whether callers have had difficulty in locating or accessing the system. I am pleased to report that, in the main, callers adhered to the guidance when making calls and generally found the directory to be easy to use.

It is worth noting, however, that MSPs and their researchers should approach Executive staff only when the urgent factual information that they seek is not readily available from another source. It would be helpful if such approaches were always made to the head of the branch and, when possible, in writing. We propose to consider the use of that facility and to monitor it for a further period.

I hope that that is useful to the committee. I shall be happy to answer any questions that may arise.

The Convener: Okay. Thanks very much. I appreciate that we are slightly out of synch in some of our exchanges on these matters. I am happy for members' questions to range fairly freely over all the issues that Patricia Ferguson raised. I presume that, if there are other issues that members want to raise, the minister will be happy

to give an interim response.

Let us begin with monitoring of parliamentary questions. Why are there such striking variations? You picked out March as a period of excellent performance, when 87 per cent of questions were answered within the specified time and another 8.3 per cent were answered within another couple of weeks. That is a high percentage. In September to October 2001, a 99 per cent response rate was achieved—there is a wee bit of an arithmetical error in the categories for questions answered in four to six weeks and eight weeks and over—which is also a high percentage. However, in other months that level was not attained. What explains those fluctuations? I take it that the reference to public holidays covers the figure of 59.4 per cent in the most recent period. Even accepting that as being due to exceptional circumstances, the level of attainment seems to vary quite a lot. What factors govern that?

Patricia Ferguson: There are probably several factors, not least of which is the fact that there have been two Cabinet reshuffles in the period in question. The percentages dropped in the reckonable period immediately following those reshuffles. I am not sure what happened in September and October. Nonetheless, that is my understanding of what happened in the run-up to this reckonable period. We seem to have got over that glitch.

Although the percentages might sometimes be lower than we would all like, the overall number of questions has increased and the percentage pertains to more questions. The percentage is increasing and we are trying to ensure that that increase continues, despite the fact that the number of questions is also increasing. There is a constant struggle to keep up with questions, but we are doing reasonably well.

The Convener: I recognise that there is a trend improvement in the figures over the long term, and I am sure that the committee is very pleased to see that. Has the Executive set any target for itself regarding the percentage of responses that are given within the specified time, and are we getting close to that?

Patricia Ferguson: We strive constantly to increase that percentage; it would be wrong of us not to. We continue to review the procedures and practices that we employ to ensure that we can give the best information and that we can intervene early if there is a logjam or bottleneck. However, such situations arise less and less frequently nowadays, and we are beginning to clear them. The system has worked well in enabling us to do that, and the improvements to the system are making a difference.

If you track the figures from the point at which

we started to change the system to the current percentage of questions that we are managing to answer on time, you will see that there is a correlation. We aim to answer about 90 per cent of questions on time; we always want to achieve the best figure that we can. We continue to do that, despite the increase in the number of questions. It is a matter of trying to keep the two things in balance.

Donald Gorrie (Central Scotland) (LD): For clarity, do the statistics include holding replies?

Patricia Ferguson: I think that they are included in the total. [*Interruption.*] No, they are not. Sorry.

Hugh Flinn (Scottish Parliament Directorate of Clerking and Reporting): The figures relate to substantive answers. If holding answers were included, the figure would be 100 per cent.

Donald Gorrie: The complaint that I receive most often from colleagues is that they lodge a question, are given a holding reply and then, in due course, receive a reply that they feel could have been written in two minutes. Examples of such replies are "We do not have any information", "It is a reserved matter", or some other, totally bland reply. That is an issue. Ministers and their advisers could perhaps think twice before using holding replies when they are not necessary.

09:45

Patricia Ferguson: I am not sure whether you are thinking of such a situation, but I can think of at least one situation in which I was unhappy with a draft answer that I was given to check. When I read the question, however, it was so vague that I could understand why the answer was also vague. At my insistence, my office phoned the member in question and asked whether it would be possible to obtain some more information about what the member was trying to tease out, because it was not at all clear, but the member did not think that they could provide that. When we pushed the issue and said that because the question was so vague, the member would receive a bland and vague answer in return, the questioner indicated that that was fine and that they would just lodge another question.

Such behaviour does not help anyone, particularly if ministers go out of their way to find out exactly what the questioner is looking for. Most ministers would do that in an effort to provide what the questioner needs in their response. Sometimes the questions are so vague that, even though a minister does a bit of digging, there is still insufficient information to allow them to provide a proper answer. It is a case of swings and roundabouts.

Donald Gorrie: I find that helpful. What Patricia

Ferguson says is admirable and I hope that all her colleagues do the same sort of thing. It would seem to be sensible to ask the member what on earth they are on about.

Lest I stand accused of producing vague questions, on two or three occasions when I have lodged very specific questions, our good friends on the chamber desk, for whom I have a high regard, have phoned me and said that my question was really not on. That has resulted in emasculation of the question and, therefore, in emasculation of the answer. I am not blaming the minister or the chamber desk for that, but it is sometimes an issue. One of the questions to which I refer alluded to some document in Wales which, for practical purposes, did not exist: the document did exist, but I was not allowed to mention it. Such technicalities do not help.

In general, the performance is not bad and I would have no objection to some relaxation of the time scales for answers. I would, however, object to questions being rationed during recess, which was suggested previously.

The Convener: We will certainly talk about the matter later on. I should have said that Hugh Flinn from the chamber desk is with us. I should have introduced everyone. Please accept my apologies, Hugh—you are an important part of the operation. Are there any other questions on questions and answers?

Fiona Hyslop (Lothians) (SNP): We need to be practical and to take a commonsense approach. The move to working days rather than calendar days makes sense and we should consider the recess extension.

The targets are being met. There has been an increase in questions and an increase in the percentage that are answered on time. That deals with volume, but there is an issue about quality, which I want to pursue. Have you embarked on any changes to the procedures or the checking mechanisms that are associated with answering questions since the new operation came in? Is there a danger that the same checking mechanisms for answers are not being applied or are you able to guarantee that the quality of answers is the same as it would have been prior to setting targets?

Patricia Ferguson: I will deal first with Donald Gorrie's final comment. In such situations, it is always possible to write to the minister or to meet the minister to discuss the matter in more detail. Sometimes, members forget that those opportunities are open to them and that questions have a specific purpose and are not necessarily the best way of obtaining a quantity of information.

As far as the quality of responses is concerned, to some extent the quality of the answer will

depend on the quality of the question, as I said to Donald Gorrie. In a number of instances I have spoken directly to a member, or have had my staff speak to members. On one occasion I asked a member what he was trying to elicit from me and he told me that he did not know. It is difficult to answer such questions, to which members will receive bland answers that probably do not serve the member's purpose. More elucidation would make it easier to answer questions.

Ministers take quite a lot of time over questions—they consider what is being asked. No one wants to provide an answer that is not helpful to the member or that does not provide the required information, so the quality of answers is considered carefully. Ministers take a lot of time over them and frequently send them back for revision or ask for additional information to be included. Quality is not a general problem; I certainly hope that it is not.

Fiona Hyslop: I appreciate your answer on what ministers do, but before ministers receive draft answers they might have gone through a number of hoops and checks and balances; for example, to check accuracy and so on. Have the internal procedures for that process changed in recent times?

Patricia Ferguson: Ultimately, ministers are responsible for answers, so the process is their responsibility. I am not sure whether there is any form of quality control in the internal processes; perhaps my colleagues can help.

Andrew McNaughton (Scottish Executive Finance and Central Services Department): Staff are encouraged to make sure that the points that are raised in questions are answered. The parliamentary clerk arranges seminars to train staff, not just at junior level but at senior civil service level, to make sure that quality is a consideration in the preparation of answers. From the minister down, the aim is to ensure that the answer is fit for the purpose.

Fiona Hyslop: On quality control, do you perform customer checks with MSPs? Obviously, you are checking with this committee, but do you check with MSPs to see whether they are happy?

Andrew McNaughton: Yes, in a sense we do. We are aware when members say, "I refer to the answer to an earlier question" and seek further elucidation when we might have failed to provide the answer that they were after. Beyond that, we are conscious of concerns only when they are raised with ministers or departments. I cannot say that many concerns have been raised in that fashion.

Mr Kenneth Macintosh (Eastwood) (Lab): It is excellent that the trend is improving, in particular given that the number of questions is increasing. It

is rather worrying to think that the number of questions will go on rising.

I have raised the point previously that I often use letters rather than questions, on the basis that one can explain the context of the subject that is being raised. It is my perception that, with few exceptions, the speed of answering letters is also faster. Do you have any information on that? Is a similar system in place to monitor the speed of answering letters?

Patricia Ferguson: Yes. I do not have the statistics in front of me, but I can provide the committee with more information, which I will pass to the convener after the meeting. Kenneth Macintosh is right that the statistics are also improving for responses to letters. We monitor the situation closely and regularly. Private offices and departmental staff are given training seminars on and constant reminders of the importance of providing timeous responses to members. Kenneth Macintosh's observation is correct: we strive to respond quickly and we hope to increase the speed of response.

Mr Macintosh: On questions that remain unanswered for more than eight weeks, you referred to Dennis Canavan at one point—perhaps that was in relation to an earlier point. Do you have a mechanism for picking up exceptional parliamentary questions that go unanswered for more than eight weeks, which must be a thorn in your side, as well as being quite embarrassing for everybody?

Patricia Ferguson: It is fair to say that we sort of know where everything is in the system. When such questions arise, action will be taken to ensure that answers are expedited. The tracking system allows us to do that and we are working to develop it even further.

The Convener: What does the tracking system track? Does it track only questions or does it analyse throughput by departments or ministers' offices? Is performance pretty even across all the various headings that you use to analyse data? Tom McCabe has discussed with the committee the way in which resources have been moved from department to department to try to equalise performance. Have you been able to do that and to beef up the departments that were struggling?

Patricia Ferguson: Private offices have a responsibility in the matter because they work directly with ministers, helping to get ideas across. Each department has its own tracking mechanism, but there is also an overall tracking mechanism. We know exactly where everything is and what its status is at any given time. A lot of information is held to allow us to intervene if a problem arises.

There is usually a logical reason for time being taken to answer a question; it happens, perhaps,

because research is required or because of a difficulty in the question's phrasing that requires clarification from the member. That happens quite a lot. When there is a delay, we always know about it and steps are always taken to move things on as quickly as possible.

The Convener: So, over the piece, every department and every private office would produce answers at approximately the same rate as all the others.

Patricia Ferguson: There might be differences because some departments receive more questions. At one time, things were fairly different from department to department but I think that that has changed.

Michael Lugton (Scottish Executive Finance and Central Services Department): The management group, which is chaired by the permanent secretary and which consists of all the heads of department, receives regular reports on parliamentary questions performance and ministerial performance. The group sees its role as being to manage the whole operation at official level, to spot where blockages occur and to ensure that those are unblocked as quickly as possible. A conscious attempt is made to consider the issue over the piece and to identify where particular problems occur. As Mr McCabe said, we do all that we can to move resources around to unblock the blockages, if necessary.

The Convener: I believe that the minister has asked for a couple of things. Donald Gorrie referred to consideration of working days instead of calendar days, as per rule 13.5.2 of the standing orders. I see nothing unreasonable in asking for that.

Mr Gil Paterson (Central Scotland) (SNP): I agree that it seems a bit silly to use calendar days when additional holidays will upset the apple cart. Is there a recommended number of working days? At the moment, the standing orders use calendar days, so do you want a reduction in the number of days?

Patricia Ferguson: No. We want to change the wording to "working days", but to keep the numbers the same.

Mr Paterson: Would not that increase the number by four days? Exclusion of weekends will result in quite a hefty extension. We might need to consider that.

The Convener: I assumed that that would be compensated for in the setting of targets. I wanted to establish whether the committee thinks that we require flexibility. We can ask Hugh Flinn to produce as quickly as he can some kind of report for us that includes a form of words that would allow us to change the standing orders. We cannot

do that today without notice, but we can ask for a report so that we can consider the practical implications. What Gil is talking about would be picked up at that stage. If members are happy with that we will commission a report.

Mr Paterson: That would be good.

The Convener: Another standing orders issue that we cannot deal with today but which I would like to consider in principle is the question of the extra week before the start of recess in which it is proposed that the 28-day rule would apply. I am not unsympathetic to the idea in principle and, if a case were made that it would help the Executive to meet targets, I would be willing to relax the rule, as we have done before. However, I would like a little bit of reasoned explanation as to why rolling that forward for a further week would make an appreciable difference. If you are not briefed to do that today, I do not mind if we receive that explanation at a later date.

10:00

Patricia Ferguson: As a slight caveat, I mention the fact that, last summer, around 13 per cent more questions were asked than were asked the previous summer. Some flexibility would therefore be welcome. The committee said that it would re-examine the issue when the evidence of three summers was available, which it now is. It would be useful if the committee could consider giving the Executive that extra week or extending the number of days that we are allowed to answer questions from 28 to 35. I will drop you a note with more background information at a later date if you want to take the issue forward.

The Convener: That would be helpful. I am not saying that a request from the Executive is not a sufficient reason for us to consider doing something, but we have to produce a report for Parliament and justify our recommendation and there may be some members who will be unhappy with it. We would therefore like to know what the statistical and management basis is for the request. However, if a case is made, our track record shows that we will be willing to take it on board.

Fiona Hyslop: I see the point of changing the rules at the beginning of the recess, but perhaps the quid pro quo should be that a question that was asked in the last week of the recess would not still be subject to the extended period for answering, as we would expect staff to be fully functioning once they had returned from their holidays.

The Convener: Again, minister, you might not want to give an instant answer to that suggestion, but it is useful in relation to the case that must be brought forward.

We will produce as quickly as possible a report on the two instances in which the Executive has asked us to consider changing the standing orders.

Minister, you asked about the admissibility of certain questions but I was not quite clear about what you were specifically asking for. Did you want the chamber desk to exercise more rigour in ruling out inadmissible questions or were you simply asking for greater tolerance of unhelpful answers that are given as a result of the fact that the question should not have been admitted?

Patricia Ferguson: We would hope that the Parliament would be a little more rigorous in how it weighs up the admissibility of questions. Some questions are so vague that it is impossible to answer them in a meaningful way. Also, the nature of some questions ensures that the response will not be helpful to the member—if the question is on a reserved matter, the answer could almost be predicted in advance. Similarly, a recent motion was amended by an amendment that, frankly, had nothing at all to do with the original motion. There are various categories of difficulties that need to be tackled in different ways.

The Convener: Your final example would seem to relate more to your protocols and working arrangements with the chamber desk. We cannot pass a standing order to say that inadmissible amendments are inadmissible because, by definition, they already are.

Patricia Ferguson: I was careful to say that I thought that the Parliament as a whole could find ways of dealing with the problems and that there were various ways of doing so. As I said at the beginning, we know that the committee has a heavy work load and so do not expect it to consider the issue immediately, but we could provide some examples in writing to clarify what we mean.

The Convener: It would also be helpful if you could clarify what the committee could do. I appreciate that it is frustrating to have people ask questions when it is not clear what they are after, but I honestly do not know what we can do about that. It may be beyond even the remit and power of the Procedures Committee. However, we will consider what we can do about the situation.

Donald Gorrie: I want to ask for clarification on a philosophical point. What powers do members have to seek out information about reserved matters that impinge on our constituents and on devolved matters? We need to take account of the political reality. There is no problem where the Westminster member is of the same party persuasion as the MSP, as one can then just pick up the phone and get him or her to ask the question. We all understand the problems that

may arise when the MP and MSP are of different parties. Where is the dividing line between idle curiosity and legitimately seeking political information?

Patricia Ferguson: Our problem is not with that philosophical point but with whether we have the primary sources of information to be able to provide the answer. Sometimes members would get much clearer information and a more accurate response to their questions by writing to the appropriate minister at Westminster. The issue concerns the expectation of the member who asks a question along those lines.

Donald Gorrie: Let me clarify that point by taking one example out of the air. If a member was interested in railway services between London and Edinburgh or Glasgow, he or she might lodge a question to ask how many trains were late and how often. Are you saying that the Executive would have no objection to answering such a question but that it might not have the information that would enable it to do so?

Patricia Ferguson: We would be able to answer only for the areas in which we had responsibility. Donald Gorrie is probably more aware than I am that railways are a particularly difficult issue because the boundaries are not so clear cut. We would not be able to answer for areas in which we do not have responsibility. That would be obvious in the response given. In that case, the member would be best to direct some of the question to Westminster.

The Convener: Donald Gorrie will just need to try to get a Lib Dem MP in a Central Scotland constituency who could ask his questions for him.

Fiona Hyslop: The minister is concerned about questions being asked on reserved matters, but there are instances where such questions might be helpful. The questions that have been asked on reserved matters have often been on issues, such as asylum seekers and fuel poverty, for which there is joint responsibility. Fuel poverty is a good example of joint working between the two Administrations. The problem is that, as MSPs do not get minutes of the joint meetings on fuel poverty, the only way that we can find out information is by asking parliamentary questions. The answers that come back simply say, "We regularly have discussions with our UK colleagues." Such a response does not help anyone. It might be useful if the Executive created a mechanism whereby members could elicit information—it might be by question or by letter—at least on the Scottish part of that joint working.

Patricia Ferguson: That comes back to my earlier point about the use to which questions are put. Sometimes the use of parliamentary questions is a temptation. I am sure that in the

past I have been guilty of asking a question when, in my heart of hearts, I knew that I would get a better response if I were to write a letter. However, I knew that a question would probably get a quicker response that would allow me to use the information obtained. There is a need to manage members' expectations.

If a question is one that we can answer, we will answer it and we will give as much information as we can, but there will be questions that relate to reserved matters that we cannot answer because we do not have the information or it is not our responsibility.

The Convener: In her introductory statement, the minister talked about the directory and I am happy to spend a few minutes on that now. Her view was that the conclusions in the 12-month review did not show any appreciable difference from those in the 8-month review. There has been internal correspondence in the committee about the directory and the advisory cost limit. We will discuss those issues at our next committee meeting, but I am happy for any member to take advantage of the minister's presence by asking about the directory. I think that the committee thought the same about the 12-month report as the minister did.

As I said at the beginning that I would regard the field of questioning as flexible, I will mention that the minister will be aware that later in the year we will consider the formula for question time in Parliament. I do not want to pre-empt that discussion, but does the minister have any view on the use of a half-hour slot for First Minister's question time in Aberdeen? I ask that with a purpose, because I thought that extending it from 20 minutes to 30 minutes meant that there were more topical supplementaries and that there was a greater opportunity for back benchers to get in. I thought that the 30-minute question time was a better experience than the 20 minutes is sometimes. Is there a view in the Executive about whether the exercise was a success and whether the 30-minute slot should be adopted?

Patricia Ferguson: The First Minister was pleased with the supplementaries that he received. His one criticism, which I share, was that not as many opportunities were given to back benchers to come in as were given to the leaders of the Opposition parties. Both leaders got four supplementary questions, which is an increase on the norm. The First Minister would have preferred it if more back benchers had been allowed to ask questions than did so, although a significant extra number did get that opportunity. From my brief conversation with him about the matter, I think that that was his feeling about it.

The Convener: Does any member want to raise a point that is pertinent to questions, or are we all

content?

We are in the unusual circumstance that everyone is content. I thank the minister and her team and Hugh Flinn for coming this morning. No doubt we will meet again in the pursuit of those issues and others.

Protocols

The Convener: Item 2 on the agenda is a paper for noting. There have been no further protocols in the past year. I have a question—just to prove that I can talk about the matter for a minute—about the three existing protocols. The paper explains that the protocol with the Scottish Parliament information centre was produced in consultation with SPICe. It does not say that about the protocol between the committee clerks and the Scottish Executive. Is our clerk aware whether it was produced in consultation with the clerks? If that is the case, might something be said for the third protocol, on contact with members of the Parliament, being worked on again in consultation with MSPs?

John Patterson (Clerk): I think that the protocol between committee clerks and the Scottish Executive was constructed in light of comments from clerks. That is a factual thing. It is up to the committee to take a view on the guidance on contacts.

The Convener: I also wonder what status the protocols have. Is it strictly and agreeably in our remit that we are the committee that should monitor protocols? If we are, and we are happy with the protocols, should we not put them to Parliament for approval? Should Parliament endorse protocols? Is that a sensible thing for Parliament to do? That would give us the possibility of declining to endorse the protocols, if we were unhappy with them, until we had negotiated their content.

10:15

I say all that without having read a single word of any of the protocols. I am merely thinking about what we are responsible for in terms of the protocols, whether anyone is responsible for them and whether somebody should work on the matter at some time, probably as a low-priority item. The previous discussion referred to contacting civil servants through the directory. However, I thought that this matter is about the relationship between civil servants—or Executive officials, if they are different from civil servants—and MSPs. Perhaps we should consider the whole issue at some stage.

John Patterson: Perhaps we can work something out.

The Convener: There you go. The challenge to keep that item going for a minute before Andrew Mylne arrived was easily met. We are not ready yet, but I invite Andrew Mylne to sit at the table.

Donald Gorrie: The clerk circulated his sensible views to members about how Parliament taking a vote that is contrary to the wishes of the Executive should be dealt with. It seemed to me that the clerk was suggesting a protocol or understanding about how that could be dealt with in the future. I presume that that matter will be on a future agenda as another possible protocol.

The Convener: Because of how protocols currently operate, that matter will probably not be on a future agenda. My impression is that protocols are documents that the Executive issues to tell people how they should perform in relation to the Executive. However, I see no reason in principle why Parliament should not, at some stage, propose or negotiate protocols with the Executive on matters that are of concern to Parliament. I think that you might be able to stretch the case in point, but I have no way of knowing whether the Executive would agree to a protocol on that rather than just a sort of understanding.

Donald Gorrie: I am not a connoisseur of protocols, but I would have thought that they would be agreements between equals. I do not go for the one-way street of the Executive telling us what we can or cannot do. You can stuff that, as far as I am concerned.

The Convener: I am not sure that that particular terminology is parliamentary. What I am saying is that the protocols that exist tend to have been generated by the Executive for its purposes. I cannot imagine any reason why Parliament should not also pursue protocols for its purposes. However, I do not think that anyone has suggested that there should be a protocol for the specific example that you raised. I have no way of knowing what the reaction of the other party to that proposed protocol would be, but it is clearly an approach that could be made.

Therefore, at some stage we can think about what protocols are for, who originates them, what procedures should be followed to validate them and what degree of approval they should have. That sounds to me like a paper for Andrew Mylne, but perhaps not before the recess. We can note the clerk's paper and that there might be further discussion on it at a later date.

Sewel Motions

The Convener: We proceed to item 3, which is a Donald Gorrie issue in that it has been raised by the Lib Dems. I understand, Donald, that you will make some comments about the matter and that Andrew Mylne has produced a substantial paper with a lot of interesting ruminations. He seeks our guidance about the direction in which we want further work to be steered.

Donald Gorrie: I think that there is widespread concern about Sewel motions. The SNP in particular has commented forcibly in the chamber on the subject. The Liberal Democrats were particularly concerned about what we saw as illiberal elements in the UK Anti-terrorism Crime and Security Bill.

A general view—certainly my personal view—is that Sewel motions have their place. They are fine when they avoid the use of Parliament's valuable time on issues that can be dealt with better in that way. To use a cliché, I think that there must be a feeling of ownership of Sewel motions. Some Sewel motions are trivial, but those that are not should be scrutinised by a committee, not just nodded through. The committee should report to the Parliament and there should be a proper debate. Members tend to accept and nod through Scottish statutory instruments and some Sewel motions. I am as guilty as other members of not really studying such things. There should be proper study of important Sewel motions in committees, which should lead to a serious parliamentary debate, not just 15 minutes at the end of the day. That would allow the Parliament to put a definite imprimatur on the bill.

We should be kept informed of subsequent changes to bills at Westminster. If there is a significant change in the content of a bill, there should be another debate and vote in the Scottish Parliament. Some of those suggestions are well made in the report, but that is the thrust of my suggestions.

The Convener: Andrew Mylne's report covers many of those issues. I give him the floor.

Andrew Mylne (Scottish Parliament Directorate of Clerking and Reporting): I hope that the paper largely speaks for itself. Although to some extent the paper was prompted by the letter that Nora Radcliffe sent to the committee, it also reflects the wider views of officials. We tried to cover the matter more generally and to raise a number of issues, but not to present conclusions or recommendations. It is for members to tell us their concerns. The interest of officials is in practical and procedural aspects. We must ensure that members are clear about the implications of

Sewel motions and the mechanisms that are available in certain contexts. However, we are conscious that there is a highly political element and we wish to leave that entirely to members. That is all I have to say as an overview. My main purpose is to listen to what members have to say.

The Convener: The issue of draft bills is raised in a footnote in the paper. One difficulty that has been raised about the point at which we might be asked about a Sewel motion is that of knowing what the bill is likely to contain. I deduce from that—because I do not know—that Westminster is not in the habit of producing draft bills to allow people to think about its principles, or if it is, it does not do so invariably. That produced in my mind the question whether a draft bill is always produced in the Scottish Parliament. Will you run over a little of the background?

Andrew Mylne: It would not be fair to expect either Parliament to produce draft bills. When draft bills are produced, they are produced by the Executive or the UK Government. I would need to look into the matter to give an accurate picture, but I guess that draft bills are about as common in Westminster as they are here, which is reasonably common, but by no means invariable. Quite a few major Government and Executive bills emerge in draft form, usually as an annexe to a white paper, but quite a few others are first seen when they are formally introduced and published as a bill. There is no general picture, but a good proportion of bills—perhaps close to half—are available in draft form.

The Convener: It seems reasonable that, if a draft bill exists, we could be asked about it in principle. However, if there is no draft bill, it does not seem awfully reasonable to ask whether we are prepared to take a Sewel motion and then not give us a reasonable amount of time to consider whether we really want to proceed procedurally or on a policy basis along these lines. There might be scope for a mechanism that allows us to approach the matter in different ways, depending on whether draft bills are produced.

Fiona Hyslop: I want to clarify what happens. I understand that a regular pattern has emerged: we receive the Sewel motion after the bill has been published, and the Parliament—never mind the Executive—first sees it only a few days before it is asked to debate it. However, the Scottish Executive helpfully provides a memorandum about why a Sewel motion should be lodged. Is that the normal procedure?

Andrew Mylne: I think that that is right. However, I do not have much information to hand about the time scales involved, in particular the notice that is given of Sewel motions and the amount of time that is allowed for their consideration. We could look into that matter.

The Convener: The further work that should be carried out on this subject should include finding out precisely how this situation has come about and how much notice the Executive receives, and having a considered discussion of the realistic time span that the Parliament needs to debate weighty issues. I appreciate that some of the Sewel motions are pretty technical or are not all that sensitive, but the Sewel motion on the UK Anti-terrorism, Crime and Security Bill was important. I also recall a big debate in this respect on the Fur Farming (Prohibition) (Scotland) Bill. We should not be asked to make decisions on such matters in only a few days.

It would be interesting to find out whether we could get Westminster to work back and involve us earlier, or whether we just have to insist on taking our time if we cannot have any earlier involvement. That might relate to the House of Commons modernisation programme, in which the Leader of the House is currently trying to move away from the annual basis of legislation. At the moment, it might be difficult for Westminster to accept our decision to take six weeks to consider the devolved aspects of the bill when the deadline might be October or November. However, if the UK Parliament begins to move away from such rigidity, it would have a degree of flexibility that we should be trying to play towards.

Mr Macintosh: Rather than give Andrew Mylne more work—

The Convener: Andrew does not mind work—he thrives on it.

Mr Macintosh: Although I appreciated the paper, I did not find that it matched my understanding of the Sewel motion procedure. I could be wrong, but I believe that the Scottish Executive requests Sewel motions more than the UK Government requests the Executive to lodge them. As for where the power to take the decision lies—obviously bills have to be amended at Westminster—I had the impression that the Scottish Executive asks Westminster to amend bills to take account of certain issues. However, that is not the impression that I get from the paper.

Before we go any further with the matter, I would welcome information from the Executive, because it would give us a different slant. For example, I wrote to the Executive not long ago to request a Sewel motion in relation to a Westminster private member's bill that deals in part with Jewish divorce procedures. It would have been extremely easy to request a Sewel motion for that bill. I believe that a Sewel motion would have been accepted in the Scottish Parliament. Similar provisions will almost certainly be included in the family law bill, which has yet to be introduced. A Sewel motion struck me as being a good idea at the time, but one was not lodged for various reasons.

I would not mind receiving clarification on how the Sewel motion process can be initiated and carried through. I wrote to the Executive—I did not write to Westminster—about it and it is my view that the Executive should take decisions about such issues.

10:30

Andrew Mylne: You may be right. I based the paper on the position that is recorded in documents that are in the public domain and that set out the generality of how the process is intended to work. The process is described as one in which the UK Government approaches the Executive, but it may be that, in practice, some Sewel motions are initiated by the Executive approaching the UK Government—that is, an approach in the other direction. Only the Executive would be able to inform you about that—I am not privy to that information. Perhaps the right way to go about clarifying the issue would be to ask the Executive.

The Convener: We certainly authorise you to ask the Executive about that on our behalf.

Andrew Mylne: I am happy to do that.

The Convener: Am I right to say that a lot more miscellaneous legislation—that is, miscellaneous provisions that are attached to various bills—goes through Westminster and that therefore scope exists for the Scottish Executive to initiate small measures to tidy up or reform legislation? I cannot understand why the Scottish Executive would not simply legislate in the Scottish Parliament if the matters involved were devolved.

Andrew Mylne: You would have to ask the Executive about that. You are right about the nature of UK legislation—there are probably more wide-ranging bills at Westminster into which new matters could be added. Other than that, I cannot help you.

Fiona Hyslop: I suggest that we do more work on the issue, but perhaps we should separate our work into different elements. The paper addresses some of the procedural elements, but we may need to consider the fundamental principles of, and the big questions behind, Sewel motions. For example, what would happen if the Scottish Parliament said no to a Sewel motion?

There is also a political element—the Executive's role in Sewel motions and the extent to which it wants to use those motions in order to piggyback on the UK Government and to get more work done. Perhaps we have a Government that does not want to govern by using its own legislature and that prefers to use the Sewel motion system to generate more legislation for Scotland without the need to have that legislation

dealt with in the Scottish Parliament.

On the process and operation of Sewel motions, it might be helpful if Andrew Mylne were to consider some case studies. The Adoption and Children Bill is an interesting example. We have dealt with three Sewel motions on that bill. I will leave to one side some people's fundamental principle of opposition to the use of Sewel motions and will take the cross-party view. I would like to know why we have had to deal with three Sewel motions on a bill for which there is general support.

The Proceeds of Crime Bill would also make an interesting case study, because Westminster has made substantial changes to it. The bill had major implications and it would be interesting to examine what happens after the Scottish Parliament agrees to a Sewel motion on a Westminster bill to which considerable changes are made. For example, at what point would a Sewel motion on such a bill come back to the Scottish Parliament?

The Anti-terrorism, Crime and Security Bill is important for the reasons that Nora Radcliffe contacted the committee to raise. The speed with which that Sewel motion was handled is an issue. It seemed that speed was an excuse for pushing through a lot of politically unpleasant measures that might not ordinarily have been agreed to. However, the same question arises. At what point does the Scottish Parliament have the opportunity to redress such situations? Case studies might help our exploration of the issue. I agree with Ken Macintosh that we need to hear from the Executive about its approach to the use of Sewel motions.

There are also problems about how we track Sewel motions, which could be covered under the operational element of our work. It seems crazy that the only way in which the Scottish Parliament can keep track of Westminster legislation on devolved matters is via a UK website. There must be a means by which the Scottish Parliament can monitor that legislation. We should find out from the Presiding Officer about his contacts as they take place, or whether he simply responds to the Scottish Executive when it lodges a Sewel motion. It might be interesting to learn at what point the Parliament, through the Presiding Officer, gets involved.

The Convener: Andrew Mylne's paper is pretty clear that the expectation is that the Presiding Officer is not told. In paragraph 11, there is a suggestion that the Presiding Officer might be advised on behalf of the Parliament. The paper mentions putting Executive memorandums on the website and seeking a mechanism to advise members when a further motion or memorandum might be appropriate. Perhaps we should write or ask Andrew Mylne to get the Executive to

comment on some of those suggestions, which strike me as sensible. The Executive could have different views on certain aspects of the matter. If we are to look at the issue in the round, we must take all such views into account.

The committee has made a couple of further suggestions about research. Donald Gorrie has another suggestion.

Donald Gorrie: I agree that we should ask for a document from the Executive. Andrew Mylne's paper is helpful. We could ask the Executive to clarify whether its understanding is the same as Ken Macintosh's. I understand that part of the problem with time scales is that Westminster, for worthy reasons, thinks that it should not formally publish a bill on an unreserved matter without our saying that it can do so. However, if we wanted further time to examine a subject, the memorandum that covers the bill at Westminster could say that clauses X, Y and Z refer to Scotland and are subject to the approval of, or amendment by, the Scottish Parliament. When there are objections to short time scales, I often hear about our having to meet Westminster deadlines, but we can tell Westminster that it can scrap its deadlines as long as we get a proper shout in due course.

Fiona Hyslop: A trade union witness, I think, made a useful point in our consultative steering group inquiry. The committee or the Parliament may have a role to play in giving a view on bills. In assessing proposed legislation, the Westminster Government would probably find it more helpful to be informed by proper discussion and debate than to be given a couple of lines in a Sewel motion that say that we give it permission to legislate. Information from Westminster on how it sees that idea might be helpful, as we have only a one-sided view on how the Scottish Executive might view it. We can also ask the Parliament, but it might be helpful if we ask the appropriate department in London about the proposal.

Donald Gorrie: Do you mean that the Secretary of State for Scotland has something to do with it?

Fiona Hyslop: No, I do not mean the secretary of state.

Andrew Mylne: Do you mean asking the UK Government or the Parliament at Westminster?

The Convener: We could ask the Leader of the House of Commons.

Fiona Hyslop: That is what I was thinking. He could give his view on the principles of operation and how things should be run.

The Convener: Essentially, the matter concerns the management of Executive business, given that most bills are Executive bills. Robin Cook should therefore be contacted.

Gil Paterson has wanted to say something for the past 10 minutes.

Mr Paterson: I support almost everything that Donald Gorrie said. However, there is a problem in that the Government in Scotland gets a lot across its desk and we do not know what is being considered. It is on the Executive's recommendation that the Parliament gives responsibility away in the first place. There must be a mechanism to give ownership back to the Scottish Parliament, particularly when amendments kick in that may go against the whole grain of how the Scottish Parliament—or elements in it—is thinking.

It is not only the Executive that is involved; elements in the Parliament must be able to question why decisions are taken at a particular time by a political party or by a combination of political parties and the Government in London. A scrutiny element is involved but, frankly, there is unlikely to be much scrutiny when that scrutiny role is given away to the same party and that party has a large majority at Westminster.

The most important issue is tracking. Currently, tracking what is happening falls on the shoulders of MSPs, if they have an interest. As the Government in Scotland is giving legislation away, it should do the tracking and alert us to what is happening. We should not have to be vigilant and look at our computers all the time—that is not on. I whole-heartedly support what Donald Gorrie proposes, which would go an enormous way to calm our anxiety.

Mr Macintosh: A number of points have been raised. I am not sure that I agree with them all.

Mr Paterson: There is a surprise.

Mr Macintosh: Exactly. There are different agendas. The point is that we are the Procedures Committee and we are examining the procedures of the Parliament. I sympathise with the points that Donald Gorrie has made. I am concerned about the timing of Sewel motions, the amount of time that we get to debate them and the tenuous grasp that many of us have on the procedures for dealing with them. However, I am wary of following a different agenda. We need a greater understanding of what is going on. For that reason, we need more information. I agree with Fiona Hyslop that briefings from the Executive and Westminster would be helpful and would give us a better understanding. The committee's role is not to undermine the whole of the Sewel procedures, but we should achieve a better understanding of how they operate in the Parliament.

The Convener: That is right. As you say, different people have different political agendas—except me. Some people will not agree with Sewel motions in principle, but the motions are a fact of

life. It is incumbent on us to examine where they come from, how they operate, whether they satisfy the participants, whether they are used fairly, whether they are used competently, whether proper notice is given and whether the legislation procedurally reaches the same standard as the legislation that we pass, in terms of publication, consultation, time spent considering the issues and proper notification.

An issue arises if we find that there are unfortunate aspects of any part of the procedure from our point of view or, for that matter, from Westminster's point of view, although it is much more likely that we would find something unsatisfactory, given that the subjects of Sewel motions are referred to Westminster to deal with. The question would then arise what we can and should do. Whether Sewel motions continue to be used will be a question of the political relationship between this Parliament and the one down the road or between the Government here and the Government there.

Regardless of whether there should be Sewel motions, we need to examine the matter and ensure that they are dealt with properly and professionally. The questions that have been raised, including in Andrew Mylne's report, and the suggestions about where we might go for further views and analysis cover a great deal of territory. I hope that, in summing up, Andrew Mylne will say that he has enough information on which to proceed.

Andrew Mylne: I do. There are issues that we can follow up and about which we can find further information. Either the clerks to the committee or I can take the matter forward.

The Convener: We note the report in those terms. I thank Andrew Mylne for his attendance and his contribution, as ever.

Mr Paterson: Convener, I apologise, but I have to leave to go to the Equal Opportunities Committee meeting.

Parliamentary Journal

The Convener: I see from my script that Andrew Mylne will attend for the discussion on the journal of the Parliament. The issue is straightforward.

Andrew Mylne: I hope that the matter will not detain the committee for too long. It concerns a much more purely clerkly—perhaps overly clerkly—point than the previous item did. I hope that the paper is reasonably self-explanatory. We hope to publish the first volume of the journal reasonably soon. We are looking to tidy up the relevant standing orders, so that the journal properly reflects what it was initially intended to reflect and covers what it needs to cover.

The Convener: I read the paper carefully yesterday. The proposed changes to standing orders fit my attention span nicely. I can cope with half a page of proposed changes. They seemed reasonable. Does anyone have another point of view?

Donald Gorrie: My only comment is that, on reading the document, I was convinced yet again of what an extraordinarily bad parliamentary clerk I would make.

The Convener: I am just grateful to know that we should refer to "the Parliament" rather than "Parliament". I have often wondered about that. Now we have the answer.

10:45

Fiona Hyslop: Paragraph (d)(ii) in the annexe "Changes to Standing Orders" concerns rule 16.3.2 and proposes substituting the word "published" for the phrase "lodged with the Clerk". This is just my rampant paranoia, but I assume that "published" means that a document can be published outwith the Parliament. Does the change affect bills or reports?

Andrew Mylne: The change would affect committee reports.

Fiona Hyslop: It is quite important to respect the fact that a document should not be published until it has been lodged. Am I being pedantic?

Andrew Mylne: In the paper on the journal, we have tried to spell out a distinction. The rules refer to reports being lodged with the clerk. That will still apply. We explain in the paper why retaining that terminology is necessary. Even though it seems a little obscure in most contexts, it has a function in standing orders.

Fiona Hyslop: I agree.

Andrew Mylne: That will be maintained, but any report has a subsequent stage of publication. Publication is probably more relevant as a way of notifying members of a document at the time. For the journal, which will provide a longer-term record of what the Parliament has done, a date of a report's publication is a more relevant date to record for posterity, because it ties into something that is made public—the date on which a document becomes available to the wider world.

Fiona Hyslop: But the date of publication will always be after the date of lodging with the clerk.

Andrew Mylne: Yes.

Fiona Hyslop: That is fine.

The Convener: Do we agree to the report and the recommended changes to standing orders?

Members *indicated agreement.*

Committee Meetings (Evidence Taking)

The Convener: We were invited to discuss taking evidence from people who attend formal meetings. Since the paper was produced, it has been suggested that several conveners and perhaps George Reid might wish to talk to us about the matter. I suggest that we include the item on the agenda of our meeting in a fortnight, unless anyone wishes to raise anything urgently today. We will continue the item and see who wants to talk about it.

Fiona Hyslop: Do we need to take further evidence because people have contrary views?

The Convener: No. The basis for saying that people should never appear unannounced at a committee meeting is that the committee's agenda and the names of witnesses are published on the Parliament's website in advance and so should never be changed.

It is a bit ironic that, after our paper was published on the website, we were asked to allow additional people to speak to it and have a big discussion about it. Those people propose to do precisely what we said that they should never do. I therefore thought that it would be better for proper notice to be given, so that any member who had a contrary view could attend and influence our discussions. Any members of the public or the press who have a feeling about the matter might want to participate, too. I do not know.

I was not prepared to be bounced at a couple of days' notice into having people at a committee meeting. I thought that we should continue the matter, give proper notice and let everybody have the opportunity to think about it.

Fiona Hyslop: Unless we know that there are contrary views, I am not sure what merit taking evidence will have.

The Convener: There may be no merit in taking evidence. However, if the clerking department asked to speak to us, we would listen. We have never said to anyone who wanted to speak to us that we did not want to speak to them. We have always been receptive to people who want to speak to us.

If the convener of the conveners liaison group and a couple of conveners want to come to speak about the paper, I am perfectly happy to allow that. However, I did not think that it was right, given the thrust of what we were arguing, that I should have received an e-mail last week asking for this item to be added to the agenda once the papers had been produced. I thought that that was a wee bit of an own goal.

The item will be continued in a fortnight's time. It may be that people do not want to come and give evidence. However, if they do, they should be allowed to.

Donald Gorrie: I want to raise another matter, convener. I remember that you involved a member of the public who was attending a meeting in the discussion of the matter in which they were interested. That seemed to be sensible and I do not think that committee conveners should be prevented from acting sensibly. I take the point that, for instance, if you called from the gallery a person who was against fox hunting, you might have to call people with different views and the meeting might develop into a rammy. However, it would seem foolish to prevent the convener from inviting people to participate when they are in the room and can improve the quality of the information and the discussion.

The Convener: Between now and the next meeting, we should raise with the promoters of the paper the question whether their concerns about big, angry public meetings might not be better addressed in guidance than in standing orders because of the point about flexibility that Donald Gorrie raises, which might ultimately be considered to be the crux of the matter.

Paul Martin (Glasgow Springburn) (Lab): I urge caution. I absolutely support the need for public participation, but only in an environment that ensures equal access for all. For example, some people are less able to get to Edinburgh than lobby groups are, because of public transport problems, for example. There is an issue about equality of opportunity. A tenants association in Springburn has less opportunity to attend committee meetings than one in Edinburgh does. People in my constituency raised with me the issue of the transport costs that are involved in participating in a Public Petitions Committee meeting, for example. We want to include the public, but who are we talking about when we say that?

Increased public participation would help the Parliament in many ways and I see the point that Donald Gorrie is making, but it is difficult to ensure equal access. People who are motivated not by community interests but by lobbying interests might be tempted to use the public gallery as a means of lobbying MSPs.

The Convener: That is an important point. The promoters of the paper are not trying to prevent public access; they are simply trying to define how it should happen and to empower conveners to control a public meeting that might run the risk of being captured by an unrepresentative minority. The issues are to do with how that can be done and the degree to which standing orders should prescribe when people can and cannot participate

formally in a committee meeting. There are many issues that we need to consider carefully.

Fiona Hyslop: I point out to Paul Martin that the tradition of the Edinburgh mob hijacking parliamentarians goes back several hundred years. We should do our best to respect tradition.

The Convener: We should not be too literal in our interpretation of that tradition, because the Edinburgh mob usually ended up parading the heads of politicians on pikes about the streets.

That concludes today's meeting. I thank members for their attendance.

Meeting closed at 10:54.

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