PROCEDURES COMMITTEE

Tuesday 25 June 2002
(*Morning*)

Session 1

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CONTENTS

Tuesday 25 June 2002

	Col.
COMMITTEE MEETINGS (EVIDENCE TAKING)	1633
PARLIAMENTARY BUSINESS	1640
PARLIAMENTARY QUESTIONS	1658
ANNUAL REPORT	1665

PROCEDURES COMMITTEE
10th 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

Elizabeth Watson (Scottish Parliament Directorate of Clerking and Reporting)

CLERK TO THE COMMITTEE

John Patterson

SENIOR ASSISTANT CLERK

Mark MacPherson

ASSISTANT CLERK

Lewis McNaughton

LOCATION

Committee Room 4

Scottish Parliament

Procedures Committee

Tuesday 25 June 2002

(*Morning*)

[THE CONVENER *opened the meeting at 09:31*]

Committee Meetings (Evidence Taking)

The Convener (Mr Murray Tosh): Good morning, everybody. Welcome to the 10th meeting in 2002 of the Procedures Committee. We have an apology for absence from Susan Deacon and an apology for lateness from Paul Martin, who is stuck in traffic somewhere.

We have four items on our agenda this morning. The first concerns evidence in formal committee meetings, on which the committee has correspondence in front of it. We are joined this morning by Elizabeth Watson, whom I invite to summarise, succinctly but comprehensively, the position that the conveners liaison group is urging us to take.

Elizabeth Watson (Scottish Parliament Directorate of Clerking and Reporting): This matter arose at the conveners liaison group. The Presiding Officer asked the conveners to consider it after the Rural Development Committee had asked him about the provisions in the standing orders for taking evidence. The Rural Development Committee was having a meeting outside Edinburgh and wanted to incorporate what was effectively a panel session with the audience. The committee wanted to know whether it could do that as part of the formal proceedings or whether it would have to form part of the civic participation event, outside the formal meeting structure.

The advice that the Presiding Officer gave was that the standing orders allowed the committee to do that as part of the formal meeting structure, but that procedural difficulties and practical problems might arise from it. In the event, the committee did not hold the panel session as part of the formal meeting; they held it as an informal fact-finding exercise. Although the official report reported it extensively, it was not published as an *Official Report*—the meeting would have to be formal for an *Official Report*—but a verbatim report was kept.

When the conveners liaison group considered the matter, they shared the Presiding Officer's concerns, which are set out in George Reid's letter and fall into two main groups. First the conveners liaison group saw issues around keeping order in the meeting and achieving balance in the contributions. The conveners felt that it was important to know the background of the people giving evidence.

The other group of concerns focused on issues of transparency and making information available to people who were following committee proceedings. The latter was referred to by Kate Maclean in particular, who felt that there were benefits to be derived from having witnesses listed on the agenda so that people who were following the proceedings would know who was coming to the committee meetings and could decide whether they wanted to attend.

Because of those two groups of concerns, it was the unanimous view of the nine conveners who were present at the meeting that the standing orders should make it clear that witnesses should be invited to attend. Everyone agreed that the informal sessions had a place and provided useful information for the committees, but that they should not be formal evidence-taking sessions. That view was reached having regard to the fact that a range of options are available to committees concerning the recording of the meetings. A committee can have an official reporter attend an informal session to produce either a summary of it or a verbatim report. Alternatively, the clerks can minute it. The record can be tailored as appropriate to the occasion, so the conveners did not feel that there would be any loss of information as a result of not taking such evidence as part of the formal proceedings.

That sums up the discussion at the meeting.

The Convener: Thank you. I was not present at that meeting. In discussing the issues, did the conveners mention the possibility that what they are looking for could be covered in committee guidance? From attending a meeting recently, I know that the conveners liaison group is reviewing committee guidance. I have no difficulty with the thrust of what the group has asked for, although I have reservations about the final paragraph of George Reid's letter. I would have thought that, by and large, the matter would be in conveners' own hands.

Elizabeth Watson: No, they did not discuss that.

The Convener: Let us consider the final paragraph of George Reid's letter. I have summarised what I thought was good practice in holding an open forum, touching on changing the standing orders. George Reid advises that

"individuals or organisations invited to give evidence at committee meetings should be clearly identified in advance".

I understand the reason for that, and it is good practice, but how do we cope with the not infrequent circumstance at a committee meeting when we are confronted not by the person who is named on the agenda, but by someone who has substituted for them at the convenience of the organisation? I am worried that, if we changed standing orders to enshrine—perhaps entomb—good practice, we might reduce our flexibility or the flexibility of organisations that give evidence to us.

Elizabeth Watson: That is at the heart of Kate Maclean's concern about people knowing who will attend. At least the name of the organisation should be given in advance; the name of the individual witness is not so important. It is important to identify the organisation that is attending, which may be a legal person.

The Convener: Donald, you had a point about this when we discussed the matter briefly at our previous meeting.

Donald Gorrie (Central Scotland) (LD): Yes. I was going to make the point that you have just made about substitution. I agree that the names of the people who are invited to speak should be on the agenda, so that the public can decide whether they want to listen to them.

My concern is about contributions from the public gallery. For example, a committee might be discussing whether a specific bridge is safe. The bridge might be unknown to committee members and they may not know who built it, but the guy who built it could be in the public gallery. To refuse to allow him to say, "It is not safe because of A, B and C", is pretty perverse. That sort of thing might happen only rarely, but relevant contributions could be made from the public gallery. On the other hand, if there is a heavy lobby against some activity such as fox hunting, we do not want the public to take over the meeting.

I would not go to the stake over that issue. However, following the thrust of your suggestion, we could make meetings as informal as possible under the rules that are laid down. If all committee members agreed that it would be helpful to take five minutes' evidence from Mr X in the public gallery, that should be allowed.

Mr Kenneth Macintosh (Eastwood) (Lab): At the previous meeting Paul Martin, who has not yet arrived, emphasised the fact that not everyone can attend committee meetings. Paul gave the example of a group from his constituency that complained about the high cost of public transport. That group would be at a disadvantage because it would not be able to come to Edinburgh to make its point, whereas representatives of the transport companies would. People who are able to come to meetings should not have an unfair advantage over the rest of the community. Did the conveners raise that issue?

Elizabeth Watson: They did not, but committees can agree to meet witnesses' expenses—there is a witnesses' expenses scheme. Someone who wanted to come to Edinburgh to give evidence would not have to be disadvantaged in the way in which the member describes.

Some committees have sent reporters out into communities to take evidence. The fact that evidence is not taken formally does not mean that it cannot be reported back to the committee. Reports of some of the open forums that have taken place have been annexed to committee reports. A record of the evidence is available and the committee can have regard to it.

Mr Macintosh: I agree with the convener that this matter should be dealt with in guidance rather than in standing orders. I do not see the point of entombing it in standing orders.

Mr Gil Paterson (Central Scotland) (SNP): I do not know how to solve this problem. I would be worried if a so-called expert in the public gallery were able to participate in a meeting on the basis that they were an expert, whereas other members of the public were not. At formal evidence-taking sessions such an approach could prove disruptive.

We must find a mechanism for doing two things. First, we must ensure that the process is clear and that everyone understands it. Secondly, the public must have the ability to make an input. In my view, the only way of proceeding is to name in advance those who will give evidence. Perhaps we should name organisations rather than people. That would allow someone who was ill to be replaced by a substitute. People could also give evidence as representatives of the public.

I am very sympathetic to the approach that Donald Gorrie would like to take. Reports could be produced on evidence that has been taken informally. The power to conduct meetings should always be with the convener, to ensure that meetings start and finish properly.

The Convener: That is my view. I do not like the idea of conveners never being able to take an additional agenda item simply because it was not published on the website. The convener of the Transport and the Environment Committee might want briefly to mention something striking that had happened in transport, in order to commission work or to arrange for evidence to be taken on that.

Conveners would also like to have the flexibility to take evidence that had not been scripted in advance. I recall inviting Andrew McNaughton, who is in the public gallery today, to come to the

table to advise the committee on an issue that he knew about and which was relevant to the discussion that we were having that day, even though he was not scripted to speak. I do not know whether he found that advantageous, but the committee and I did.

It is important that the committee and the convener should have some flexibility. However, I share the central concern of the conveners liaison group that committees should be able to control the evidence that they receive. Large public forums are best accommodated as part of informal proceedings. It may be that, to some degree, the uncertainty that arose in the instance that the Rural Development Committee raised stemmed from a lack of awareness of what the official report could provide. It may be that the attempt to get evidence on the record led to the committee sensing that it wanted to add details of members of the public to the committee agenda.

We should give clear advice to the conveners that we understand the difficulty, support them in their attempts to achieve best practice and urge on them a revision of their own guidance so that a clear lead can be given in circumstances that may arise in future. I propose that we agree not to take action on the conveners liaison group's recommendations on changes to the standing orders. However, if the difficulties are such that they can be resolved only by a change to the standing orders, we are open to suggestions.

09:45

Fiona Hyslop (Lothians) (SNP): The issue has to be one of fairness and accessibility. We should take on board the points that have been made by the conveners liaison group. It has sought our advice and made clear to us its strong views on the matter. Crucial to the success of any inquiry are the people from whom committees take evidence. That process has to be fair, as it requires a distribution of views. Flexibility is also required. It might be possible for a member to send a note to the convener during an evidence-taking session, drawing attention to an expert in the public gallery. A request to speak could be articulated through the convener, but conveners need flexibility on that matter.

The crux of the matter is whether changes should be made to the standing orders. I would like to ask for advice from the clerks and from Elizabeth Watson on that. In the last paragraph of his letter to the committee, George Reid wrote:

> "individuals or organisations … should be clearly identified".

The understanding that I have gained in almost three years of drafting is that there is a difference between "should" and "must". If the word "must" were to be used, that would preclude people who were not listed on the agenda from speaking at committee. However, if the word "should" were to be used, there is a clear inference that people should be listed on the agenda if they are to speak at committee, but that, on the odd occasion when a person was not listed, they would not be precluded from being called to speak.

If the conveners liaison group seeks a change to the standing orders and it also seeks flexibility, we could change the standing orders but use the word "should" rather than the word "must". In order for conveners to share best practice, we should advise the conveners liaison group that, if a convener is taking evidence from someone who is not named on the committee agenda, they should report to the CLG their experience and the reasons for doing so. Those suggestions would suit the needs of conveners and meet the request that has been made by the CLG. We need to take into account the fact that the CLG has asked us to change the standing orders.

The Convener: The difficulty with that suggestion is that "should" is likely to become "must". Even if we used the words "should normally" or "in normal circumstances", the words would not be precise enough for use in the standing orders. Conveners have to be able to say that the situation is possible or that it is not. Thereafter, once a convener has said that something is possible, they go to guidance to define the circumstances under which the occurrence is regular, normal or expected. If conveners were challenged on the standing orders, they would have the flexibility to say that the standing orders provide for that occurrence or that they do not do so.

Conveners also need to have guidance, which has been clearly framed and refined in the light of experience over a long period of time. Clear guidance sets out best practice not only for the committee and the convener, but for people who wish to give evidence. To do so would be in the interests of accessibility and balance. I would be happy to strengthen the response that we give to the conveners to incorporate the points that Fiona Hyslop made.

Fiona Hyslop asked for advice from the clerks and from Elizabeth Watson, but I jumped in front.

Elizabeth Watson: I do not think that I could add anything to what the convener said.

The Convener: We will also send a copy of the *Official Report* of this meeting to the conveners liaison group. That report will give the conveners a clear indication that we accept absolutely their concerns and that we invite the CLG and officials to consider the guidance to conveners. If, at the end of that process, the CLG is not happy with the

guidance, we can revisit the arguments.

Fiona Hyslop: I agree.

The Convener: I thank members and Elizabeth Watson.

Parliamentary Business

The Convener: We move on to consideration of the Donald Gorrie paper. Over to you, Donald.

Donald Gorrie: The response to the questionnaire was disappointing in terms of quantity. In the interest of trying to focus on things, we could do something about the matter more rapidly. There was not a vote on this as such, but there seemed to be strong support for loosening the timetables for stages 2 and 3 of bill consideration. A long list of favourable quotations relates to that idea, and I do not think that any were anti. I think that almost all the things suggested are good ideas, but the failure of the Parliament adequately to consider bills is the key, most important, issue.

I suggested giving time for interest groups or part-political groups to respond to Executive amendments and giving everyone time to seek advice on and response to their amendments. I suggested allowing two or three days between the time when amendments are lodged and the time when the wording of amendments has to be finalised. That would allow for negotiation and clarification with experts. It would allow the Executive to formulate its usual "Oh, it's a nice idea, but it's not well drafted." If the Executive was genuine and honest in that opinion, drafting improvements could be suggested.

I suggest that we pursue something like the timetable that I have outlined to allow more consultation by members of the people who advise them and who know about the subject in question, with more discussion. If Gil Paterson lodges an amendment that I think is three quarters, but not entirely, right, I could tell him about some changes that my adviser suggests, and if he agrees, he could adjust his amendment accordingly to mobilise support for it. There could be similar arrangements with Executive amendments. That is my main topic, and although I would be happy to pursue one or two of the other issues, I would like to start with that.

The Convener: These questions have, to a large extent, been caught up in our consultative steering group work. In that inquiry, many witnesses have given evidence essentially along those lines, saying that the stage 2 procedure in particular is far too severely time constrained. Since we started discussing the matter, we have had the additional perspective that Susan Deacon has very effectively given us—it is not just the Parliament and outside people who are stretched; the Executive also struggles to come up with amendments and to react to and interpret non-Executive members' amendments by the prescribed deadlines. I would certainly like to

pursue that matter, but in the context of our CSG recommendations. The subject is germane to that exercise.

In the clerks' briefing on these matters, I see that the recommendation in response to questions 10 and 11 is that we pick up these issues when we come to produce our interim, and then final, CSG reports. I agree with you in principle, Donald, but I do not know that I want to initiate a parallel piece of work on those issues at this stage.

Donald Gorrie: I accept that, but I feel that the idea may attract great support, and that we could change standing orders accordingly. That would have an effect on the bills that we are considering between now and the election. The CSG matter would probably have no practical effect on the conduct of the Parliament until after the election. I could, however, agree to pursue such proposals as part of a more far-reaching reform.

Fiona Hyslop: It is eminently sensible to change what we do between stage 2 and stage 3. I have not heard anybody argue that we should keep things as they are. The only barrier to stopping us changing the procedure is probably inertia, as well as the fact that we have our CSG inquiry to complete. I agree with Donald Gorrie that proposals stemming from that inquiry might take longer to come to fruition.

I would like some clarification from Donald Gorrie. There seem to be two main points about stage 2 and stage 3. The first is the aspect on which you have just concentrated: allowing more flexibility after lodging an amendment to go back and forward to get it right. The second is the time between the end of stage 2 and the end of stage 3. I notice that your suggested amendments to the standing orders would extend the period between stage 2 and stage 3 from two weeks to four weeks. Will you explain to me how we get from two weeks to four weeks?

In my view, the suggestion is practical. We face a number of bills between now and March next year. Our committee's job is to help the Parliament's procedures. The proposal is a good piece of work. Unless there are any major objections, it would be a practical proposal to make. The Executive may express concern that it has tried to timetable bills between now and April. We might have to address how implementing Donald Gorrie's proposal would affect what the Executive is trying to do between now and April next year.

The Convener: That is a real concern. The Executive's programme, plus the programme of outstanding members' bills, has been thought about and discussed in other places, including the Parliamentary Bureau and the Scottish Parliamentary Corporate Body. I suspect that the time scale for achieving the legislative programme that has been announced so far is quite tight and that to propose to extend the time scales at this stage in a four-year parliamentary session would threaten the delivery of the legislative programme. The proposal to change the standing orders is liable to be resisted at this stage.

I support the general principle of taking longer to do the same amount of work, which is not necessarily doing less better, but doing the same amount better. However, it would be preferable to suggest the changes at the beginning of a four-year parliamentary session, because the only point at which we can lose a bill is at the end of the four years. We will find extreme resistance to the proposal. That resistance would largely be contingent on where we are in the four-year schedule. If we want to make the changes, it is important to separate agreement to them in principle from the point at which they would come into effect, because the timetable is a legitimate concern for the Executive.

Fiona Hyslop: It seems to me that Donald Gorrie's suggestion of more flexibility on altering amendments after they have been lodged would add only a couple of days on to the process. I am not quite sure how we suddenly go from two weeks to four weeks between stage 2 and stage 3 under the proposals.

Donald Gorrie: There are two separate issues. I felt that interest groups need some time to consider a bill as amended at stage 2 and produce proposals. There should be some time for discussion and negotiation. That is particularly the case with bills such as the Freedom of Information (Scotland) Bill, which is the most recent bill with which I was involved. Quite a number of stage 2 amendments were withdrawn on the understanding or guarantee that the Executive would produce a stage 3 amendment. Sometimes the Executive needs longer to produce such amendments, and then members need time to consider them.

I accept the convener's argument that the proposals would delay the legislative programme a bit. If that is a big issue, we could drop them. However, with all due respect, the timetabling suggestions for lodging amendments delay nothing at all. They merely mean that people have to get their act together earlier for each meeting. Unless I have missed something, the proposals would not mean that stage 2 of any bill would finish later than it would otherwise finish.

The Convener: I am not sure about that. A lot of the evidence that we took suggested that people outside the Parliament felt that they needed more time between each committee meeting to assimilate what had happened, consider amendments, produce further amendments and

brief for those amendments. We would not improve stage 2 unless we took longer at it and broke up the stage 2 committee meetings with other committee meetings. That would enable us to avoid the tremendously frantic process, which Donald Gorrie has described as being like an Olympic cycle race—everyone goes round at a leisurely pace until the last two laps, when things suddenly become frantic. That was an apt analogy.

If we are to change the standing orders for the procedure at stage 2, we need time to consult about specific proposals. As we are in the last week before the recess, we shall not realistically be able to consult anyone until September. If we are to do a proper job of analysing the responses, we have no option but to assume that we cannot put the changes in place before the end of the year.

We will need to move from a general recommendation that the procedures at stage 2 and stage 3 be stretched a little to accommodate people's requirements to the point where we can present the specific proposals for change. Those changes will need to be well founded and will need to have been carefully considered both by the Parliament and by outside interests such as the voluntary sector. Before the proposals can be accepted, everyone must be happy with them and believe them to be reasonable. We will lose the argument if we jump at things and approach the issue in an overly hasty and under-considered way.

10:00

Donald Gorrie: I accept the convener's argument. It is more important that we get something done right than that we get it done quickly. My suggestion, which was also suggested by Fiona Hyslop, was that we could push a change through if there was general agreement. However, if the Executive had kittens and tried to block any changes, that would spoil things. Perhaps in the response to our inquiry into the CSG principles we could get an improvement on which everyone is agreed.

The Convener: I suggest that we approach the Executive outwith the CSG process and test its view on the proposals. Susan Deacon can give us a strong perspective as a former minister, but we have not gone into the Executive's view particularly deeply. It may be appropriate to test the issue formally with the Executive. We might find that our work on the matter can be shared in the same way as our work on parliamentary questions was. I am happy to take that aspect out of the CSG approach and put it into a faster stream.

Mr Macintosh: I am happy with that suggestion. However, the advantage of making the changes as part of our CSG inquiry is that they would not then become a matter simply for members of the Parliament and the Executive. The issue that Donald Gorrie has addressed is more important than that. I think that there is consensus for a change, but we need to ensure that members of the public and lobby groups are also involved. There is therefore an argument that we should make any such change through our CSG inquiry rather than approaching the matter as a single item. However, I am relaxed about which approach we use.

Fiona Hyslop: The approach does not matter, as both approaches are, in a sense, really one and the same thing. Why do we not just get on and work out the practical details of what we want to do? We must first work out whether we can get agreement with the Executive. After that, the issue will be how to present the changes. However, the most important thing is to start engaging with the relevant people.

The Convener: Okay. We are all agreed on that. Donald, do you want to raise the other issues that you mention in your paper?

Donald Gorrie: I will not push all the issues. The first proposal is that there should be an Executive business manager's question time. The interesting response that I got from the officials was that the business motion can already be challenged. They said that members do not need to be able to question the business managers because they can vote against the business motion. However, as Gil Paterson is reported as having said in one of our reports from about 18 months ago, it would—somewhat like the Trojan war—be overkill to challenge the business motion.

The situation is ridiculous. I am probably the only person present to have twice moved against a business motion. The only effect of doing so was that all the Government supporters got paged that they had to come into the chamber to vote, so I was not that popular. I would have thought that, without necessarily making any change to the rules, we could establish the convention that people could ask Patricia Ferguson about the business motion when she moves it. For example, members could have the opportunity to say that they understood that there was to be a debate on education and ask when that would take place. Members could get some indication of how subjects were to be covered or they could make any relevant point. Perhaps we could pursue that issue. As someone said in the responses, the failure to have questions merely leads to spurious points of order and it would be more orderly to allow questions to be asked just before the vote on the business motion.

The Convener: I have some sympathy with the point when it is expressed in that way. We are told that we can send questions to the minister, but that is clearly pointless, as we will get an answer within a fortnight to a question that needs to be answered immediately. The fact that other bureau motions can be debated without time limit is immaterial, because no one will ever debate the designation of a lead committee.

Fiona Hyslop: That is not the case.

The Convener: We have not had many debates on such matters.

Fiona Hyslop: My point was that there is a time limit of about four minutes when a member speaks against business motions.

The Convener: In any case, most of the arguments are around the business programme. We would not be able to sell a Westminster-style Leader of the House question session. I have read the *Hansard* of that and it appears to me to be a miniature Prime Minister's question time. The Leader of the House has to be briefed on all the topics of the day and people use the session as an opportunity to make statements on issues that they would not otherwise be able to raise. I do not think that anyone would be willing to go down that road.

However, the question that Donald Gorrie has raised, where a member wants to know what has happened to a debate on a certain subject, is another matter. Of course, members may ask that question of their business manager in private, but I realise that that option is not open to those members who do not have a business manager and that a member might quite legitimately want to get a point on the public record.

I do not know whether there is a mechanism that would allow a prior question to be ventilated and answered by the mover of the business motion. It would be helpful if you could put flesh on the idea, Donald, and suggest a specific proposal that would allow legitimate points to be picked up without opening up the possibility that we would blow half an hour of plenary time on any question that might arise. I would be happy to support a proposal that struck a balance between what is reasonable in terms of plenary time and members' ability to get information.

Mr Paterson: The concerns that have been expressed stem from the desire to open up the Parliamentary Bureau to allow all members to scrutinise the process. I do not want to second-guess the recommendations that will be in our CSG report, but it is pertinent that many people from whom we took evidence said that the bureau was like a secret society. Perhaps the answer to Donald Gorrie's point is not so much a question-and-answer session as having the bureau publish an agenda and a fuller minute that explained why it decided to take one route instead of another. It would be overkill to move against a business motion simply because one does not understand why the decision was made and does not know why another issue has been dropped or sidelined.

Mr Macintosh: I have sympathy with what, I assume, is the idea behind Donald Gorrie's suggestion of making the Parliamentary Bureau more transparent and exercising greater parliamentary control over its agenda. That issue arose in the CSG inquiry. We should perhaps beef up the procedures, not just for our sake as parliamentarians but for the public's sake. I am not sure that a question time would do. I would not say that a question time would be a waste of parliamentary time, but it would use parliamentary time to talk about something that directly affects parliamentarians only and it would take time away from discussing real issues. We need to find a way of improving procedures, but I am not sure that a question time is the solution.

Another point, which was raised by the bureau, is that is it difficult for one person, such as the Minister for Parliamentary Business, to speak on behalf of the bureau, because the bureau is a cross-party body. The issue is between the front benchers and the back benchers, rather than between the Executive and the back benchers.

Fiona Hyslop: I am a member of the bureau and am keen to smash the myths and legends that the bureau is some kind of conspiracy. The problem is lack of information, which means that members think that the bureau is something that it is not. On what Ken Macintosh said, I do not think that that point was raised by the bureau; it was raised by the Executive in the shape of the Minister for Parliamentary Business. Clearly, the bureau is a cross-party body. There is a problem in that—

The Convener: The point was raised in a letter from Sir David Steel.

Fiona Hyslop: In that case, we are simply talking about a letter from Sir David Steel and not about a paper that has been discussed at the bureau.

The Convener: I think that the issue might have been discussed in the bureau before you were a member of it.

Fiona Hyslop: In that case, the letter must have been drafted more than a year ago, which is some time ago. The matter has not been discussed in the bureau since I have been a member.

There is a problem in that if, as an Opposition member of the bureau, I disagree with anything or question why the Executive is not having a promised education debate, for example, the issue

is discussed only within the bureau. I have probably moved against more business motions than Donald Gorrie has. If something is controversial, I take the opportunity to raise it at 5 minutes to 5 in the chamber. I will often be found speaking, but not necessarily voting, against a business motion. One can make political points and raise one's concerns. It is important to share those concerns with members in the chamber, but whether the issue is pressed to a vote is another question.

There is merit in having questions on business motions, but I do not think that a question time would help. However, if a member wanted to query a business motion that was published in that day's business bulletin, they could tell Sir David that they wanted to put a question, lodge the question the same day, put the question at 5 minutes to 5 in the chamber and have the business manager respond to it. We could have something along those lines.

To be fair to the business managers, they might not necessarily know, for example, why the education minister has not argued for an education debate, so they might have to find out and come back. That is reasonable. The problem is that only one person can speak on a business motion and that their time, I understand, is limited to four minutes. That is a problem if, for example, Donald Gorrie and I want to address different issues. The ability to lodge questions in advance on the day that the business bulletin is published would perhaps be a sensible way of progressing the issue.

Bureau decisions arise not from some great conspiracy, but from practical considerations, as the approach that I have suggested would clarify. For example, the Executive could say that it did not want a debate on an issue because the issue was out for consultation, but that there would be a parliamentary debate on the issue in the following month.

The Convener: Would you expect the questions to be directed solely to the Executive in respect of Executive business, or would you also expect to submit to questioning about why the Scottish National Party had picked subjects X and Y rather than A and B?

Fiona Hyslop: That would make the point that Parliament is about Parliament; it is about all the parties and not just about the Executive. Most of the questions would be to the Executive, because it has 90 per cent of the business, but I think that your assumption is fair. That is why I think that a question lodged about business should be directed to Sir David, as he chairs the bureau. He could then work out who should answer the question.

The Convener: I just thought that it would be useful to put that on the record as well.

Fiona Hyslop: Yes.

The Convener: Okay. How do we take the matter forward? The CSG report is unlikely to make a specific recommendation on the issue, so perhaps we should ask the bureau to discuss it again.

Donald Gorrie: I have been thinking along the same lines as Fiona Hyslop. It would be reasonable to give some notice of questions. I think that we receive business motions in the morning and votes are at lunch time, so the argument about losing debating time is not relevant. Lunch time might be lost, which may be more important—the time for cross-party groups, for example, might be reduced. I could produce a suggested form of words. I presume that we will not discuss the matter until September, anyway.

10:15

The Convener: No. However, you can produce a suggested form of words to encapsulate what we have discussed and we can circulate it. The clerks can draft a letter so that the bureau can discuss the issue when it meets after the recess.

Donald Gorrie: The suggestion could be contained in guidance or in a protocol—it does not need to be in standing orders.

The Convener: I think that the fact that a member can move against a motion but not ask a question is a rigidity. Members might simply have a point to make that a question would illuminate. The Executive might be happy to be free from the pressure that is involved when a member moves against a motion, drags other members over but does not vote against the motion. The suggestion might recommend itself all round as a better way of going about business.

Donald Gorrie: I want to raise another issue. I am interested in what colleagues think about the length of speeches. There seemed to be a general view that four minutes is too short. I suggested six minutes, or seven minutes if there were interventions. That would mean that fewer members would be able to speak, unless debates were longer. Within a month, members could make perhaps five longer speeches instead of six or seven shorter speeches. Four minutes is a serious constriction and members are uncertain as to whether they will get injury time for interventions. That tends to lead them not to take interventions, which, it could be argued, diminishes the quality of debate. What do members think about that issue?

Mr Paterson: The matter is as simple as horses for courses. In some debates, two minutes are

enough, whereas in others 10 minutes are needed. We have not really squared that circle yet. It is difficult to determine whether 10-minute, two-minute or three-minute speeches are best in debates.

There is too much control in the parties. It is said that the Presiding Officer can bring in a member who they think should speak in a debate, but the problem is that the spokespeople control the queues for each debate. Therefore, the usual suspects participate in big debates, which would be an opportunity for longer speeches. The back benchers are at the back end and are always squeezed. Ministers and spokespeople who lead and wind up always get their time, but members in the middle are always squeezed. We need to overcome that.

The system whereby parties submit lists might be convenient for the Presiding Officer in running debates, but there is an overriding requirement that members should be able to make contributions. The best way of ensuring that that happens might be to restrict the number of members in every debate where the party list prevails and to leave an automatic space. Whether that time is taken up is a different matter. In the big debates, it would certainly be taken up. For some reason, the debates that no one really cares about seem to be longer than the most important debates.

Fiona Hyslop: That is a good point.

Mr Paterson: I do not know how to overcome those problems. I would like a paper on the issues to be produced. Rigidity is created by the Presiding Officer's need to know exactly how much time will be used so that the debates finish on time and by the fact that the party business managers determine who should speak.

The Convener: The Presiding Officer needs to know how long a debate will take. They want the afternoon's business to run to 5 o'clock—to decision time. They want to know roughly how long speeches will last because they want to know whom to call. When members nominate themselves to speak—either individually or through the whips—it is assumed that they want to contribute. Where possible, the Presiding Officer will seek to include all members who have indicated a desire to speak. If a debate is heavily oversubscribed, that means putting pressure on speakers right from the beginning.

Last week, in the stage 1 debate on the School Meals (Scotland) Bill, I called eight members to speak in the open session. Five members who pressed their request-to-speak buttons—not all of whom had given prior notice that they wished to speak—were not called. It was difficult to decide whom to call and whom not to call. I had to ask myself what was fair and who had a track record on the issue that was being debated. The Presiding Officer might not know that and may have to work out the best approach to take.

Injury time to take account of interventions was mentioned. Members are given that time only if it is available. If the debate is so tight that the Presiding Officer is trying to keep speeches to four minutes, members will be pressed to wind up at that point. If there is plenty of time for a debate, the Presiding Officer may be happy for members to speak for six or seven minutes. The approach varies significantly.

I am speaking purely from my experience—I have not discussed the issue in detail with my colleagues recently. In my view, if someone has bid to speak the day before a debate—or earlier in the week—and has prepared a speech, they should be allowed to contribute. If they are not allowed to contribute, what is their reward for attending a debate for two hours and listening to everyone else speak?

I understand that there are tensions between front benchers and back benchers. Front benchers tend to overrun. If a minister is speaking or a significant point is being made, the Presiding Officer may want to make space for that. However, if a minister is given a good slice of time, their counterparts on the Opposition front benches may expect similar flexibility. The Presiding Officer is always checking which back benchers are down to speak but have not turned up and which members have pressed their request-to-speak buttons on the day, despite not having bid earlier to speak. One has to balance those factors.

It is clear that there is not enough time for some debates, if allowing everyone to speak and giving them adequate speaking time are important criteria. I have spoken in two recent debates—to sus out the situation, more than anything else. Last week, I had a three-minute speaking slot at the end of a debate. That is garbage. Members cannot say anything in three minutes in a significant debate. A couple of weeks ago, I had four minutes to speak in a debate on sustainability. I spoke for five but stopped when the Presiding Officer gave me the look. I still had a great deal to say. I did not regard five minutes as a worthwhile speaking allocation in the debate in question.

Three to four minutes is a reasonable allocation in members' business debates, especially when a large number of members want to speak. However, I sympathise with members who have difficulty making a significant point on a weighty political subject in the time allowed.

If we want to address that problem, we must examine the issue of parliamentary time more globally. We must consider how much time we

spend in plenary, how much time we allocate to specific debates, what we shoehorn into an hour and a half on a Thursday afternoon—which I find very frustrating—and what we do about questions. There is pressure for different forms of questioning. I suspect that we might be looking at reshaping the entire week and reforming our attitude to the length and frequency of debates. There is a lot more to the matter than simply speaking time, although that is an important part of the overall jigsaw.

Fiona Hyslop: I recognise some of my comments in the responses. I was the person who said that four minutes can be both too long and too short. Gil Paterson made the important point that sometimes it is the least contentious debates that get more time. Part of what happens in the Parliamentary Bureau is argument with the Executive about whether a debate needs longer or whether three hours is really necessary.

It might be controversial to say that the number of front-bench speeches at the beginning and at the end of debates is an issue. We have guidance on how many speakers there might be in a debate of a certain length, say an hour and a half or an hour and three quarters, and the length of time that each party can take to open and to close. In my opinion, more difficulties have been caused since the Liberal Democrats, who are members of the Executive, insisted on having separate front-bench opening and closing speeches.

One solution would be to revert to what happened at the start of the session, when the Executive had front-bench opening and closing speeches but the Liberal Democrats did not. That would release the time that is needed to allow longer speeches in between. I am not convinced that Donald Gorrie will be sold on that idea, but it is the number and length of front-bench speeches that causes some difficulty. My proposal is practical and has political merit. The Executive parties should not get two bites at the cherry. The Parliament must hold the Executive to account and it is not properly able to do so if the Executive is allowed to have two front-bench speeches, which is the same number as the Opposition parties have. That is not necessarily the right democratic arrangement for the Parliament.

The Convener: I do not fancy your chances of changing that.

Mr Macintosh: Perhaps we should get rid of Conservative speeches, because the SNP speeches will cover the contributions of the Conservatives.

Fiona Hyslop: Absolutely not.

Mr Macintosh: Half of our discussion concerns the difficulty between the Parliament and the Executive and half of it concerns the difficulty between the front benches and the back benches. It is difficult to get the right balance on the two issues.

In general, if one is given a time slot, one ends up expanding what one has to say to fill the time slot. There is a discipline to be exercised. I have every sympathy with what Gil Paterson said about the tail-enders being squeezed. Nobody gets squeezed more than Labour tail-enders—they get the least chance to speak.

Although one might occasionally think that too much time has been allocated to a debate, that does not frustrate me as much as not getting the chance to make a contribution in the debates about which I am worked up. Getting only three or four minutes in such debates is also frustrating. I would be sympathetic with Donald Gorrie's proposal of making five minutes the norm. Four minutes is okay for some debates, but it is nowhere near long enough for a decent contribution on a weighty subject.

Even though back benchers do not get the chance to speak that often, I would be happy to speak less frequently if I could speak for slightly longer. We probably need to do further work on such issues. The problem is complicated by our relationship with the front-bench members of our parties.

Donald Gorrie: We could address Fiona Hyslop's point and take up Kenneth Macintosh's suggestion that we need to do further study by examining the system that is used in the European Parliament. My understanding is that, under that system, a party group is allocated 30 minutes, say, in which 10 people can speak for three minutes or one person can speak for 30 minutes. Such a system would be a way round the problem, as it would ensure that each party got a fair amount of time. The back benchers would fight with the spokespeople about individual allocations of time. That arrangement would be worth while.

There is an argument in official circles that everyone is reasonably content because few people who indicate that they want to speak are not called. However, if I am not on our party list, I do not indicate that I want to speak, as to do so is a total waste of time.

That has a harmful effect on attendance, which is not that great. In the House of Commons, more members attend in the hope of catching the Speaker's eye. The debates are dominated by committee members, but other members who have an interest in the subject are called to speak. For example, I have a great interest in education and, although I am not an education spokesperson, I still attend education debates and would like to be called to speak. Members should not be complacent and think that everything is

okay, because there are many uncalled speakers, even when there are not many members in the chamber.

One delightful response to the survey claims:

"If Donald had his way we would be in the Chamber dawn til dusk every day listening to him."

That deserves publicity.

10:30

Mr Macintosh: Did Mrs Gorrie write that?

Mr Paterson: You were doing all right until then.

The Convener: I hope that the official reporters are catching all this.

Donald Gorrie: I do not know whether Ken Macintosh's compromise suggestion that speeches could be limited to five minutes rather than four minutes could be instituted without a big song and dance. A lot of members drift over their four minutes anyway. Another point is that if members are allowed four minutes, they will speak for four minutes even if they have only two minutes' worth of material—they pad it out. There is a malign influence the other way.

I agree that we need a study of the length, number and nature of debates. In the meantime, we could make a small improvement—or at least try out the suggestion to see whether it is an improvement—and allow slightly longer for speeches.

The Convener: If members are given five minutes, even if they speak for five minutes and do not drift on for six minutes, there is still the issue of whether the Presiding Officer will be able to call as many members to speak without that affecting the length of the debate. Short speeches are a way of allocating less time for a debate than the members who want to speak would like to have. That is an issue for the Parliamentary Bureau, which should either reduce the time that is allocated to certain debates, by guessing better which debates are likely to be in demand, or create more plenary time.

I do not think that significant changes to the current system will be achieved within a day and a half of plenary meetings. If we want a realistic resolution of all the tensions that exist—between Opposition debates and Executive time, front-bench speeches and back-bench speeches, and the four-minute rule and the calls for a six or seven-minute rule—we must move to Monday committee meetings and Wednesday morning plenary meetings. We cannot conjure up more time unless more time is allocated overall. That is a big issue for the whole Parliament.

A lot of people are beginning to think about our performance over the past three years and about the lessons that we should lay down for the people who will arrive after the next election. Perhaps this is an issue on which all members should reflect—in their party groups, in committees and as parliamentarians across the board, without artificial separation into little groups. I do not know what mechanism could be used, but I think that a day and a half of meetings of the Parliament each week is not enough.

Fiona Hyslop: What are we going to do?

The Convener: Maybe we should conduct another survey. It is up to members. We did not receive a very good response to the last survey that we carried out. Perhaps we asked too many questions and they were not focused enough on a specific issue. Perhaps it was too early—it was undertaken in the middle of 2000. We are two years further on now and members have had longer to reflect on what the matter means to them and how they would like things to change.

Mr Macintosh: Perhaps, rather than conducting a questionnaire, we could ask somebody to produce an academic paper on the subject, involving structured interviews with members and a statistical analysis of who speaks in the chamber and the balance between the parties and between front and back benchers.

I seem to remember that we made a change early on that improved matters. Although I have my doubts about the lists, they give us a greater understanding of what is happening. The frustration that we experienced when we put our names forward and were not called time and again was far worse than it is now. If our name is not on the list we know that we will not be called and so we do not bother preparing.

Perhaps the clerk or an academic could produce a study, following structured interviews with back benchers and front benchers, to find out whether there is a view in Parliament that there should be a change. It remains a case of trying to fit a quart into a pint pot. An interview might be better than putting out a random questionnaire, the response to which might be half-hearted. We could use the study to analyse the tensions and pressures in the system.

The Convener: Do you suggest that we try to sample a representative number of members?

Mr Macintosh: Yes. We should interview them. Although a self-nominating approach is helpful, there are more useful approaches. Interviews with back-bench and front-bench members of each party alongside a statistical analysis of who speaks in the chamber would allow us to form an idea of the fairness of the system.

The Convener: What would you look for in your statistical analysis of who speaks? I assume that it would not examine individuals, but would consider the ratio of front-bench to back-bench speakers.

Mr Macintosh: There are two different, but parallel, tensions. There is the tension between the Executive and the rest of Parliament and a tension between the front bench and the back bench. The difficulties that we have been talking about relate to the tension between the back bench and the front bench.

Fiona Hyslop: We do not want to change the answers, but the problem with the last survey was the volume of responses and the fact that it dates from some time ago. Perhaps we could do a quick telephone study—our staff could make phone calls to get quick responses from people on whether they want a change in the way speeches are managed, how long speeches should be and what are the key issues. People get tired of filling out bits of paper, which tend to disappear in the different offices.

We could also speak to the different parties. What we cannot quantify is how many people put themselves forward for the party list to speak and do not get called. We could find that out quite easily if we speak to each party and find out the ratio of people who are not included on the list. Then we would understand the extent of the problem. That might be a quick and easy way to get the information that we need.

The Convener: We could probably do that by going round the table.

Paul Martin (Glasgow Springburn) (Lab): We should interrogate further and look into the difficulties. We might be happy to ask the questions, but we might not like the answers and the possible solutions. The convener has raised the fact that he knows what the responses from the various party groups will be if we suggest that we go to a Monday committee slot. That is the difficulty that we face. We all want an increase in the time allocated to individual members, but we will not like the possible solution, which would be to increase the plenary time and move the Tuesday committee slot to a Monday afternoon, which is currently allocated for constituency work.

My problem with sending out a questionnaire is that we know that members are quite happy to go down the route of the five-minute slot for speeches. The question we would have to ask is whether we want to move from a Tuesday to a Monday slot for committees. We could go ahead with the questionnaire, but we know what the answers will be. We should focus on the proposed solutions, if there are any. As we know from Westminster and the European Parliament, all Parliaments face difficulties, because every elected member wants to speak for more than four minutes—if they are allocated 10 minutes, they want to speak for 15 minutes.

However we look at it, the issue is not about asking questions, because we already know the answers. I am not saying that we have a monopoly on answers, because it would be helpful to receive further information, but the main point is whether we want to move the committee slot from Tuesday to Monday. The paper should revolve around that point, not the principle, which we are all signed up to.

The Convener: That is absolutely right. The clerks could write a brief issues paper that addresses all the points and the options that exist, and we could put together a reasonably well-constructed questionnaire. Whether the clerks feel able or resourced to do structured interviews as part of that is another matter. We should discuss further the mechanics before we commit anybody to doing the work, but it might be reasonable to draw up a paper and a draft questionnaire during the recess for consideration after it.

Paul Martin is right that, ultimately, the question is for members and is about priorities. What do members want? Do they want not to be here on Mondays or do they want longer to speak? They can have one if they do not prioritise the other.

Does anyone have anything useful to add, or have we exhausted the discussion?

Mr Paterson: There is some merit in Ken Macintosh's suggestion. Rather than the clerks doing the work, we should bring somebody in. This is an important part of our business and, so that we get it right, someone should interview a cross-section of members, rather than our asking them to tick boxes. The committee does not rush out to spend money often.

The Convener: No, but we do not have the opportunity to ask for money for somebody to do the work until after the recess. It might be useful for the clerks to have a stab at it in the interim, and we can address the issue again in September.

Mr Paterson: Yes, fine.

The Convener: It might be helpful to have a paper to go with the questions, which focuses members on the central choice on the allocation of time. I suspect that people will be more willing to express a view than they were two years ago, because we are all a bit clearer about how we are performing and how the institution is performing.

Paul Martin: Is it possible to consider accepting questionnaire responses by e-mail? It is much easier to read an e-mail and tick a box. We already use that system to sign up to motions.

The Convener: We would do both. Is that okay, Donald?

Donald Gorrie: Yes. I am happy to let the other issues go at the moment, but colleagues may have other points.

Paul Martin: I am sorry, convener, but my point was not that members should send their completed questionnaires by e-mail. I know that this is quite high tech, but I meant that we should have a tick box for each question, the response to which could be sent by e-mail. I was not saying that the questionnaire should be sent by e-mail.

John Patterson (Clerk): Do you mean so that members could respond onscreen?

Paul Martin: Yes. Members could respond to an e-mail questionnaire onscreen, then the answers could be sent straight away.

Parliamentary Questions

The Convener: Item 3 concerns a draft letter that I have worked up, largely with John Patterson, to try to pick up the committee's points from our long but useful session with the Minister for Parliamentary Business in March. I did not want to shove the letter off as solely my response or as something drawn solely from the committee meeting, because I was conscious that I had developed various points and done further work on them since the committee meeting, for example on the issue of grouping questions in the context of applying an advisory cost limit. Rather than send the letter off, I thought that I should bring it to the committee, because there may be issues that committee members wish to incorporate.

Members might not agree with some of the questions that I have asked, although I think that they are straightforward. The draft letter contains a response on three issues: advisory cost limits; the use of the Executive directory—not the "Executive Director", as the letter states; and questions to non-departmental public bodies. Do members have any points to raise?

10:45

Donald Gorrie: I am most excited by the NDPB issue. The letter raises some good points, but I do not understand why ministers should not reply to questions about NDPBs. I assume that, if members ask why Scottish Enterprise Forth Valley does not support X, the minister's staff can contact the office of the director of the enterprise company to get an explanation. From my feeble grasp of constitutional theory, I understand that the quangos are responsible to us via ministers. We should be able to insist that ministers reply, albeit with information that the NDPB has provided, on issues that are of public interest.

The Convener: Ministers feel that arm's-length bodies that are, to a degree, independent from ministers should answer questions directly. The point that is made in the draft letter, which was developed from our discussion, is that the mechanism exists for direct agencies—and ministers routinely give answers—but arm's-length bodies tend to respond to questions through a letter to the individual member. The thrust of the discussion that we had in March was that, in that situation, information about which it is legitimate to ask questions and which should be in the public domain remains the property of one member only and is not accessible to other members or to the public. The letter pursues that issue.

The Executive has defined different categories of arm's-length body. The point in the letter is that

information that is obtained ought to be shared with everyone. We should follow the Westminster model, whereby such information is placed in the House of Commons library. The letter also pursues the central issue of whether answers ought to be provided. We are trying to push the Executive on that, but it takes the view that certain agencies should answer for themselves. We are trying to reach a compromise on that. The letter is part of a process; it is not meant to be the end of the matter.

Donald Gorrie: If your suggestion were accepted, that would be a great improvement. Dealing with arm's-length bodies should not be a Pontius Pilate exercise—someone has to be responsible, and that is the minister. Arm's-length bodies may have been created for perfectly good reasons, but if they make a hash of things, the minister must answer. I think that the suggestion would be a great step forward, so I will go along with it, but I am unhappy about the readiness of ministers to wash their hands of matters.

The Convener: Ministers have pointed out that there are two types of NDPB. In the case of advisory bodies, ministers are responsible for the advice that they accept and act on. Many matters that are raised in relation to executive NDPBs tend to be minor administrative and routine matters, questions about which the agencies can answer themselves. In the discussion on 12 March, Patricia Ferguson pointed out that if major policy issues arise in relation to NDPBs that have a more executive function, "Ministers are ultimately answerable". Ministers will respond on the broad policy points.

That is reasonable, but on the lesser, routine or administrative matters, all members should note the responses to members' questions. If members feel that the Executive is ducking out of policy answers using the screen of administrative measures, they can pursue the matter. The Executive's case was that most of the issues raised related to low-level, routine stuff, which should not be dealt with through questions. I cannot challenge that. However, if that sort of stuff is in the public domain, we have more information and we have a better chance of understanding how the Executive and the arm's-length agencies work and whether they are genuinely accountable. If we send a letter, we get a reply. I suspect that we could go on working in this area ad infinitum.

Mr Macintosh: The committee has explored this point a couple of times. The continuing reform of quangos is pretty crucial and we need to find an appropriate mechanism for holding the various NDPBs to account. If ministers cannot tell NDPBs what to do, it is slightly unfair of us to ask ministers to explain their actions. The trouble is that ministers produce guidance, which is used to instruct—although it is not instruction as such. The relationship is complex, and I think that it needs to be reformed. The reform of that relationship will have a bearing on our procedures.

I am concerned about the nine-page letter that we have drafted to the Minister for Parliamentary Business. I appreciate that it is being written on behalf of all of us, but I am not entirely sure that it reflects my view. Many of the points in the draft letter are arguments, which leave a question at the end. I am not quite sure why we are sending the letter.

I agree that we are engaged in an on-going process, but we seem to be picking up on a number of rather finicky points and I am not sure why. We want to make the business directory work, we want PQs to NDPBs to happen, and we have expressed a view on an advisory cost limit on parliamentary questions—although we have perhaps not done so firmly. Why are we asking all these detailed questions, especially bearing in mind the fact that we have had two visits recently from the minister?

Perhaps the convener will comment on the letter. I feel that it contains some things that he could have a session with the minister on. I do not think that it reflects the discussion that the committee had about the issues. I am not against anything in the letter as such, but I do not feel that it reflects any of my concerns.

The Convener: Let us take the stuff on the advisory cost limits on questions, for example. I thought that the committee was a wee bit sceptical about the whole principle of such limits.

Mr Macintosh: Absolutely.

The Convener: I think that the points that I have raised reflect that. In addition, the minister raised a point about applying the advisory cost limits to groups of questions. She gave the examples of two groups of questions from two named members. I went away and looked at those questions. I thought that the minister's point was interesting, and my response was to ask the minister what is meant by a group of questions. Are 65 questions asked in a single day a group of questions? Could a member get round any problems with grouping them by asking them over a week or by farming them out among colleagues? The minister said, I think quite legitimately, that the member might usefully seek a meeting with the minister in question.

If one group of questions involves replies from six different ministers, is the member entitled to invite six ministers to a meeting? I have seen no guidelines on when members may commandeer ministers' time to attend meetings with them. The discussion raised a number of issues, but it did not tie those issues down. The purpose of developing

those issues is to get greater clarity about the Executive's thinking. I agree that much of the detail of the letter does not reflect the tenor of the meeting—it reflects some of my thoughts after the meeting. However, it is not inconsistent with, or hostile to, what we discussed on the day—it is in tune with that discussion.

Fiona Hyslop: We had a session at which we asked questions and in my view, although I may be wrong, the letter simply probes further the lines of questioning that we pursued. Please correct me if I am wrong, but I am not sure that we have discussed what we think about those issues. We are simply trying to gather more information. The points in the letter reflect the lines of questioning that took place.

I suggest that, as well as writing to the minister, it might be helpful for us to write to different groups of NDPBs to see whether they have internal guidance on dealing with written parliamentary questions. It might be helpful to hear from the horse's mouth how those NDPBs deal with things.

The Convener: Was that point not covered in the paper that we received? I do not remember.

Fiona Hyslop: It is fine if we already have the information, but—

The Convener: We will clarify that point.

Fiona Hyslop: I am trying to recall whether we received the information.

The Convener: I am not certain whether those bodies operate within the Executive's guidelines or whether they have their own guidelines. I would have thought that they operate within the Executive's guidelines.

Fiona Hyslop: Can we find out?

The Convener: Andrew McNaughton, my source in the public gallery, is not giving me a clear steer.

John Patterson: The third or fourth bullet point in the section of the letter that covers NDPBs says that we will be in touch with officials about that sort of issue. A couple of bullet points further down, the letter talks about work to produce

"concrete proposals about PQs to NDPBs"

and says that a paper will be produced later in the year. Therefore, parliamentary officials will work to keep lines of communication open with Executive officials.

Fiona Hyslop: We will get information about that.

John Patterson: Yes. If we send the letter, that is what will happen.

The Convener: We did not spend a huge amount of time talking about the business directory on 12 March, but I looked at the directory again and I do not find it easy to use. I tend to click on a generic e-mail address that I have for an Executive official, take it out of my contacts file, insert it into an e-mail, delete his name and paste in the name of the official whom I am trying to contact. I may do that using several versions of the name. I have used the James-or-Jim routine, in order to find out the correct e-mail address. That is a cumbersome process to expect people from outside the Executive to use.

I am still confused about how the Executive wants us to use the business directory. When Patricia Ferguson was at the committee a fortnight ago, she stressed again that it should be used to obtain urgent information, yet when I told her in March that I use the business directory to obtain non-urgent information, such as contact information for planning officials—I go to people who have the information that I need—she said that that was okay. If the purpose of the directory is to minimise the number of questions—rather than to reduce the number of questions—I would have thought that the Executive would want more routine matters to be dealt with through the directory. I am a bit perplexed about what the directory is meant to achieve to make the process work more smoothly.

Although I described the paper as my paper, the last two bullet points were points that Susan Deacon raised about the number of contacts that are made when officials are preparing answers to questions and the inclusion of overheads in the costing of answers. I am quite happy to expand the letter to include anything that members think I missed. We could include points that were raised on 12 March or today, or that arise from our discussion of a fortnight ago, or that members may have thought of since and that relate to any of those matters. We can sit on it for a couple of weeks—people will be away on holiday anyway.

I anticipate that the letter will get a response that will then be the basis for further discussion, because the Executive expects a response from us on advisory cost limits. There is clearly more work to be done on the non-departmental public bodies. We could let the Executive directory go, except that I do not think that it is all that wonderful, so it is worth exploring whether the Executive itself is totally satisfied with it. It is not nearly as user-friendly as our directory. The Executive may have every intention of upgrading it for its own internal reasons. Whether that is worth pursuing is a matter for the committee.

11:00

Mr Paterson: The number of hits shows that few people use it.

Mr Macintosh: I thought that the questions on the business directory were perhaps not the most appropriate ones to ask. What the convener has said is helpful. Rather than asking all those questions, we should be asking, "What is the business directory for?" As I recall, the Executive wants us to direct our e-mail inquiries to particular named civil servants, rather than just any civil servant. We must ask what the Executive wants the business directory for and what we want it for. We have not had a proper chance to discuss the matter, but we may have such a chance at a future meeting.

The business directory is there to take the pressure off some of the rather cumbersome and formal procedures that are used. Some of the question systems do not aid understanding but get in the way. A simple phone call or e-mail would circumvent the need for those systems and would avoid the need for such formal parliamentary procedures. If we are trying to open up government and make systems more transparent, I welcome that move. The detail of the questions seems to suggest that the convener is heading off in a different direction.

The Convener: I tried to address that in the final bullet point on the business directory, but your comment is helpful and I would be quite happy to rephrase that point, perhaps reversing the order of the bullet points to make that the principal point. You are quite right to say that the stuff about the names is just a detail, although it is not insignificant in terms of the system's user-friendliness.

Mr Macintosh: If you have a system, it has to work. I appreciate that.

I have another general point, which you have captured in the paper, although there are so many points that it is captured and obfuscated at the same time. We are concerned about the accountability of NDPBs and we need to do further work on that. I think that we are just unhappy full stop about any advisory cost limit, and we would welcome further explanation. Westminster has a cost limit, and there was an explanation of that. However, given that no question has ever exceeded a cost limit so far, it seems a bit over the top to introduce a cost limit at all.

The Convener: Perhaps we should make the first point on NDPBs a prefatory statement rather than a bullet point, because its overall thrust is that we are concerned about the perceived lack of scrutiny and the other points that derive from that. That might highlight more clearly where we are coming from. We should also include the *Official Report* of this discussion with the letter, so that the helpful additional points that members have made will amplify its meaning.

Donald Gorrie: The Executive may claim that answering all your bullet points will exceed the advisory limit.

The Convener: That would create an interesting issue for us to discuss when we have the response.

Fiona Hyslop: Is not the point that the advisory limit is the Executive's problem and not ours, but the Executive is trying to make it the Parliament's problem?

The Convener: Indeed.

Mr Paterson: Does it come out of your allowance? That is what I want to know.

The Convener: No. It comes out of yours.

Mr Paterson: Oh well, do not even bother asking the question.

The Convener: Will we send the letter with the amendments that we have discussed or should we leave it a week or a fortnight for members to raise other points that may have been missed?

Mr Paterson: No.

The Convener: In that case, we shall just send it. Is that agreed?

Members *indicated agreement*.

Annual Report

The Convener: Item 4 concerns the draft annual report. Are members content with the report?

Donald Gorrie: I am content with the contents of the report, but I wonder whether the fact that the committee has pursued a questionnaire—although not with great success—should be included. There has been activity on that and I am sure that some of the clerks' time has been devoted to pursuing it. Perhaps the report should at least mention that we have tried to do that.

The Convener: The clerk says that he is happy to mention that.

Fiona Hyslop: It depends on whether it is called the Gorrie questionnaire or the Procedures Committee questionnaire.

Donald Gorrie: I am not trying to bore people.

Mr Macintosh: I have a vague feeling that, although there is nothing wrong with what the report says about the consultative steering group inquiry, it does not quite capture the fact that that has dominated our time. It has been the main focus of our work this year, and I am not quite sure that that emerges from the report. It looks as if changes to standing orders, substitutions and other matters have been of equal import.

Paragraph 2 of the report states:

"In the period of this report the Committee has been engaged in one major inquiry—the CSG inquiry".

Perhaps we could add, "and it has dominated our timetable" or, "and it has taken up most of our time". We should add something that captures the fact that we have put an awful lot of energy and effort into the inquiry.

The Convener: One way to highlight that would be to emphasise the fact that the committee moved away from its former cycle of one meeting per month to fortnightly or weekly meetings. We have not just spent our time on that inquiry; we have significantly increased the amount of time that we have spent on committee discussions and hearing evidence from witnesses.

Subject to those changes, can we approve the draft report?

Members *indicated agreement*.

The Convener: Thank you. That concludes this morning's business. Have a good holiday during the recess and do not worry too much about procedures.

Meeting closed at 11:06.

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