

PROCEDURES COMMITTEE

Wednesday 11 June 2003
(*Morning*)

Session 2

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PROCEDURES COMMITTEE

1st Meeting 2003, Session 2

OLDEST COMMITTEE MEMBER

*Mr Jamie McGrigor (Highlands and Islands) (Con)

COMMITTEE MEMBERS

*Mr Richard Baker (North East Scotland) (Lab)

*Mark Ballard (Lothians) (Green)

*Bruce Crawford (Mid Scotland and Fife) (SNP)

*Cathie Craigie (Cumbernauld and Kilsyth) (Lab)

*Karen Gillon (Clydesdale) (Lab)

*Iain Smith (North East Fife) (LD)

*attended

CLERK TO THE COMMITTEE

Andrew Mylne

SENIOR ASSISTANT CLERK

Anne Peat

ASSISTANT CLERK

Lewis McNaughton

LOCATION

Committee Room 2

Scottish Parliament

Procedures Committee

Wednesday 11 June 2003

(Morning)

[THE OLDEST COMMITTEE MEMBER *opened the meeting at 10:31*]

Mr Jamie McGrigor (Oldest Committee Member): Welcome to the first meeting of the new Procedures Committee in the second session of the Scottish Parliament. I particularly welcome any members of the press and public who are present. I am the senior citizen in the committee and am therefore chairing the meeting until we agree on a convener.

Interests

Mr McGrigor: Members are invited to declare any interests that might affect their work on the committee. I do not think that I have any.

Karen Gillon (Clydesdale) (Lab): I have no registrable interests.

Iain Smith (North East Fife) (LD): No interests to declare.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): No registrable interests.

Mark Ballard (Lothians) (Green): Nothing to declare.

Bruce Crawford (Mid Scotland and Fife) (SNP): Similarly, I have nothing to declare.

Mr Richard Baker (North East Scotland) (Lab): No interests to declare.

Mr McGrigor: Everyone can go through the green channel, then.

Convener

Mr McGrigor: The Parliament has agreed that the convener of the committee will be a member of the Scottish Liberal Democrats. As there is only one member of that party on the committee, I ask someone to nominate Iain Smith.

Karen Gillon: I nominate Iain Smith.

Iain Smith was chosen as convener.

The Convener (Iain Smith): I thank Jamie McGrigor for handling the difficult job of choosing a convener. I also thank the committee for making the difficult decision to choose the only person whom they were allowed to choose. I hope that in the next four years I will gain members' confidence as convener.

The committee has the important role of ensuring that the Parliament's work remains relevant and follows the principles of openness and accountability. I am sure that, in the next four years, we will do our best to ensure that the Parliament considers and improves its procedures and that it does not become, like some institutions, an "aye been" institution in which we do things because they have always been done that way.

Deputy Convener

The Convener: The committee's next task is to choose a deputy convener. The Parliament has agreed that the deputy convener should be a Labour member. I ask the committee to nominate one of the three Labour members to be the deputy convener.

Cathie Craigie: I nominate Karen Turnbull—sorry, I mean Karen Gillon.

The Convener: There are no other nominations.

Karen Gillon was chosen as deputy convener.

The Convener: Congratulations, Karen. I look forward to working with you in the next four years.

Legacy of the Previous Committee

The Convener: Agenda item 4 is on the legacy of the previous Procedures Committee. All the committees in the previous session of Parliament were asked to produce papers on their legacy—the issues that they were working on or that they thought should be worked on. The previous Procedures Committee had just completed a lengthy report on the founding principles of the Scottish Parliament, which has been circulated to members and which, in effect, forms that committee's legacy. We must consider how we will act on that report. There is also a paper from the clerk on other issues that the committee might wish to address. Do members have comments on the note from the clerk or other issues to raise?

Mark Ballard: One of the main issues that we face is the fact that six parties rather than four are now represented on the Parliamentary Bureau and that there are now four independent members of Parliament, rather than one. As that situation was not envisaged in the previous committee's report, many of the conclusions that were drawn in it might have to be reconsidered in the context of the new situation. The new situation will mean changes to procedures in the Parliament.

The Convener: None of the previous committee's decisions is binding on this committee. It is up to us to decide how to act on the previous committee's report. In the light of the experience of the different make-up of the Parliament, it is open to us in the next four years to reconsider some of the issues.

Karen Gillon: We must consider that matter, but in doing so we must remember that the larger parties and their back benchers also have rights and interests in the Parliament. Too often, those back benchers are not given the prominence and recognition that they deserve. We must remember that those members, who were elected in the same way as all other members, should be represented and should have their voices heard in the Parliament.

I would like more time to read the previous committee's report and to decide which parts I can and cannot sign up to. It would be useful for members to have time to do that, after which the committee could discuss the matter and decide which parts we will act on and which parts we cannot sign up to. We could then have a parliamentary debate on our decisions and try to make progress on them. Some of the points in the report require changes to the standing orders, which we should not be afraid to call for. We should make a decision sooner rather than later.

However, although it has taken a long time to get the report to where it is, I would like to have time to digest it and to consider whether I can sign up to everything that is in it.

Bruce Crawford: I share Karen Gillon's view. We need some time to consider the report, as it is a weighty tome. There is a broad range of issues, which we must consider in detail. Some more time would be useful.

Like other members, I was not a member of the previous Procedures Committee. To be blunt, I was not aware of the report's existence and had not read it. I suspect that many colleagues are in the same position. It might be necessary not just for us to take a journey to understand the report's development; we might need to take the wider body of MSPs along with us. If we suggest any changes, they should not come as a surprise, because, if they do, I suspect that there will be resistance. On the change agenda for improvement, we should consider a strategy for taking other parliamentarians with us on our journey.

Mr Jamie McGrigor (Highlands and Islands) (Con): The new Presiding Officer says in one of his letters that he would like initial changes, such as those to First Minister's question time, to be in place by the second week after the summer recess. That will not give us a great deal of time.

The Convener: We will deal with that important issue under agenda item 5.

Cathie Craigie: I would not like to start at the beginning and go through everything again. The previous committee has done a lot of work. Somewhere in the papers for the meeting, we are told that the report contains about 135 recommendations. It has been suggested that the clerk could produce a summary of the report. We could look at that to see how to move forward.

As Bruce Crawford said, although members of the Parliament were consulted when the previous committee was working on its report, members who were not on the committee tended to moan about procedures but not to get involved in the detailed decision making about parliamentary procedures. It would be useful if we took some time. Changes are being sought, so we should work to a reasonably tight time scale, but we must take account of the election and the changes that have taken place since the report was written.

The Convener: Several valid points have been made. At our next meeting, we will consider a forward work programme. It would be helpful if members could provide their thoughts on the priorities for the committee's work.

We would benefit from having an informal discussion on the recommendations that were

made in the previous committee's report on its consultative steering group inquiry. We could invite Murray Tosh and others to give us some background to the recommendations. In the previous session, the Conveners Group proposed that committees should have an away day early in their life, to allow members to get together to discuss their future work in a less formal atmosphere. In my view, the report on the founding principles would be a sensible basis for an away day. We could tease out the issues that we want to prioritise and the less important issues that we can consider in the longer term. I propose having an away day.

When we deal with the next item on the agenda, we might decide that we need to have a brief meeting towards the end of the recess to approve a report on making changes to question time. We could follow that meeting with an away day at which we could have an informal discussion on the founding principles report. Do members agree that that is a sensible way forward?

Members *indicated agreement.*

The Convener: In the meantime, if there are any particular issues in the report that members think we should address, they should let the clerks know and that can be taken into account when we are drawing up the paper on the work programme for the next meeting.

Are there any other items in the note by the clerk on the legacy of the previous committee on which members would like to comment? We have been talking mainly about the founding principles report, but there are items on time in the chamber and Donald Gorrie's proposals.

10:45

Bruce Crawford: I have a wee thought. The note by the clerk mentions a motion to take note of the founding principles report. We have the away day when we can consider some of the intricacies of the report and understand the thinking of the previous committee. However, we might want to consider lodging a take-note motion reasonably soon after the recess so that the issues can be aired and MSPs can understand some of the report's findings. We do not have to endorse the whole report, but we can certainly note it, have an early discussion and get feedback from other members.

The Convener: That would have to follow our discussions. I would have to have some idea of the committee's direction before I could open that debate as the committee's convener.

Bruce Crawford: I am not saying that the committee would have to make its stamp on the issues during that debate. If we lodged a take-note

motion, there would be general discussion in the Parliament and back-bench members from every party would have an opportunity to express their views before the committee started to formulate its view. That might be a useful tactic, because we would be seen to be open and accountable. However, I am reasonably relaxed about it.

The Convener: We can take that on board next week when we consider the work programme and the away day.

First Minister's Question Time

The Convener: Item 5 is on the correspondence from the Presiding Officer about question time. Some aspects of question time are covered in the founding principles report, so perhaps we should consider the matter in two parts. There are wider issues about the structure and format of question time that we should consider in the longer run, but there is clearly a desire to consider the length and timing of First Minister's question time at an early stage. Perhaps that could be done as a discrete piece of work.

Karen Gillon: I am slightly concerned about the detail of the discussion that has already taken place. The proposals seem to be presented as a fait accompli. I do not have any particular problems with question time, but I am slightly concerned that the letter from George Reid says that he has asked Murray Tosh to consider longer-term issues with a view to consulting the parties before bringing proposals to the Procedures Committee. My concern is that that process is taking place outwith the committee. If there is to be a parliamentary Procedures Committee, such discussions and deliberations should be part of that committee's remit. I would like more information from George Reid or Murray Tosh about the discussion that is taking place so that the committee can take a view on how to work with them in developing the Parliament's procedures in the months to come.

Cathie Craigie: I endorse what Karen Gillon says. We should ask the convener and the clerk to liaise with the Presiding Officer's office to find out what Murray Tosh's role is. As Karen Gillon said, the Procedures Committee should be initiating such discussions.

First Minister's question time seems to be the simpler of the two issues to decide. I do not have a problem with the suggestion that we move to an earlier time. That would cut down on the rattle that we hear in the chamber at about 2.50 pm on a Thursday when the anoraks and carrier bags start to move as the young people have to go back to school. I have received feedback from school parties that have been unable to see the whole of question time as a result of time scales. In order to engage with young people, I would welcome a change.

We would also have to consult members and the media that cover question time to find out whether a change can be accommodated in schedules. People like to come to watch First Minister's question time, but there is also a wider audience. Could we have guidance on how committees would usually consult members of the public on such matters?

The Convener: Perhaps the clerk would like to say something about that.

Andrew Mylne (Clerk): It is up to the committee how widely it wants to cast the net in such circumstances. It is suggested in the paper that, if the Presiding Officer's time scale is to be met, there is realistically only a week to seek views in correspondence from others in addition to those that the committee already has. There is probably a limit to what can be done in that time frame. However, if the committee believes that it should get views not just from MSPs, but from broadcasters, for example, that can certainly be done. In such a time frame, I am not sure how realistic it would be to get views from the public, but we could certainly consider what we could do within the constraints.

Bruce Crawford: There is no reason to stop the move to a slot before lunch time on Thursdays. From the evidence with which we have been presented, that seems reasonable. However, it is obvious that we must take other people, such as the broadcasting media and the rest of our colleagues, with us.

The timing and length of First Minister's question time is important, given what Mark Ballard said earlier. As George Reid's paper says, it may be preferable to move from 20 minutes to 30 minutes to allow a wider range of questions to be asked, particularly by back benchers. There would be no difficulty in doing so, provided that we go through a quick consultation process.

A bit of suck it and see is involved. If the proposals do not work, why should that be the end of the journey for First Minister's question time? Perhaps we need to get things done, find out whether the proposals work and see where we should go from there.

Mark Ballard: I want to take up what Karen Gillon said. As a new member, I am finding it quite difficult to get to grips with the respective competences of the committee, the Parliamentary Bureau, the Presiding Officer and the corporate body. If I am correct, the timing and length of First Minister's question time are matters for the Procedures Committee, but who is called in First Minister's question time is a matter for the Presiding Officer. The two issues are related.

Remarks were made about back-bench members of the old parties having opportunities to speak and to ask questions at First Minister's question time. If we want a First Minister's question time that includes time for the leaders of the new parties to ask the First Minister questions but that does not erode back benchers' time in putting questions to him, we must consider matters that may not strictly be within the committee's competence. The two issues that I

mentioned are very much related, although I understand that George Reid or Murray Tosh may take the matter forward.

Mr Baker: It is suggested that written submissions should be made by Wednesday 18 June, which is a tight time scale. It has been mentioned that, in respect of the CSG report, many important issues were discussed, but perhaps not as many MSPs were engaged in the process as there could have been, as they were not sure about the time scale in which the proposals were being considered. I hope that we advertise the 18 June deadline as widely as possible. I know that other members have already raised the issue of First Minister's question time in the chamber and I hope that all members will be made fully aware of the time scale.

Karen Gillon: I have a couple of practical points. I suggest that an e-mail be sent to every MSP asking for a response by 18 June to the key questions, which are whether First Minister's question time should be moved and whether it should last for half an hour. I suggest that we ask for views from the broadcast media and for general comments on the Parliament's website so that, if people have a burning desire to make their views known, they will be able to do so. We can deal with those suggestions in the time that we have.

People will respond quickly if something really matters to them. The same people would respond and say the same things even if we set a time frame of five weeks. The issue that we are dealing with is not so fundamental as to require 12 to 13 weeks of consultation. We need to get things moving; we need to conclude the report by the end of the summer recess so that we can have a parliamentary debate as soon as possible and put the new format into effect.

If things are to change, we must start the process now. However, evidence from the broadcasters and the public might show that they do not want First Minister's question time to be changed and that only people in our wee group think that the issue is important—other people might be happy with how things are at present.

Mark Ballard: We have to recognise that an extension of First Minister's question time from 20 to 30 minutes will not accommodate more back-bench questions as well as questions from the leaders of the new parties. I would like to open the issue further and ask how long First Minister's question time should be. As George Reid indicated in his letter, two of the party leaders thought that it should last longer than half an hour.

Bruce Crawford: I understand where Mark Ballard is coming from, but we have a problem. First Minister's question time is linked materially to

other issues about time in the chamber. If we extend for more than 10 minutes beyond the current business time, we will get into an argument about the shape of the new business week for the Parliament. Indeed, we have to have that debate and we have to understand what the business week will be. Are we going to have longer days on Wednesdays and shorter lunch times? If we extend First Minister's question time by more than 10 minutes, that will start to impinge on the wider argument.

As Karen Gillon said, we need to make a decision soon and put the new arrangement in place to find out how it works. Inevitably, that will have an impact on how we examine other issues and the wider reforms that are required. Only at that later stage would it be appropriate to re-examine whether what we have done with First Minister's question time has worked.

The Convener: At this stage, I prefer to carry out a simple consultation on the proposals that the Presiding Officer has asked us to consider as a matter of urgency—an extension to 30 minutes of First Minister's question time and a decoupling of First Minister's question time from questions to other ministers.

We might decide that one of the first things that the committee should do is to conduct an overall review of the question time format, albeit on a slightly longer time scale. We might consider whether there should be specific ministerial question times and how questions are selected. We might also consider whether the length of question time is sufficient to meet the needs of the Parliament.

I suggest that we decouple the wider review of First Minister's question time, which was Mark Ballard's point, from the interim measure that the Presiding Officer has proposed. However, we have to consult other members on the proposal. Is the committee happy with that?

Karen Gillon: I hate to disagree with you, convener, but I would like to deal with the proposal to extend First Minister's question time to 45 minutes. Members are not stupid and they realise the implications of extending to 45 minutes. If members wish to make that proposal, they should be allowed to do so. Similarly, other members should be able to say that they think 30 minutes is long enough. We need to make question time meaningful. If we make it 45 minutes or an hour, it will drag on and everybody will try to ask a question. Members are not stupid. Those members who want to extend to 45 minutes can put that into the discussion; others can say what they think and we can make a decision based on that evidence.

The Convener: I do not dispute that, but we should consult on extending First Minister's question time to 30 minutes. If people believe that 30 minutes is not long enough or that it is too long, they have the right to say so. That is the point of consulting.

Mr McGrigor: I take on board the point that Karen Gillon makes. However, paragraph 40 of the paper on time in the chamber states:

"The intention would not be that Party Leaders be afforded any further time and nor for FMQT to be moved from its current Thursday afternoon slot."

We have more party leaders now.

The Convener: That was the view of the previous Procedures Committee. The Presiding Officer has requested that we consider extending First Minister's question time to 30 minutes and decoupling it from question time, so that it takes place at a different time of the week. It would be for the Parliamentary Bureau to determine when it should happen.

11:00

Mr McGrigor: We are seeking time for extra questions, but because there are more party leaders there will be no extra questions for other members.

The Convener: We do not want to get into that debate at present. We want to have a short discussion of the length of First Minister's question time and whether it should take place after question time or separately. Those are the two issues that we are considering at the moment. In a wider review of question time issues, we will need to consider the format of question time and the matter of proportionality. If we give all the party leaders a fixed slot, we will exclude other members from having a fair share of First Minister's question time. However, until we conduct a wider review of question time, the Presiding Officer should retain his discretion over who gets to ask questions when. If we get into that issue, we will not complete our inquiry this side of Christmas, let alone in time for the summer recess.

I propose that we conduct a brief inquiry into extending the length of First Minister's question time to 30 minutes and changing the standing order that requires First Minister's question time to follow question time. We should put a general request for views on those proposals to all MSPs by e-mail and issue a press notice seeking wider views, especially from the broadcasters. If the committee agrees to that proposal, I hope that members will also agree for me to sign off the press notice so that it can be issued immediately.

Karen Gillon: Can we write directly to the broadcast media? I am worried that a press notice

might not obtain the desired response in the time available. We should make our request directly.

The Convener: That is the intention behind what I said. We should ask for responses to be submitted by Wednesday 18 June, which would give people a week to respond and allow the clerks to compile a report for a meeting of the committee the following week, at which we could agree the basis of a draft report. We will have to meet during the recess to sign off the report. I hope that the Parliamentary Bureau will accept our request for a debate in the chamber on the Wednesday following the summer recess, so that any changes to standing orders that we agree can come into effect from the second week of the new term, which is within the time scale that George Reid has requested. Do members agree to that timetable?

Members indicated agreement.

The Convener: I ask members to remain for a couple of minutes after the meeting to discuss some diary issues.

Meeting closed at 11:02.

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