

PROCEDURES COMMITTEE

Tuesday 9 September 2003
(*Morning*)

Session 2

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PROCEDURES COMMITTEE

† 4th Meeting 2003, Session 2

CONVENER

*Iain Smith (North East Fife) (LD)

DEPUTY CONVENER

*Karen Gillon (Clydesdale) (Lab)

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)

Mr Jamie McGrigor (Highlands and Islands) (Con)

COMMITTEE SUBSTITUTES

Linda Fabiani (Central Scotland) (SNP)

Robin Harper (Lothians) (Green)

Irene Oldfather (Cunninghame South) (Lab)

Murray Tosh (West of Scotland) (Con)

*attended

CLERK TO THE COMMITTEE

Andrew Mylne

SENIOR ASSISTANT CLERK

Anne Peat

ASSISTANT CLERK

Lewis McNaughton

LOCATION

Committee Room 2

† 3rd Meeting 2003, Session 2—held in private.

Scottish Parliament

Procedures Committee

Tuesday 9 September 2003

(Morning)

[THE CONVENER *opened the meeting at 10:02*]

The Convener (Iain Smith): All the clocks that I can see say that it is past the starting time for the meeting, so we should start. We have apologies from Jamie McGrigor. I hope that other members who are not present will arrive shortly.

Committee Away Day

The Convener: Agenda item 1 is a report on the away day. The report, which is included in the committee papers, is mainly a factual record of what was discussed. I draw members' attention to the two points in section 5 at the end of the report. However, before we discuss that, do members have any questions or comments about the report?

Bruce Crawford (Mid Scotland and Fife) (SNP): I would like to make one point before we discuss the recommendations, which should not pose any problems. At the away day, we did not have the opportunity to discuss at length the Executive's response to the committee's concerns, although that does not necessarily change what we discussed or how we want to proceed.

Patricia Ferguson's letter is useful, as it outlines the report on the founding principles of the Scottish Parliament and gives an overview of the Executive's view. One point that could have been dealt with more thoroughly is mentioned in the third-last paragraph, which refers to procedural shortcomings and says:

"the negative slant of ... political debate and the talking down of achievements does little for the health of the political process."

I share that view. However, it is a pity that the letter does not mention the fact that negative spin, as well as talking down achievements, can have a damaging effect. Achievements that are not reflected in reality are being talked up. A reference to that in the Executive's letter would have provided better balance.

The Convener: I am aware of that point. We will discuss the Executive's response fully when we consider it in due course and perhaps during the debate in the chamber on the consultative steering group principles report, should our request for that debate be successful.

On the recommendations in the report, it was agreed at the away day that we would seek a committee slot in the chamber in order to have a take-note debate on the previous committee's report so that we could get a steer from the Parliament. At this meeting, I want to get formal approval from the committee to make such a request and to decide on the kind of motion that we want to debate. The clerks are handing around the suggested text of two motions that the committee could submit. We have to put in a bid for our debate to the Conveners Group for consideration at its meeting on 23 September, so it would be helpful if we could at least agree on the outline of the motion, if not the exact wording.

There are two possible options. One is a simple take-note motion. The other, which I believe was mentioned at the away day, was that we might ask Parliament to approve formally the founding principles, which would therefore become the Parliament's principles. It is up to the committee to decide whether to go for the straight take-note motion or to ask for Parliament's approval of the principles.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): I would go for the second option.

Mark Ballard (Lothians) (Green): I agree; the second option is much more likely to attract people.

Mr Richard Baker (North East Scotland) (Lab): I favour the second option as well.

Bruce Crawford: I agree.

The Convener: In a sense, the second motion reaffirms the CSG principles, something that the Parliament has not had a chance to do in this new session. It seems as though we are agreed that we will seek a debate in the chamber on the CSG report based on the second motion. As we agreed at the away day, members of the committee will not participate in the debate, but will listen; either Karen Gillon or I will move the motion and ask Murray Tosh or Kenneth Gibson—

Andrew Mylne (Clerk): Macintosh.

The Convener: I am sorry—Kenneth Macintosh. I had the wrong Ken.

Bruce Crawford: I am sure that Kenny Gibson would be happy to do it.

The Convener: I am sure that the *Official Report* will get it right. We will ask either Murray Tosh or Kenny Macintosh to give a more detailed speech, such as the one that Kenny Macintosh gave the committee at the away day, outlining the background to the report so that we can have an informed debate. Then either I or Karen Gillon—whoever did not open the debate—will close and pick up on some of the key points that have

arisen. Are members content with that?

Members *indicated agreement.*

The Convener: The other recommendation from the away day was on non-Executive bills. We are waiting to hear from the Parliamentary Bureau and the Scottish Parliamentary Corporate Body about how they are handling those bills and whether they want to raise any issues. I hope that we will get something back by our next meeting so that we can decide then how to proceed with the matter. Do members agree to that course of action?

Members *indicated agreement.*

Oral Questions

10:08

The Convener: Item 2, the main item of business today, is the background report on our inquiry into oral questions. Usefully, the report breaks up into a series of issues and we can go through them one by one. At the end, we can consider whether we have missed anything that should have been part of the report.

Bruce Crawford: I seek clarification so that I know what I am doing, convener. Do you want us to comment on every area?

The Convener: We need to determine whether the issues described in the report are those that we want to take on board during the inquiry, whether there are any initial steers towards what we want to consider and whether anything is missing, so that, when we ask people to give oral evidence or further written evidence, we know exactly what issues we want to cover.

The first two sections of the paper are about current rules and underlying principles. They provide the background. On the underlying principles, we perhaps need to think a bit about the purpose of oral questions in the chamber. Do we have oral questions simply as a bit of political theatre or do they have another purpose?

Bruce Crawford: There was obviously an on-going debate among the persons who wrote the paper about whether oral questions should be an information-gathering process or a scrutiny process. From my perspective, question time is primarily about scrutiny. All MSPs can seek information by either writing a letter to the minister or submitting a written question. The added value from parliamentary questions comes from the scrutiny of the minister and the portfolio. If we get the process right and improve the scrutiny, members will put more value on question time and so will the public.

We all know that the Parliament has had some negative press over its first four years. There is a real opportunity to turn that around if we get the process right. If we can modernise question time to such a degree that the public out there understand a lot more of what is going on, MSPs will also value the process more highly. We will get there only if we can improve the scrutiny process.

For me, oral questions are much more about scrutiny than information gathering. They could become the centrepiece of what the Parliament does, provided that we can get the required changes and modernise the process so that it

works properly. I hope that my general description is helpful.

The Convener: If no one else has any comments, that view—if it is the general view of the committee—will shape how we approach other issues, such as how questions are selected and what is admissible. At present, the form of questions is constrained by standing orders so that questions are essentially information gathering; the supplementaries do the scrutiny part. We may want to consider those issues in a bit more detail. That is helpful, Bruce.

The next section is headed “Lodging periods and topicality”. Are we content with the process or should we consider whether there is scope for changing it?

Bruce Crawford: With that question comes the inevitable supplementary, which we discussed at our away day, about whether question time will always be on a Thursday. Until we know the time scales that we are working around and firm up which slot we will have in the parliamentary day or week, some of the other issues will be a bit more difficult to resolve. We may still be able to answer some of the questions, provided that we understand that the lodging period will be linked directly to whatever day we decide on for question time.

It is vital that questions are topical if we are to keep question time vibrant and alive and if we are to ensure that we can raise issues that concern the people of Scotland. We need to tease out the issue a bit more to see how we achieve that.

Cathie Craigie: We should put the lodging period to the back of the agenda until we have discussed on what day of the week question time should take place and whether it should always be on a Thursday. As Bruce Crawford said, it is important that the topicality of question time is maintained.

It is also important that we are able to set up the business bulletin so that people can see what questions will come up. I do not know that we need questions to be submitted one week ahead—almost two weeks in some cases—but we can certainly put that issue further down the agenda.

Mr Baker: It will still be worth considering time periods. I acknowledge that we do not know what date the questions will be geared to, but it would still be useful to consider how far in advance people will need to lodge questions. That comes back to the important issue of topicality.

The Convener: Again, the matter comes down to the nature of oral questions. My understanding is that the reason for the current time scale for lodging ministerial questions is to give the

Executive time to ensure that it can provide the information. If oral questions are about scrutiny, is there the same requirement for that information? If ministers do not have the information at their fingertips, it could be given through a written answer, but the scrutiny side would still be provided for. On the relevance of oral questions and answers, that again follows on from the nature of oral questions.

10:15

Bruce Crawford: This is one of the crucial bits, convener. I know from back benchers and from my colleagues that the amount of time that it can take for people to deliver their questions and the length of time that it can take to get an answer is frustrating. At our away day, someone—I cannot remember who—suggested that the name of the session be changed to “parliamentary answers”, which would shift the focus to the answer rather than the question. That might not suit every member and I am not convinced by all the arguments that I have heard, but we need to have a debate on the issue.

If we are to ensure that the process enables proper scrutiny, we must try to make sure that the answer that is received is more closely aligned with the question that was asked. I accept that that will be difficult to achieve, but it could take away some of the frustrations about what happens now. If members of the public turn on the television—I hope that the proceedings will continue to be broadcast—and see a minister not quite getting to the nub of the question that was asked, that creates frustration, even if the reasons why the minister did so are understandable politically. I do not know how we can ensure that that happens—it will be a neat trick if we can. We would have to tease out the solution in discussion with witnesses and from written evidence.

The Convener: We would need to talk to the Presiding Officer about the issue. It is difficult for the Presiding Officer to have to rule on the admissibility of oral answers in the middle of question time.

Bruce Crawford: I do not underestimate the difficulty of that task.

The Convener: There are other issues that we could raise with him, such as whether there should be time limits on the answers. Perhaps the 30 seconds that ministers in Canada are allowed is a bit extreme, but having a time limit is certainly one option.

We need to consider the selection of questions for First Minister’s question time. We might want to consider making major changes to the system. For example, should all questions to the First Minister be open questions? That is, effectively, what

happens at Westminster with Prime Minister's question time.

Perhaps a ballot system for choosing the questions would answer the questions that Dennis Canavan raised. There is no reason why the leaders of the main Opposition parties should be allowed to ask the first questions. If the questions were selected by ballot, the leaders of the Opposition parties could be given a guaranteed number of supplementary questions that they could ask at any point during the process. That might make the session more spontaneous and interesting. As I said, we need to discuss such issues.

Bruce Crawford: We can discuss them as long as we are not looking for firm views at this stage.

The Convener: I am not taking any firm views at this stage.

Cathie Craigie: All options are on the table. We have to gather as much information as we can from other Parliaments. Unfortunately, I have not had time to read through the information that we received today.

We have to ensure that back benchers can ask a fair share of questions at First Minister's question time. Many members, not only in the minority parties, feel that the situation should be fairer.

Bruce Crawford: The move to a 30-minute slot will help to achieve that, I hope. That was one of the main thrusts behind the change.

We need to be careful about the order in which we deal with the issues before us. We have just adopted a new process for First Minister's question time and that will impact on the decision-making framework that we come up with for the selection of questions. Perhaps decisions on that area should come a little later in the process so that we have a chance to test the current arrangement.

The Convener: That is a fair point. There is no reason why we should deal with that issue at the beginning of the inquiry.

Mark Ballard: I was going to make a similar suggestion. At the moment, the Greens and the Scottish Socialist Party are still feeling our way with regard to the third question that is asked in First Minister's question time. If the third question is to be asked by the leader of an Opposition party, we have to consider how that mechanism will work. It would be useful for the committee to wait until we can see how the current arrangement works before coming to any conclusions on the best way forward.

The Convener: Okay. The next issue is whether we move to a thematic or departmental question

time. The Executive has suggested that that might be a way of doing things. We need to consider the proposal as we go through the inquiry, first in principle and then in practice. Should we have purely thematic question times? Alternatively, should we have a period in each question time that is dedicated to one or two departments or themes and still have an open section during which any questions can be asked? The latter option would allow for topicality and mean that members did not have to wait until the relevant department came round on the rota.

There is also an issue about allocation between departments. Questions that relate to the Scottish Executive Health Department and the Enterprise, Transport and Lifelong Learning Department come up much more frequently than questions that relate to other departments. A series of issues needs to be teased out. I hope that the Executive, which made the suggestion, will give us an indication of its thinking on the subject in its written evidence.

We need to consider the section headed "Selection of questions for FMQT" in the context of a move to a thematic system. Will questions be selected randomly, will they be selected by the Presiding Officer or will there be a mix of both methods? How will we ensure that there is a balance between party spokespeople and back benchers? The topic is wide.

Cathie Craigie: Random selection has been fairly well accepted by members. We see it as a chance. Sometimes people can be lucky—they get a run of questions—and sometimes they have a lean period. In the main, random selection is fine. I do not know whether it is right to select so many questions, given that members know that questions further down the list will never be reached—it might not be necessary to select so many questions just for the sake of printing them in the bulletin. I would like to do some more consultation with back-bench colleagues on that.

Bruce Crawford: Random selection is right; having a ballot is right. My general feeling is that that is the right way to go on the selection of questions, but I do not know how the random process works. Although I understand that it is computer driven, I am slightly dubious about signing up to a proposal when I do not have the specifics. How does the programme work? If someone submits their name more often, does that give them a greater chance of being selected? We do not know the answers to such questions. We need to tease out more information on the process from the people who are involved in it, because there is an element of mystery.

The Convener: I was going to suggest that we ask someone from the chamber desk to tell us about the selection of questions and how the

random process operates. It seems to operate in such a way that people with the name "Smith" always end up below number 25 on the list of questions—that is if they are on the list at all.

Cathie Craigie: Is the selection process computer generated? In other words, is it like the lottery?

The Convener: I think that it is computer generated. The suggestion is that we should get written or—more likely—oral evidence from the chamber desk on how the process works.

Bruce Crawford: So that we know what we are talking about.

The Convener: We will come to the subject when we discuss evidence later.

Bruce Crawford: Fine.

The Convener: We also need to consider whether, even if random selection is used, the Presiding Officer, or ministers, should have some discretion when two questions are asked on the same topic, which happened last week—we had two questions on the Nicholson inquiry. A minister could have discretion to answer two questions on the same topic at the same time and the person who asked the second question could be guaranteed a supplementary. That would avoid the artificial situation of a minister answering the same question twice. Some Parliaments adopt such practice. The grouping of questions by ministers would avoid duplication and would allow time for more questions. Bruce Crawford is looking sceptical.

Bruce Crawford: I know that we must consider the suggestion, but I do not see the value of it.

The Convener: In theory, the random ballot could throw up 30 identical questions. I am not sure that it would be useful if they all had to be answered individually.

We have already mentioned the issues raised in the section headed "Open questions at FMQT". We will allow the current set-up for First Minister's question time to run for a few weeks and will return to its operation towards the end of our inquiry.

Mark Ballard: I note from the past few First Minister's question times that supplementaries to the open questions have been asked. Was that the practice in the first session?

The Convener: It has been traditional for the Presiding Officer to invite one or two supplementaries to the second open question, but he has rarely done so with the first open question. Our report on First Minister's question time has a chart showing how often supplementaries were called to each of the questions.

Mark Ballard: The chart shows that an average of two questions were allotted to David McLetchie, with half a supplementary. However, there seem to be many more supplementaries to David McLetchie's questions than that.

The Convener: The tradition is that John Swinney gets three supplementaries to his original question.

Cathie Craigie: That practice began at the start of this session, I think. There were always just two supplementaries before that.

The Convener: Well, there may be two or three. That is at the discretion of the Presiding Officer. We may wish to return to that issue.

Cathie Craigie: Have there always been three supplementaries, then?

The Convener: Yes, I think that there have usually been three.

Mark Ballard: According to the statistics, there have been three.

The Convener: David McLetchie has traditionally had two supplementaries, although nothing in standing orders says that that should happen. On a number of occasions, the Presiding Officer has then allowed one or two further supplementaries to the question before going on to question 3, although that sometimes depends on time. The aim is to cover four or five questions. If the opening two questions and answers are lengthy, question 3 is not reached until well into First Minister's question time. That will possibly pan out a bit better with the half-hour format.

Cathie Craigie: I wish to repeat a point that I made during our initial discussions on FMQT. The purpose of the diary questions is for the Opposition spokespersons to avoid giving advance notice to the First Minister of their supplementary questions. A few times—although not regularly—the party leaders, particularly John Swinney, have asked a question that might be covered by, say, question 3 or 4. In other words, they have used the topic covered by a back bencher's question.

We might argue that the purpose of a diary question is to enable an Opposition party leader to catch out the First Minister in the hope that he is not briefed or prepared on a topic, but that argument does not hold if the party leader pinches the subject of a back bencher's question from further down the list. Given that back benchers have much less opportunity to ask a question at First Minister's question time and that the procedure has so far been that the major Opposition party leaders always get a question, we should adopt a custom—whether it is written into the rules or adopted as a practice—whereby, out of courtesy, the Opposition party leaders do

not use the topics of questions further down the list. If we do not do that, we can forget about the diary questions, if one of their main reasons is supposedly to catch the First Minister out.

The Convener: I know what you are saying, Cathie, but I am not sure how that could be achieved. To an extent, that would put the Presiding Officer in a difficult position, because he would have to consider whether to select slightly less topical questions on an assumption of what the leaders' questions would be about.

Bruce Crawford: I understand the frustrations among back benchers, but there is an inevitability about the issue. If we are saying that First Minister's question time should be about scrutiny, accountability and topicality, it is almost inevitable that, on some occasions, one of the main Opposition spokesperson's questions will be on the same subject as a back bencher's question. If the suggested practice were adopted, that would allow a range of members to lodge a range of questions covering the most topical issues to prevent the main Opposition party leaders from speaking about them. That would create a tension and would be difficult to manage.

I could go on to discuss Cathie Craigie's suggestion further, but I think that it would be best to leave the matter and deal with it in the inquiry. I do not think that what she proposes would be manageable if we want open questions at First Minister's question time. I think that the current First Minister quite enjoys dealing with open questions. Whoever is in opposition, they should be in a position to question the First Minister in an open style. We may need to look at the process of asking a diary question; perhaps we could get straight into the open question rather than wasting time at the beginning, as that would allow more time for questions from back benchers. That issue will have to be teased out.

10:30

Cathie Craigie: The purpose of question time is scrutiny, and I do not think that it is only the leaders of the Opposition parties who are unable to put the First Minister under pressure. I do not want to dismiss this issue; I feel that we should keep it on the table and discuss it in the future. I accept what Bruce Crawford said about there being difficulties in selecting questions. Perhaps the leaders of the Opposition parties could give the Presiding Officer a steer on the Tuesday about what questions they might ask, but that is a matter to which we can return.

Bruce Crawford: That is not an impossibility.

The Convener: We will need to review how the new half-hour session is working after we have had the chance to see it for a few weeks. One

issue that we might consider is whether we ought to move to a random process for the selection of subsequent questions in First Minister's question time as well. Very few back benchers are ever given an opportunity to ask such a question, because they do not seem to manage to pick the right questions. Of course, we should also consider what might happen if we run out of questions in the half hour. Perhaps the last question should always be an open question, to ensure that questions can continue for the full half hour.

Bruce Crawford: Whatever we do, we should base our decisions on the evidence that we get. Assumptions and personal prejudices should not be taken into account, although that could be difficult. There is one sentence in the report that does not seem to me to be based on evidence, although there may well be evidence out there and information that needs to be added. The sentence in question states that prohibiting open questions

"would make the Executive more accountable, and improve the standing of FMQT with the public, who are unimpressed by a partisan, point-scoring style."

I know that that is said, and perhaps it is received wisdom, but I am not sure that there is any evidence for such a claim. Opinion surveys may have been done, but I have not seen any of that material. I certainly do not think that the public would be impressed with something that is a bit lovey-dovey so that everyone is nice and consensual at question time. That is not what question time is about. People expect robust discussion; they expect to see real issues being dealt with properly. If we are to make statements such as the one that I quoted, I need to see the evidence behind them.

The Convener: There is an impression that the statement is true, rather than there being an evidential basis. We all get that impression when we go knocking on doors and hear people say that they are fed up with politicians just having a go at one another.

Bruce Crawford: We hear the flip side to that argument as well. The evidence is anecdotal.

Cathie Craigie: It is difficult to say that you do not agree with that statement. Some individuals and community groups who visit the Parliament will say, "It's like a bear pit in there. Why are you shouting across the chamber? I thought the Scottish Parliament was going to be consensual." We find ourselves making excuses for our behaviour, saying, "Well, that's just the chamber. It's a bit of theatre during question time." Although the purpose of question time is to scrutinise, it is a bit of theatre and some people really like that confrontation between the party leaders.

I would find it hard to make a judgment on where the majority of people would stand, but we have to

try to keep the politics in First Minister's question time.

Bruce Crawford: I am not asking us to judge whether the statement is right or wrong. All that I am saying is that if we are going to put such statements in reports that are produced for the Procedures Committee, they must be based on evidence, not assumptions.

The Convener: The document is not a Procedures Committee report, but a discussion paper to highlight issues.

Bruce Crawford: If those words were accepted as the general position, they would lead to a discussion about how to proceed. I am trying not to be too critical, but I want to be sure that when those words are used, we can back them up with fact.

The Convener: The point has been noted.

We move to the section headed "Supplementary questions at Question Time". Unlike a member who asks a question at question time, a member who asks the original question at First Minister's question time does not have a right in standing orders to ask a supplementary question; that is custom and practice. The question is whether we want to extend that right to members who ask questions during First Minister's question time.

Cathie Craigie: We are running a trial for First Minister's question time and we will monitor how it works. I suggest that we ask the Presiding Officer to take a supplementary question to the questions from John Swinney, David McLetchie and whatever other party leader is called. That would give back benchers the opportunity to tune into diary questions and give us an idea whether that proposal might work.

Bruce Crawford: Do you mean that we should ask the Presiding Officer to do that now?

Cathie Craigie: Yes. We are in a trial period for the timing of FMQs—although we have agreed that it will last half an hour, so that is not part of the trial—and we discussed this morning whether supplementaries should be allowed. We should try that.

Mr Baker: That suggestion is good. I am a new member and I have found that the first half of First Minister's question time is taken up entirely by party leaders. Back benchers have little profile or ability to participate in that. Allowing back benchers to ask supplementaries to party leaders' questions would be a good way of tackling part of that problem.

The Convener: I would be reluctant to make a formal request to the Presiding Officer at this stage, but he reads the *Official Report* of the committee's meetings, so I am sure that his

attention will be drawn to our wish for him to use the extra time as flexibly as possible, to ensure the maximum participation of all members in First Minister's question time.

Karen Gillon (Clydesdale) (Lab): I am sorry if what I am about to say has been said, but I think that flexibility is needed. It became apparent at the end of the previous session that one or other leader of the two main Opposition parties could ask a question that covered the topic of another question further down the list in the business bulletin.

The Convener: Cathie Craigie has raised that point.

Karen Gillon: We need to ask for that to be examined. The public do not understand that members must read out the question that is printed in the business bulletin, so we must have some flexibility. The Presiding Officer could take a back bencher's question after a party leader's question, on the understanding that their question on the business bulletin would therefore be withdrawn. Such flexibility is common sense and would allow everybody to have an input.

Bruce Crawford: We might need to tease out that issue, but it would be wrong to take that decision before we have talked to witnesses and taken evidence about how we can deal with that. If Jamie McGrigor were here, I am sure that he would not be thrilled about accepting that idea as a recommendation without an evidence base from witnesses. We must follow the process of gathering evidence before we reach such conclusions. If we do not do that, we might put in place a measure that creates turbulence and makes it more difficult to reach a sensible conclusion in the longer term.

The Convener: We are not reaching any conclusions or making recommendations today. We are merely teasing out issues that we might want to cover in the evidence, and that is a useful issue to tease out.

Mark Ballard: Two completely different sets of questions are asked at First Minister's question time. Is it logical to put specific questions from back benchers in the same session as general questions from Opposition party leaders, and to try to create one set of rules to cover both types of question? There are two ways in which back benchers can question the First Minister—through a specific question, and, increasingly, through a supplementary question to a question from the Opposition party leaders. We may have to consider two sets of rules, rather than lumping things together and having a common set of rules to cover two very different types of question.

Karen Gillon: I am not convinced that we should do that. I do not think that any member of

this Parliament should be treated any differently from any other member. If diary questions are appropriate for two members of the Parliament, they should be appropriate for every member of the Parliament. Why should I, as a back bencher, have to tell the First Minister what I am going to ask him, so that he comes with a prepared answer, while John Swinney, David McLetchie, Robin Harper and Tommy Sheridan do not have to do that? That is an issue for this inquiry.

The Convener: Those are valid points and we will have to address them. We should be asking whether we should move to open questions for First Minister's question time, while retaining the option for notice questions if members have a specific constituency issue that they want to raise.

Mark Ballard: I agree with Karen Gillon entirely. My point was that the system seems illogical.

The Convener: We will certainly want to cover that point, but perhaps a little later in our inquiry, once we have seen how the new system operates.

Are there any further points on supplementary questions at question time or First Minister's question time? There is a rather strange part of our standing orders on emergency questions—the emergency has to happen on a sitting day. We may want to deal with that, but to do so separately from our debate on oral questions.

Bruce Crawford: Obviously, the situation has to be a real emergency for the question to be selected, but I would have thought that there were more than four occasions during the first four years of the Parliament when such questions could have been selected. I do not know the sort of subjects that were covered by the 47 emergency questions that were lodged, or what was considered to be an emergency, and I do not want to take decisions without having enough information on which to formulate a view. I need to know a lot more about what the Presiding Officer would consider to be an emergency, and then to consider the 47 questions that were lodged. That would allow us to evaluate whether more of the questions that were lodged should have been selected.

The Convener: I am not sure that we can make a judgment on the 43 occasions when emergency questions were lodged but not deemed urgent by the Presiding Officer. However, we can certainly consider the four questions that were deemed urgent.

Bruce Crawford: Evidence from the Presiding Officer would be crucial.

The Convener: The previous Presiding Officer made the decisions, which makes things a bit difficult. Issues arise over the procedure for emergency questions, which is not satisfactory.

We should consider that procedure separately from our debate on oral questions, or we will get bogged down.

Karen Gillon: We could invite the previous Presiding Officer back to ask him for the rationale behind his decisions.

The Convener: Do members want to discuss this point separately at a future date, or to keep it as part of our debate on oral questions? I feel that it is a separate issue.

Bruce Crawford: If we do not wrap it up at this stage, we will never get back to it.

The Convener: Okay, we will try to cover it. We could ask the Presiding Officer, and officials from the chamber desk, to give evidence on their views on emergency questions, but, obviously, they cannot give a judgment on the 43 questions that were not selected previously.

The First Minister has suggested that, perhaps twice a year, he could be questioned by the Conveners Group. I have little idea what the purpose of that would be.

Karen Gillon: If there is a private arrangement whereby the First Minister goes to the Conveners Group and they have a discussion, that is fine. That does not have to be covered in standing orders. It would be an arrangement between the First Minister's office and the Conveners Group. If we made it more formal, we would be taking away something that is within the remit of the Parliament and putting it within the remit of one group within the Parliament. I am concerned about us giving any more power to a group that the Parliament has never fully discussed. If the First Minister and the Conveners Group want to have an arrangement, that is fine. The First Minister goes to other party-political groups and to cross-party groups, but that is not covered in standing orders.

The Convener: To be honest, we need to decide whether we think that such an arrangement would be appropriate. The present remit of the Conveners Group would not allow such an arrangement.

10:45

Karen Gillon: Of course it would. Why would it not?

The Convener: I am not sure that we would want it to. We need to make an informed decision on the subject.

Mr Baker: As Karen Gillon said, does the arrangement have to be formal?

Karen Gillon: If we decide that such arrangements have to be set down in standing orders, we are making something official out of

them. The Conveners Group can ask anyone to come and discuss things with it, in the same way that any other group in the Parliament can do.

If we need to put something into the standing orders, that calls into question the entire role and responsibility of the Conveners Group to act as a way for conveners to meet and discuss practice. If the conveners want to hold discussions with the First Minister, that is fine, but if we think that there is something more to it than that, we would have to look into the matter.

The Convener: All that I am saying is that we have to look at the issue. We have to determine whether such discussions are within the current remit of the Conveners Group. I do not think that the informal discussion that Karen Gillon talked about is what the First Minister is suggesting. That is why we have to look at the issue and decide whether the standing orders are involved.

Bruce Crawford: Which hat are you wearing, convener? This discussion must be difficult for you, given that you are part of the Conveners Group.

The Convener: As I have not yet been to a meeting of the Conveners Group, I have not tried on that hat.

Bruce Crawford: I have a lot of sympathy with what Karen Gillon said. The first question that I asked myself on reading this section of the paper was, "Where is the added value for the Parliament if the Conveners Group formally takes on this type of arrangement?" If it does that, the Conveners Group will operate as a different type of body to the one that was envisaged in the first place, which was to act as a sounding board for the Parliament.

I can understand the argument that the Minister for Parliamentary Business might wish to be involved in such a move, as the discussion would be about how the Parliament goes about its business. The job of scrutinising the Executive is for the parliamentary committees to do, not for the Conveners Group.

Before I could sign up to any further investigation of the matter, I would need to be a lot more sure about the outputs and outcomes that we would expect to see from discussions between the Conveners Group and the First Minister. I would also want to know more about the process and what added value it would bring over and above what is happening at present in the Parliament. We are in danger of creating a new body, and one that was not envisaged when the Parliament was set up.

The Convener: We have to look at the present remit of the Conveners Group, which is

"to consider and make recommendations in connection with the operation of committees".

I am not sure where a question time—formal or informal—with the First Minister would fit in with that remit. That is why I suggest that, at the very least, we would have to look at the group's remit to see whether a change to the standing orders would be required. Do we want to progress the idea? If so, we can invite the Conveners Group to tell us what its members think of the idea. If not, we can say that we do not want to pursue the issue at the moment and just drop it.

Bruce Crawford: If the Conveners Group wants to change its remit, we should let it do that. Its remit is set down, however, and it does not include discussions with the First Minister. As Karen Gillon said, it would be quite legitimate for the group to hold those discussions in a private capacity. As the Parliament agreed the group's remit, is the Procedures Committee entitled to change it?

The Convener: We are the only people who can recommend that change.

Bruce Crawford: So we could consider whether the Conveners Group is necessary at all.

The Convener: Yes, we can do that. The Procedures Committee in the first session of the Parliament formally established the Conveners Group, and the group's remit is in the standing orders. The only people who can recommend changes to the standing orders are the members of this committee. A proposal to change the remit would have to come to the Procedures Committee.

I am not sure whether the present Conveners Group has discussed the matter as yet. I suspect that it has not done so, although it might be on the agenda for the group's away day on Friday. Perhaps we should progress the matter no further unless and until the Conveners Group makes a request for us to do so.

Mark Ballard: I went to a talk that was organised by the Hansard Society Scotland, at which Archie Kirkwood talked about scrutiny at Westminster, and I was struck by how different the procedures in Westminster are from those in Scotland. There is a large number of members at Westminster, but a perceived lack of scrutiny. The committee chairs at Westminster can question the Prime Minister, which is good. However, the situation in the Scottish Parliament seems to be very different from that at Westminster and I worry about the proposal. People seem to think that because something happens at Westminster, it would be nice for it to happen here, whereas they should consider what would add to the scrutiny process and fit in with our different Parliament.

Karen Gillon: If, in order to knock the matter on the head, we must discuss it as part of the inquiry, I am happy to do so, but if there is just an idea out there somewhere floating about, it should be left alone. I have read through the proposal again and

now think that it is probably at a more advanced stage than we appreciate. Perhaps we need to consider the proposal, as I would certainly have concerns if there were to be a formal question-and-answer session with the First Minister that was open to only 14 members. I am concerned that the Parliament has never been consulted. It would be useful for the clerks to take more advice about what stage the proposal is at. We need to take a view if a formal proposal has been made.

The Convener: I am not sure whether we can call the proposal formal, as nobody has formally proposed it to the committee, although I think that it was mentioned in the letter that the First Minister wrote to the Presiding Officer. The committee must decide whether to take the matter forward. My view is that the Conveners Group should consider the matter before we pursue it any further.

Cathie Craigie: We should remember that the Conveners Group is not a committee and that it has no powers to scrutinise legislation or hold to account the Scottish Executive. I have concerns. What would the First Minister be questioned about? Would the conveners speak for the Procedures Committee or the Health Committee, for example? Back benchers might have concerns about that.

The Conveners Group's remit shows that it is like a housekeeping committee. If any minister should go along to the group, it should be the Minister for Parliamentary Business—that should be the link. We are all busy people and we do not want to waste our time disagreeing about having inquiries and taking evidence; however, I do not see what benefits would come from such a proposal.

Bruce Crawford: Cathie Craigie has summed things up perfectly. Time is the issue. We are discussing an inquiry into oral questions, but the Conveners Group is not involved in that process. We are starting to go off at a tangent.

The Convener: I, too, agree with what Cathie Craigie said. However, I draw members' attention to Patricia Ferguson's response to the CSG report, which states:

"the First Minister is persuaded that it would be desirable for the Conveners' Group to have a role in questioning him across the breadth of the Executive's policies."

Was that suggestion included in the Procedures Committee's report? We might need to take the matter forward as part of our further consideration of the report on the founding principles of the Parliament rather than as part of the inquiry.

Karen Gillon: I was a member of the previous Conveners Group and think that a decision should be taken by the Parliament. If such meetings were to be held, conveners would, in effect, be given

more power over, and more opportunity to scrutinise, the First Minister than other members, which is, frankly, unacceptable.

If the First Minister does not feel that he is being scrutinised enough across the range of his responsibilities, then he is, or should be, perfectly willing and able to come to the appropriate subject or statutory committee of the Parliament rather than going to a group of conveners. To be perfectly honest, I think that such a meeting could be used for individual and party-political purposes. It would not be effective scrutiny of the First Minister based on the decisions and deliberations of the committees that those conveners represent.

If the suggestion that the First Minister should go to the Conveners Group is concrete, I do not believe that there is any support on the committee for it. We will have to knock that suggestion on the head if it keeps coming up. We have made our views clear today and I am sure that the First Minister and the Minister for Parliamentary Business will read the *Official Report* and see what we have said.

The Convener: I agree completely with everything Karen Gillon has said. I see no reason for the idea and I am not entirely sure to whom the conveners would be accountable if they were taking part in such an exercise. As a member of the Conveners Group, I have no particular desire to see it happen.

I mentioned the Conveners Group because, if it made a request to have its remit amended, we would have to consider that request. We should wait to see whether the Conveners Group wants to do that.

I have checked recommendation 104 of the previous committee's magnum opus, which says:

"We recommend that the Scottish Executive should review the position it took when this committee raised this matter with the then Minister for the Parliament on 30 October 2001, and should consider proposals for regular question sessions between the Conveners' Group and the First Minister in the context of the review of Question Time and First Minister's Question Time referred to in paragraph 457 of this report."

The fact that the previous committee made that suggestion does not require us to do it. I suggest that we consider the idea not as part of the question time review, but as part of the review of the CSG report, when we come to that. Perhaps members of the Parliament will express their views on that when we have the debate in the chamber.

Cathie Craigie: When that decision was made in 2001—or whenever it was—the Conveners Group did not have a formal remit, as far as I know. Can you confirm that?

The Convener: We will check when the Conveners Group was established under standing

orders. Are there any other points? There seems to be consensus that the committee does not want to pursue the issue.

Before we consider who we should invite to give evidence, are there any further points on question time that members want to raise?

Mr Baker: Do we have to invite the people who are on the list that we have, or are we still considering that?

The Convener: We have not made any decisions about who to invite. The list contains the people whom we might consider, and we might want to extend or reduce that list.

We aim to complete the inquiry by the end of the year. We have another five scheduled meetings up to the end of the year, so we could have up to three evidence-taking sessions and still complete at least a draft report by the end of the year.

Bruce Crawford: Given that time scale, we must consider carefully whom we should invite to give evidence. At the beginning of the process, I said that we have a huge opportunity to begin to change some of the culture of the Parliament, to give the public more awareness and understanding of what is happening, and to raise the Parliament's esteem with the public. That having been said, we must have a greater look at the external commentators and go beyond the Scottish Civic Forum and representatives of the media to other groups in society that we can invite to give evidence.

I am sure that we could all float suggestions of voluntary groups and trades union groups, for example. Old age pensioners make up a big chunk of the audience and we need to know what they think. All that might make it more difficult for us to meet the deadlines, but if we are going to do it right, let us get a wider range of people through the door to talk to us about what they think we should be doing.

If the Minister for Parliamentary Business has a role, representatives from other political parties should also have the chance to give evidence so that we get the views of all parties. Some back benchers who complete the questionnaire might get a chance to appear before the committee, as might members of the smaller groupings—I am not sure what the technical term is. We should consider those options, because such participation would strengthen our final conclusions. We must spread the ownership of the final decisions that we reach. I realise that that is a big job, but we must do it.

11:00

Cathie Craigie: I agree with Bruce Crawford. We must widen the net to try to get people who

have participated in the process. They might have been part of the audience in the public gallery in the chamber or they might have viewed the proceedings on television.

I agree that we should invite business managers to give evidence. The convener might have a problem that day, but somebody could deputise for him.

The Convener: There are too many business managers on the committee.

Cathie Craigie: Of course; I had forgotten that we have two business managers on the committee. I am sure that they both have able people who could deputise for them.

MSPs are often guilty of not responding to questionnaires that the Procedures Committee circulates. I know that I have received pleading e-mails from the Procedures Committee clerks, stating, "We have sent this questionnaire out previously—please respond." I suspect that MSPs do not always respond.

We should write to the business managers of each of the parties and to the independents to say that we intend to call them to give evidence and ask the parties to consult their back-benchers. We can do the questionnaire if we really want to, but it seems to be a waste of time if 11 members respond out of a group of 50, as was the case in our party when a previous questionnaire was issued.

The Convener: We might not want to issue an open questionnaire too early in the process, but if we make specific proposals—as we did for First Minister's question time—we can test whether the proposals are acceptable. If we circulate a questionnaire to members, they cannot say that they have not been asked about the matter.

Mr Baker: First, as I said, there is the question about the Conveners Group. Secondly, as we have had only one response to the previous call for evidence, can we do a wider call for evidence, which is targeted at groups that the Scottish Civic Forum, committee members or whoever might suggest? We might want to take evidence from some groups and external commentators to follow up the written evidence that they provide.

Karen Gillon: If the committee is putting to Parliament a report that says that we must get beyond the usual suspects, we must get beyond the usual suspects ourselves. I have a list of the usual suspects. We should dump the Conveners Group. If we are dumping the other suggestion, we should dump the Conveners Group because that is the only reason why it was coming.

A series of organisations have come to the Parliament, been involved in the Parliament and watched the Parliament from their homes. We

must find a way to involve them. Perhaps we need to commission independent people to do research in communities to inform us about what genuine, ordinary people think about what we are doing in the Parliament.

When I was on the Education, Culture and Sport Committee, I had experience of doing that with children from across Scotland on the subject of the children's commissioner. It was worth while. We should consider commissioning an external body to question the general public, so that we can be informed about their views through a video or some other form of response. We could bring people to a meeting with us to have a further discussion.

We must get beyond the usual suspects. I am not content to take a list of people suggested by the Scottish Civic Forum. I am happy for us to take up some of its suggestions, but we must get beyond the people who are always consulted and who make their voices known to the Parliament. We must reach people who are not confident enough to come to the Parliament because they see it as an institution that they cannot speak to.

As MSPs, we all have a responsibility to speak to community groups in our constituencies and list areas. We must speak to people who we know are interested to try to get feedback from them. If we agree to have external consultation, we could perhaps use a questionnaire set up by whoever is doing the external consultation and use that to enable us to go out and speak to people ourselves. If the inquiry is to be effective, and if we are trying to change how the Executive is scrutinised, let us do it right.

Mark Ballard: Previously, I had watched First Minister's question time only on TV, and I was stunned by how different it is when you are in the public gallery or sitting in the chamber. We should remember that the perception of it that percolates to the outside world is often very different from the perception of people in the building.

Cathie Craigie: I agree with Karen Gillon's suggestion to get some independent research. Each week there are several hundred people in the gallery. We could call for evidence, but the committee could also prepare a questionnaire, to make it easy for people. It could be handed out when the business bulletin is handed out and we could ask people to respond to it. Even if only 10 per cent or 15 per cent of people responded, it would be a good way to gauge the opinion of the people who watch question time.

One of the first points that will be made is that people who are in the gallery cannot hear. Mark Ballard's point about watching question time on TV is correct. We only ever see the highlights in the evening; we do not watch it live, because we are

in the chamber. When you watch it on TV, you can hear and see much more of what is going on. I am told that when you are in the gallery, you really have to strain to hear the questions that are being put and the answers. I know that the parliamentary broadcasting department has been trying to resolve that issue.

The Convener: Cathie Craigie's suggestion about giving out questionnaires at question time is a good one, and we should pursue it. For the next meeting, we should produce a paper on the practicalities of external research, because it takes time to commission. The issue is whether we can commission it and do something useful within the time scale, because I am not sure that going up to members of the public and asking them what they think of question time in the Scottish Parliament will enlighten anyone greatly.

Karen Gillon: A lot of people have strong views.

The Convener: Yes, but that is not the same thing as enlightening us. The question is whether we could devise external research that would be beneficial to the inquiry, instead of just telling us the anecdotal evidence that we already know.

Bruce Crawford: The general public's understanding of what happens here and whether it is as accurate as it should be is in some ways secondary. We need to judge the perception out there before we make a decision about how much we need to change. Judging the public's perception would be useful, because even if it is entirely negative, at least we would get a feel for the problem.

The Convener: I accept that point, but the issue is whether we can do something that would usefully inform the committee within the time scale. Between now and the next meeting, perhaps the clerks could speak to some of the academics who operate in this field to see whether they can come up with something. It might be a useful project for a postgraduate student.

Karen Gillon: When is the deadline for submitting bids for external research?

The Convener: I am not sure. We will check.

Karen Gillon: I think that it is the end of the month.

The Convener: If there is an issue about a submission having to be made before our next meeting, we can remit the matter to Karen Gillon and me to ensure that a bid is submitted.

Cathie Craigie: I do not know whether an opinion questionnaire falls within the remit of the Scottish Parliament information centre, but surely before we go out externally we can ask SPICe whether it would be able to do it. If we get an academic, they will not have a feel for the day-to-

day operation of the Parliament, whereas the people who work in SPICe would surely have a feel for how the Parliament operates and what we are hoping to get from a questionnaire.

The Convener: That is a fair point. I suggest that the clerk investigates external research options and the time scale for making a bid.

Karen Gillon: I clarify that I did not suggest that we get an academic to do a paper. My suggestion is that we commission an organisation such as the Scottish Council for Voluntary Organisations to discuss with community organisations the issues that are out there. The Education, Culture and Sport Committee used Children in Scotland to undertake a similar task with children and young people. We need that kind of feedback. If we use an academic, we will get an academic paper. We want the thoughts and views of real Scotland, which is what we, as a Parliament, have been missing for the past four years.

The Convener: That is a helpful suggestion. If other members have suggestions, they should feed them in to the clerk by the end of the week so that we can make preliminary inquiries into external research options.

We move on to consideration of whom we will invite to give oral evidence. We do not need to make an exhaustive list of witnesses at this meeting, but we must consider from whom we want to take oral evidence at our next meeting. If members have suggestions for further witnesses, they can feed those into the process.

Karen Gillon: When will we start taking evidence?

The Convener: I was about to propose that we start taking oral evidence at our next meeting.

Karen Gillon: So we must decide now whom we want to have at our next meeting.

The Convener: We do not need to finalise our list of witnesses now, but we must decide from whom we will take oral evidence at our next meeting. Perhaps we can have internal witnesses first, such as the Presiding Officer and parliamentary officials. Should we get the political parties' views from the business managers, or should we leave that till later?

Bruce Crawford: We must understand the nuts and bolts of the existing process before we seek views on how to change it, for example from the Minister for Parliamentary Business and the political parties. We should get their views, but we should do so a bit further on in our inquiry. That will allow them to be more aware of the dynamics involved and to understand what we are trying to achieve. We must examine the process then let our findings percolate out.

Karen Gillon: If the evidence from the Presiding Officer and parliamentary officials is to be meaningful for our later discussions, we must have time after they give evidence to reflect on what they say. We should present the outcome of such reflections to the business managers and members.

The Convener: I am happy with that suggestion. I suggest that we invite the Presiding Officer and parliamentary officials to the next meeting. Are there suggestions for other witnesses who might be useful at this stage for background material?

Karen Gillon: There might be a problem with inviting the Presiding Officer to next week's meeting. Does the Scottish Parliamentary Corporate Body not meet on a Tuesday morning?

The Convener: I am sure that we can sort that out. We might have to reconsider our meeting's starting time. If members have suggestions about specific witnesses, particularly in relation to wider, external views, I ask them to feed them in as soon as possible. We can probably sort out a list of witnesses at our next meeting.

Our only written response so far is from the SCVO, so we might want to invite that organisation to give oral evidence—at least it bothered to respond.

Draft Report (Unauthorised Disclosure)

11:13

The Convener: Item 3 is consideration of a background report on the leak of a draft report both before and after our consideration of it at our meeting two weeks ago. The report also suggests courses of action.

Before going on to that, I want to draw members' attention to a particular matter. I regret that Jamie McGrigor is not here, because I do not like to appear to be doing things behind people's backs. I find it unacceptable that people should comment on a draft report in a debate. That draft report did not contain the views of the committee or of any member of the committee. The draft report was merely a document to assist the committee to reach its final conclusions.

The following day, that was compounded by Bill Aitken who, in speaking against the business motion, said:

"It was clear that, at one stage, the Procedures Committee was minded to recommend that First Minister's questions should be held at 2 pm on a Thursday."—[*Official Report*, 4 September; c 1470.]

At no stage was the Procedures Committee so minded. The committee was minded only once it had made a decision on its report.

In my view, those are both breaches of the Standards Committee guidance, which states:

"public discussion of draft reports can give preliminary views a status they do not warrant and lead to recommendations or findings not adopted by the committee being prematurely attributed to it"—

or even subsequently attributed to it. I find what happened unacceptable.

Bruce Crawford: On a point of order, convener. As far as I can see, the agenda item is a report on the alleged leak of the draft report on First Minister's question time. Although the issues that you raise are linked, they are not material to the item that is on today's agenda for discussion. I may have a view on what you have said—I share some of your views and disagree with others—but it is not right that we should introduce that to the agenda at this stage. I certainly was not prepared for that discussion today. I am happy to have a pretty robust discussion about what should and should not be allowed in public, but if we are to do that, we should do it properly by having it as an agenda item that we can discuss in a proper manner.

The Convener: Sorry, my view was that the issues were linked. Obviously, what happened in

those two debates took place after the clerk's paper was prepared and issued to members, so those issues could not be included within the report. However, I felt that they were on the same topic and could therefore be raised. If you wish us to return to them at a later date, I am happy to do that, but I think that they are related.

Bruce Crawford: My view is that we need to divorce the two issues. Whether someone in the chamber acted in an erroneous manner by discussing material that was the subject of committee discussion is entirely different from the issue of leaking. It may be that both issues involve inappropriate behaviour, but they are not linked to such a degree that we should discuss the two things under this item. I am concerned that doing so might deflect from the issue of the leak, which is what we should be discussing. A discussion on other issues must be separated out from the leak. Otherwise, we might come to a conclusion that was based on the paper before us but influenced by what was said on another issue that is not entirely material to the issue that we are here to discuss.

The Convener: I know what you are saying, Bruce, but all these issues are to do with the use of material from a draft report.

Mr Baker: We would not necessarily draw the same conclusions just because the two actions were being discussed at the same time.

The Convener: I felt that the issue should be raised at this point because it concerned the same draft report being raised in public.

Bruce Crawford: The issue can be raised at this committee, but I am not sure that we should mix up the two issues when we are making a decision.

Mark Ballard: I am new to this. When the point was made in the chamber about the erroneous use of the draft report, people shouted that that happens all the time. I would value having a paper that indicated whether it has happened on previous occasions. I do not feel able to take part in the discussion because I do not know the background.

Karen Gillon: If I may suggest a way forward, we should refer the issue to the standards commissioner and ask him to investigate the leak. Whether or not we come up with who leaked the draft report, we need to set a standard for the committee that says that leaking draft reports is not acceptable, full stop. The matter must be referred to the appropriate authority.

The other issue is a matter of trust in the committee. We need to have a separate discussion among ourselves—not necessarily today—as to how we treat one another and

respect one another. Quite frankly, I am not prepared to have open clear discussions in the committee in a private session about a draft report if they are then to be subject to discussions in the chamber or elsewhere in public.

Yes, it has happened before. We are kidding ourselves if we say that it has not. However, it does not happen in all committees and it is up to the committee members to determine whether they want it to happen in their committee. We will get a much more beneficial discussion and a much better committee that works together if we can trust one another. It does not need to happen. It is up to the members of the committee. We need to discuss those issues when all committee members are present.

The Convener: That is a valid point and it is a fair way forward. Do people agree that that is how we should deal with the issue?

Bruce Crawford: That is the point that I was trying to make. If we are going to have an investigation to deal with the points that Karen Gillon has raised, it should be separate.

I turn to whether we should put the matter to the Standards Committee. I agree generally with Karen Gillon that we have to nip it in the bud. Paragraph 13 of the report states:

"As indicated above, complaints to the Standards Commissioner must name a Member. In the event that a complaint fails to name a Member ... a recommendation as to whether or not the complaint should nevertheless be investigated"

is required. Can such a recommendation come from us?

The Convener: My understanding of the paragraph is that if a member were not named, the Standards Committee would consider a complaint, but would take account of the recommendation of the Procedures Committee on whether to investigate. We would decide whether to put the matter to the standards commissioner with the recommendation that it be investigated.

Bruce Crawford: In that case, I share Karen Gillon's view.

The Convener: Do members agree to refer the matter to the standards commissioner with the recommendation that the leak be investigated?

Members indicated agreement.

The Convener: I ask that the other matter be put on the agenda for our next meeting. Do we agree to hold that discussion in private?

Members indicated agreement.

Scottish Civic Forum

11:21

The Convener: Item 4 is on a letter that I received from the Scottish Civic Forum. I felt that it was best to seek members' views on how to proceed. There are two issues in the letter. One relates largely to the discussion that we will have on the previous Procedures Committee's report. The other issue is a request that we participate in a participation event in November. Do members agree to participate in that event?

Members indicated agreement.

The Convener: In that case it might be helpful if a couple of members were willing to act as link people for the event to ensure that our participation happens. Do we have any volunteers?

Mark Ballard: When will it be?

The Convener: The Scottish Civic Forum is looking to hold it one evening during the week, probably a Tuesday evening. The possible dates are 18 or 25 November.

Cathie Craigie: Usually such events have been held at weekends and I have never been able to go. Tuesday evening sounds good. Why do we not say that it is open to any members as long as we ensure that one or two could go along?

The Convener: It is obviously open to any member, but we have to ensure that at least one or two are definitely willing to participate. I have a problem with it, because Tuesday is the day of our parliamentary group meeting.

Bruce Crawford: It is an awfully long way away for any of us to make a commitment at this stage. Can we discuss it immediately after the October recess and try to get a volunteer at that time, to see who would stick their head above the parapet, for want of a better phrase?

The Convener: That is fine.

Karen Gillon: We could say that in principle we are happy to participate, but we will need to wait until nearer the time to confirm which member of the committee will attend.

The Convener: That is fair.

Cathie Craigie: Could you ask the forum to give us notice of how it is inviting people? This might be wrong and I am sure that the forum will answer me once it has read the *Official Report* of the meeting, but I understand that it has been carrying out consultation and participation exercises on behalf of the Scottish Executive in relation to its publication "Putting our communities first: A

Strategy for tackling Anti-social Behaviour". I understand that it arranged a meeting in Glasgow of which people got less than three days' notice. That does not demonstrate to me that the forum is encouraging people to participate in events if they are getting only two or three days' notice. Colleagues in Glasgow and people who are involved in tenants organisations and community groups have been gossiping about the short time scale. Is giving people so little notice normal practice?

The Convener: I am not aware of that issue. You will have to take up the matter directly with the Scottish Civic Forum or the Scottish Executive in relation to its consultation on the antisocial behaviour bill.

The forum has given significant notice of the local participation summits in October—I was given the date for one several weeks ago, although I have no further details as yet. They must have been organised on a regional list area basis, as I received notice of the event for Mid Scotland and Fife.

I have a couple of brief housekeeping points to make, for which we will not need an *Official Report*.

11:25

Meeting continued in public until 11:27.

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