

PROCEDURES COMMITTEE

Tuesday 23 January 2007

Session 2

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PROCEDURES COMMITTEE

1st Meeting 2007, Session 2

CONVENER

*Donald Gorrie (Central Scotland) (LD)

DEPUTY CONVENER

*Karen Gillon (Clydesdale) (Lab)

COMMITTEE MEMBERS

*Richard Baker (North East Scotland) (Lab)
*Chris Ballance (South of Scotland) (Green)
*Alex Johnstone (North East Scotland) (Con)
*Kate Maclean (Dundee West) (Lab)
Mr Bruce McFee (West of Scotland) (SNP)

COMMITTEE SUBSTITUTES

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Patrick Harvie (Glasgow) (Green)
Tricia Marwick (Mid Scotland and Fife) (SNP)
Irene Oldfather (Cunninghame South) (Lab)

*attended

CLERK TO THE COMMITTEE

Andrew Mylne

LOCATION

Committee Room 5

Scottish Parliament

Procedures Committee

Tuesday 23 January 2007

[THE CONVENER *opened the meeting at 10:20*]

Work Programme

The Convener (Donald Gorrie): The first item on the agenda is the committee's work programme. The clerk has produced a paper that sets out what work we still have to do—we have done most of it. There is one additional matter, which Carolyn Leckie raised during the committee's debate in the Parliament on 21 December and to which Karen Gillon alluded in replying to the debate. The issue concerned changes in committees' political balance as a result of members, including conveners, defecting from one party to another. I do not know what members think about that. I feel that there is an issue, but that we have no time to do anything about it in this session of Parliament. We could therefore include the issue in our legacy paper, if members agree to have a legacy paper when we discuss the next agenda item. What do colleagues think?

Alex Johnstone (North East Scotland) (Con): When I heard Carolyn Leckie mention the issue, I did not follow her logic. I thought that the way in which the Parliament operates is that the initial decisions that are made based on the distribution of support for the parties cannot be imbalanced by any changes that occur thereafter. Consequently, when, for example, a Conservative committee convener left the Conservative group in the Parliament, he remained as that committee's convener. Although that may have been an embarrassment to the Conservative group at the time, that is exactly what should happen. If that is the established process, I see no need to change it.

Kate Maclean (Dundee West) (Lab): Alex Johnstone's point would be relevant if members themselves were given positions on committees. However, the committee convenerships are distributed using the d'Hondt method, so if a convener leaves a certain political party, that party no longer has the number of conveners that it should have. We are on committees not as individuals, but as members of political parties. I do not think that we can investigate the issue, partly because we would want to consider what happens elsewhere. However, it is worth including the issue in our legacy paper for the future committee to consider.

Richard Baker (North East Scotland) (Lab): I agree that the issue is one for the legacy paper.

The Convener: Good. Alex Johnstone has a useful argument, but an argument can be made the other way. The issues that arise about keeping stability in committees support Alex Johnstone's view. We will put the matter in our legacy paper.

Other than the points in the clerk's paper, are there any other issues that members think we should work on in this session of Parliament? Is there any enthusiastic support for any new issues?

Members: No.

The Convener: I think that the clerks have enough guidance on that matter. [*Interruption.*] If we could have only one meeting, our proceedings would prosper a bit.

Kate Maclean: Sorry.

Legacy Paper

10:24

The Convener: From the conversation that we have just had, it seems that members think that there should be a legacy paper. Is that a fair statement?

Members indicated agreement.

The Convener: The guidance from the Conveners Group is that it is best to produce the legacy paper as a committee report. Are members happy to go along with that?

Members indicated agreement.

The Convener: We have a paper from the clerk that lists various items that have arisen out of committee reports and which we could include in the legacy paper. We have just mentioned the issue of political balance on committees. We have discussed previously the issue of the cut-off date for members' bills—we thought that it was for the Parliament in the new session to work out its salvation in that regard. We have also discussed whether the committees should produce a once-a-session report on equal opportunities. Again, we felt that the committee in the next session of Parliament should consider that.

The next suggestion is about the proposed interpellation procedure. If, at some unknown date in February or March, the Parliament accepts our proposals and the interpellation procedure is trialled in the new session, some scrutiny will obviously need to be carried out to find out how the procedure has worked during the trial period.

The allocation of Opposition debating time is an issue that it seems particularly sensible to leave to the new Parliament. Given that it is conceivable that the Parliament's composition might alter, the new Parliament might feel that there is a fairer way of allocating debating time among the parties.

Karen Gillon (Clydesdale) (Lab): Convener, are you looking for comments on each suggestion as we go through the paper?

The Convener: You may fire away with any comments as we go through it.

Karen Gillon: I am content with the previous suggestions, but I do not agree with the suggestion on rule 5.6.1(b). We did not come to any conclusion on that issue—as the clerk's paper says—so we should not include it in our legacy paper. The legacy paper should recommend issues that our successor committee should take forward. We do not want to recommend that it should take forward that issue, although it might want to reconsider the matter if things change.

Chris Ballance (South of Scotland) (Green):

We can draw the new committee's attention to paragraph 88 of our report "Review of Parliamentary Time".

Karen Gillon: Why?

Chris Ballance: The paragraph points out that the new committee can decide whether to reconsider the issue. The legacy paper cannot tell the new committee what to do, but it can flag up issues that we suggest it might wish to consider if it so desires.

Karen Gillon: I am not convinced.

Alex Johnstone: I can see Karen Gillon's point, given that there is the potential that the issue will become history after the election. If we end up with a minority Government, decisions on debating time will be based on the make-up of the Parliamentary Bureau and the distribution of power in the new Parliament rather than on an agreement that there should be 16 half sitting days of non-Executive business. Conceivably, if the current situation is not repeated at the election, the recommendation in paragraph 12 of the clerk's paper could look rather dated when we return here in May.

Kate Maclean: As long as the legacy paper states the committee's view clearly, I think that it can cover both issues that we have not had time to consider and issues that we have considered but not resolved for lack of time. However, the legacy paper should not include issues that have been discussed and decided on by this committee. We should not expect a future committee to rehash decisions that we have made. As long as the committee's recommendations are clear, I think that it does not really matter what is in the legacy paper because it does not commit a future committee to anything. The legacy paper should highlight those issues that we have not had time either to consider or to resolve and which we think merit further discussion.

The Convener: The wording needs to state clearly that we are not urging the new committee to make any change. The reference to the lack of consensus is a factual statement. We can point out that the new committee can do what it wants with the issue. Is that a reasonable suggestion? Would that meet the point that Karen Gillon made?

10:30

Karen Gillon: I would want to see the wording. There are some issues that were flagged up to us but which we have not been able to take forward because we have run out of time, but they are different from the issue of rule 5.6.1(b), on which we took a view. We decided not to recommend any change to the rule.

Kate Maclean: We made a decision and we should not ask our successor committee to re-examine it.

Chris Ballance: We did not really make a decision. There was no consensus on the matter.

Karen Gillon: We made a decision. If we—

Chris Ballance: Having no consensus is not the same as coming to a decision.

Karen Gillon: We decided not to change the status quo. That was our decision. If a majority of members of the committee had supported a change, we would have changed the rule, but there was no majority on the committee, so we continued with the status quo.

Chris Ballance: But that happened by default rather than anything else. We did not make a decision to continue with the status quo. We just could not decide whether or not to change the rule, and therefore—

Karen Gillon: The fact that we did not move to a vote does not mean that there was not a majority on the committee.

The Convener: Whatever we say, the matter will be considered in the new session of Parliament, so the question whether we include it in our legacy paper is perhaps not important.

Karen Gillon: It is a question of how we include things in our legacy paper. There are things that will need to be examined sooner rather than later. For example, the guidance on members' bills will need to be examined if members are to know when the cut-off point will be and what the expectations on them will be.

The convener is right that the matter will come up whatever we decide. However, I guess that it will come up because of the Parliament rather than because of the Procedures Committee. Alex Johnstone is right. There could be a minority Administration or a different coalition, or there could be a further election after six months. We do not know what will happen after the election.

Chris Ballance: I do not think that there will be a further election after six months. I do not think that that is statutorily possible.

Karen Gillon: It is possible if we cannot elect a First Minister.

Kate Maclean: That would be fun.

Karen Gillon: I am relaxed about including the matter in our legacy paper, convener, but I am concerned about how that will be done.

The Convener: We can ask the clerk to word it in a neutral, factual way; we can state that we decided not to decide. Our successor committee can make what it wants of that.

Members indicated agreement.

The Convener: On legislative consent procedures, the paper suggests that we state in our legacy paper that our successor committee should review the new rules in due course to see how well they are working. Is that all right?

Members indicated agreement.

The Convener: Private bills should not be an issue because there is a new procedure in the Transport and Works (Scotland) Bill. Our successor committee can look into the matter when the new procedure is in operation.

Richard Baker: In previous inquiries, we highlighted the usefulness of post-legislative scrutiny. Beyond what we think should be improved in the Transport and Works (Scotland) Bill, I anticipate that there might be a case for changes later on. We should state in our legacy paper that we participated in the consideration of the new procedure and that we want to see how well it works in practice because we believe that committees should engage in the scrutiny of bills that have passed into law.

Karen Gillon: That is a good way to put it.

The Convener: I presume that our successor committee will undertake post-legislative scrutiny, but it would also be worth while to suggest that it ensures that the committee that deals with the area of work rather than with the procedures—at present, it would be the Local Government and Transport Committee—should also undertake such scrutiny.

Richard Baker: Yes—our successor committee should encourage that.

The Convener: That is a good point.

The next topic in the paper is hybrid bills. I am happy for someone else to consider that, but it is worth while to include it in the legacy paper as the clerk suggests. The new committee might have a view on the matter.

The next topic is subordinate legislation procedures. The Subordinate Legislation Committee published a draft report on proposals for a new regulatory framework in Scotland. If the Subordinate Legislation Committee's successor feels that, because so much subordinate legislation is being produced, the Parliament cannot scrutinise it all as well as it should do, I do not know whether that will be an issue for the Procedures Committee or for the Parliamentary Bureau and the Parliament as a whole, or whether we will just leave the Subordinate Legislation Committee's successor to get on with it. The issue depends on the bill that the committee introduces and whether that involves a change in the standing orders.

Karen Gillon: That is a bit of an unknown quantity. We do not know what will be in that bill.

The Convener: Yes. If there is a new bill on subordinate legislation that requires standing orders to be changed, the new Procedures Committee will have to address that. We could state in the legacy paper that we acknowledge that the issue is important, but feel that it is not the time for us to take action on it.

The next question is whether our successor committee should propose a bill or take the lead if an Executive bill is produced to replace the statutory instrument that is mentioned in paragraphs 20 to 22 of the clerk's paper. As members have nothing to say about that, we will just say that we feel that the issue is not for us to deal with.

Do members have any other specific topics that they would like to be added to the legacy paper?

Chris Ballance: I want to raise a matter that another member raised with me the other day. I am not sure how to bring it to the committee's attention or whether including it in the legacy paper would be the right approach. A member asked me whether the *Official Report* could record when members leave committee meetings, as well as when meetings start. It was suggested that one or two members sometimes stay long enough to get their name in the minutes and then leave and that, if a committee is taking decisions, the *Official Report* ought to record the members who are in the room at that point.

Kate Maclean: It would have to say when members arrived, too.

Chris Ballance: Yes, it would. I am afraid that I arrived at 10.22 today—my apologies.

Kate Maclean: Me too.

Karen Gillon: That is on the record now.

Chris Ballance: I know—that was deliberate.

I am not sure what would be the right mechanism for recording that information, but a member raised the suggestion with me last week.

The Convener: The point is valid, but I am thinking about the practicalities. For example, would the *Official Report* record every occasion on which a member went out to the loo or to make a telephone call and then came back, or would it record only permanent absences?

Chris Ballance: The member who spoke to me was thinking about permanent absence.

Kate Maclean: The clerks would not know whether the absence was permanent, unless the member said that they were leaving early.

The Convener: I ask the clerk what he feels, as the person who might have to deal with such an arrangement.

Andrew Mylne (Clerk): I certainly think that that would not be a matter for the *Official Report*, which is there to record what people say. The minutes record who is present, but we have always taken the view that they simply record whether a member was present at some point during a meeting. Logistically, it would be extremely complex to record members' every coming and going throughout a meeting and it would be difficult to do so reliably. However, if members wish to pursue the suggestion, I can look into it in more detail and take soundings about the practicalities.

Richard Baker: Perhaps the Conveners Group could consider the suggestion. If a decision was controversial, there would be a record of any division and of who was there, so we would know whether someone was missing. I am not saying that there is not an issue; I just do not know whether the committee needs to conduct an inquiry into it.

The Convener: That is a valid point. Votes are recorded.

Kate Maclean: That raises the issue of members voting in the chamber. During stage 3 proceedings, I, along with most other members, end up running back and forward from the coffee room and asking people what we are voting for. If we are going to say that everybody has to be present for every debate in which they are going to vote, that will have wider implications than what happens in committees. Members are less guilty of voting in committee without having heard the debate than they are of doing so in the chamber. The next Procedures Committee will have to consider the issue carefully before introducing any rules on it.

Richard Baker: Chris Ballance was concerned about the current set-up. We know whether members are there for important divisions. If they are not there, perhaps that is because there are no important decisions to make. We have to strike a balance. The status quo is far from perfect. I am not sure what the right forum would be in which to discuss the matter further.

The Convener: I was not sure whether one of the implications of what Chris Ballance's colleague said to him was that some people skive off and do not work as hard as they should. I would have thought that if that was a concern, it would be up to the convener of the relevant committee to say to Mr X that it would be nice if he turned up more often. Did my dirty mind read into your remarks something that you did not mean?

Chris Ballance: There might have been that nuance. There was the suggestion that one or two people tended to skive off regularly.

The Convener: One option is to tell the Conveners Group that the matter has been raised and ask it whether it wants to do anything about it. Alternatively, do we feel that the present system is as good as we will get it?

Karen Gillon: Members are adults and are responsible for their own actions. If the convener of a committee is concerned that a member is not giving the committee their full attention, they are quite at liberty to have a wee word, either publicly or privately. I do not know what we would gain from having something different from the current set-up. Some members might be brass-necked enough not to turn up. Do we really think that people will trawl through the *Official Report* to see when members left meetings or whether they did not attend? We should keep the status quo. There will be enough to do in the next session without considering that. However, it could be considered if it became an issue.

Chris Ballance: A letter or a quiet word from the convener of the relevant committee might be the answer.

The Convener: It was a good point to raise.

Alex Johnstone: The technical difficulties could be overcome by simply recording when members put their cards in. I notice that we are not as disciplined about putting our cards in in committee as we used to be. The fact that cards can be put in a slot surely means that a member's presence at a committee could be recorded. In that way, we would get a good indication of whether a member had left simply to go to the toilet or take a phone call, or whether he had left with no intention of coming back.

Richard Baker: I have another issue. I do not think that we ever got question time right. There is still not an avalanche of attendance for it and there is not a lot of interest from the gallery. We should flag that up in our legacy paper.

The potential pilot and review of interpellations will cover one aspect of questions in the chamber, but how questions to the Executive work needs to be considered, whatever happens. At the moment, they do not generate the kind of debate and interest that we want.

Kate Maclean: Question times were better at the start of the first session of Parliament. Perhaps we were all more bright eyed and bushy tailed then, and more inclined to stay for questions. However, it definitely worked better to have general questions—mixed rather than themed—followed by First Minister's questions. More people were in the public gallery and there was more

interest from the press and from members in general questions. Now the only thing the press are really interested in, and the only thing that fills the chamber with members, is FMQs. When Parliament started in 1999, attendances in the press gallery, in the public gallery and on members' benches were quite good for question time. We should go back to that arrangement.

Alex Johnstone: Hear, hear.

Chris Ballance: It is true that the changes that we have made have not worked as intended.

Kate Maclean: Every change has made things worse.

10:45

The Convener: I would be disappointed if it were felt that interpellations were in some way a substitute for questions, because they are very much separate. The arrangements for the question times certainly have to be scrutinised. That point should go in the legacy paper.

Do we want to include in the paper our views on which procedures have worked well? I am thinking for example of round-table discussions or visits to foreign Parliaments—on specific issues, as opposed to on jaunts. I feel that we have benefited from our visits abroad; we brought back the idea of interpellations and we learned many other useful things. We have also held one or two quite useful round-table discussions. Is it worth making such points to our successors?

Karen Gillon: It is worth saying that the committee has benefited from using a variety of mechanisms for gathering evidence. We could say in the paper, "Among the mechanisms that we have used are the following, and you may wish to consider them."

The Convener: That puts the point very well.

Alex Johnstone: I have been in other committees at which evidence was taken via videolink, but my experience in this committee was the best that I have had of videolinks. It was very effective.

The Convener: Yes, we should certainly mention that. We will include Karen's point, the point about videolinks and the points about round-table discussions and foreign visits.

Are there any other points for our legacy paper? Are there any more jewels that we wish to pass on to our inheritors?

Karen Gillon: I think there are enough to be going on with.

Electronic Voting

10:48

The Convener: The third item on our agenda is electronic voting in committees. Paper PR/S2/07/1/3 sets out a brief history. At some point, Parliament agreed to have a trial of electronic voting at the Communities Committee. The committee was dealing with the Planning etc (Scotland) Bill and many divisions were expected at stage 2. However, a special vote was required in Parliament because the standing orders do not allow electronic voting in committees, only voting by a show of hands.

The Conveners Group feels that electronic voting should be available to other committees and has asked us to change standing orders accordingly. If we agree to make the change, we will in no way be saying that committees should always use electronic voting; it will be up to each committee to decide what it wants to do for each bill. At the moment, the standing orders block committees from using electronic voting, but if we change the standing orders it will be open to committees to do what they want. One newspaper has whipped up some interest in the subject.

Karen Gillon: I might not have understood the procedures correctly. There was an excessive number of amendments for the Planning etc (Scotland) Bill. My understanding was that the standing orders contain a provision to allow Parliament to vote to allow electronic voting in committees. If that is the case, I am relatively relaxed about that process being used again in the future. If there is an overwhelming need, it can be done.

The Convener: I cannot honestly remember how much procedure was necessary to enable the Communities Committee to carry out its voting in that way. Perhaps the clerk could remind me.

Andrew Mylne: What the deputy convener says is correct. Under the current rules, committees are required to vote by a show of hands unless Parliament has directed otherwise. That is what happened to enable the pilot exercise to go ahead. The Communities Committee asked the Parliamentary Bureau to lodge a motion to enable such a direction to be made, and that was done. That would be possible, under the existing rules, on any future occasion on which a committee wanted to use electronic voting.

The point is that it requires a certain amount of forethought, and there is a process to be gone through before a committee can use electronic voting. The suggestion is that the rules might be changed to enable a decision to use electronic voting to be taken by a committee more or less on

the day, without the matter going to the chamber. That is the balance that needs to be considered.

Alex Johnstone: As you are aware, convener, a particularly diligent member of the parliamentary press corps read the paper on this subject in advance and beat a path to my door. The comments that I made to him are worthy of repetition today.

It is cause for concern that the electronic voting system lacks the immediacy and openness that is currently experienced by those who observe the work of committees at first hand. I have sat on committees at which—especially at stage 2 of a bill—members have argued one way but then voted another. If members choose to do that, they should be exposed instantly. Although, as the paper makes clear, it is important that we remember that minutes will be published and that the results of electronic votes will be available the following day, that would in my view be a step backwards in terms of openness. The arguments that have been put—in some detail—highlight areas in which electronic voting in a committee may be appropriate, but I would be concerned if electronic voting were to become the norm.

Following Karen Gillon's question, I want to ask whether—given that electronic voting has been possible as an experiment during the process of one bill on one committee and the procedures and the necessary functions already exist—we need to spend money on additional software in order to be able to repeat the exercise.

Chris Ballance: The paper talks about the possibility of flagging up the votes on the public television screens at the same time as the convener gets them. That would certainly get around the problem of a lack of openness.

I would be happy for us to change the rules to enable electronic voting, but I am not sure whether we are also being asked to agree to the expenditure that is outlined in the paper. I am not convinced by the costs that are cited because I do not foresee electronic voting being used so regularly that we need to have three committee rooms equipped for it. I would have thought that one or, at most, two committee rooms would need to be equipped for it, therefore the cost that is given could easily be halved if not avoided altogether.

Karen Gillon: Has one committee room already been set up for electronic voting?

Chris Ballance: It has.

Karen Gillon: Why, in that case, do we need to set up any more?

Chris Ballance: I would be happy for us just to change the rules and to instruct Parliament's information technology department to look into the

possibility of getting the votes up on the public television screens.

The Convener: There was some discussion on that point at the Conveners Group. I did not follow it fully, but it seems that although the pilot scheme was managed without great cost, costs would be incurred if the facility were provided more generally. It is not a question of making each committee room accessible; the equipment is portable.

Chris Ballance: Page 6 of the paper tells us that the pilot scheme cost £3,744 and that it would cost an extra £6,700 to equip a further two committee rooms. We already have one committee room enabled, which I presume will be enabled for the rest of time or until there is technological failure. Do we need to spend any more?

Kate Maclean: Paragraph 10 on page 4 of paper PR/S2/07/1/3 states that the software that was used to electronically transmit voting records to the official report from the chamber did not work and that no way was found to deal with that problem during the pilot exercise. The paragraph states that the software would have to be reconfigured

“should electronic voting become more widely used by committees”.

It might be useful to find out the cost of having electronic voting equipment in only one or two committee rooms, whether reconfiguring the software would be necessary if the arrangements were ad hoc, and whether the software would work adequately on the small number of occasions on which electronic voting would be used, which would be when bills were being considered at stage 2. Perhaps the costs that we have been given are for all-singing, all-dancing electronic voting equipment for all committee rooms. It might be useful to have costs for something that would fall short of that level of equipment. If we are considering a report, the main thing to make clear is that committees should be able to decide whether they want to vote electronically, rather than there having to be a parliamentary motion agreed to.

Karen Gillon: If the equipment in one committee room is up and running—

Kate Maclean: The software is not.

Karen Gillon: The paper says that it is.

The Convener: I was trying to remember what paragraph 10 says. I am obliged to Kate Maclean for referring to it.

Kate Maclean: Paragraph 10 states:

“given the short term nature of the pilot, it was agreed that this work should not be carried out and a method of

transmitting the results to the Official Report in an alternative format was identified and used successfully.”

A pilot exercise was conducted and the measures were only temporary. The paper states that the temporary solution would not be appropriate should electronic voting be used more widely in committees.

Karen Gillon: For me, the first question is whether, in principle, I want more electronic voting in committees. My answer is that I do not. A huge amount is gained from open and transparent voting in committees. A member who decides to vote against their party can vote openly and transparently while sitting beside two colleagues, by putting up their hand. That adds something to the process. Time gains can be made in exceptional circumstances—the Planning etc (Scotland) Bill process highlighted that—but I am not convinced that we should move in that direction. Finances are a secondary issue in that context; a point of principle is involved. We should not move to having electronic voting in committees, because some transparency and openness would be lost. The results of votes could be put on a screen, but would we know which member voted for what?

Alex Johnstone: There is another issue to do with members raising their hands to vote, which arises from my experience. I sat through a stage 2 committee debate—I think Karen Gillon was also a member of the committee—in which, in representing my interests, I was in a minority of one in voting on a series of amendments. It was important for me to be seen to be in a minority of one on them. I do not want an electronic voting system to hide such things—I took great pride in putting up my hand and getting gubbed.

Richard Baker: That takes us back to the point that Chris Ballance made about the software.

Karen Gillon said that the software would have to be changed so that people could see instantly who had voted for what. I agree with what she said about the fundamental principles that are involved, although I do not mind if committees take decisions on the matter rather than the whole Parliament having to take a position—I have no trouble with that.

11:00

Karen Gillon: Paragraph 10 mentions that the software could not transmit vote details electronically to the official report. However, given that we have official report staff present during committee meetings, the details can surely be transmitted manually. Why do the votes need to be transmitted electronically to the official report instead of being delivered manually, as happens for show-of-hands votes?

I am quite content for the technology to be made available in one committee room and for the decision to rest with committees. Committees could bid for the room in the same way that they bid for any other resource in the Parliament. However, we should make it clear that electronic voting should be used only in exceptional circumstances and that it is not the will of Parliament that electronic voting should become the routine. Although there might be an issue in respect of the time that it might take to get a request for electronic voting approved by the Parliamentary Bureau, I am not convinced that we need electronic voting equipment up and running in three committee rooms. If we were to accept the principle that committees should ordinarily use electronic voting, we might need three committee rooms, but if use of electronic voting is to be limited, it will be sufficient to have one committee room kitted out. The information could simply be handed to official report staff. Call me old-fashioned, but I do not think that we need to incur huge amounts of expenditure to enable the details to be transferred by computer.

The Convener: The committee clerk has ingeniously suggested that members could vote in both ways—electronically and manually—at the same time.

Alex Johnstone: Unfortunately, that would not fit in with our commitment to ensure that disabled people are catered for. People who could not do both things at once would be disadvantaged.

The Convener: I draw members' attention to the section of the paper that outlines the benefits of electronic voting. Paragraph 15 claims that electronic voting resulted in improved accuracy—I do not know whether that is an accurate claim—and more efficient use of committee time. Although many of us believe that to use electronic voting is not a good idea, the question that I am struggling with is whether we should block the idea completely or whether we should, as we are invited to do, enable each committee to make up its own mind.

Karen Gillon: As the Procedures Committee, we have the responsibility to decide on the procedures and rules under which Parliament operates.

The founding principles of the Parliament include openness and transparency. If we decide that electronic voting should be the norm in committees, we will move away from a procedure that is very transparent to one that is less transparent. Electronic voting would still be transparent to the press because they could get the vote details, but it would not be transparent to the people who bother to turn up to listen to a committee's debate. For example—this committee does not provide many such examples—when the

Communities Committee considered the Scottish planning policy 16 guidelines on opencast mining, large numbers of people from both sides of the debate attended the meeting to hear about the issues and to see how members would vote. If we were to take away their ability to see how members vote, what would be the point of their attending the committee meeting to lobby members before the vote and to speak to them afterwards?

I am not convinced that electronic voting will lead to increased accuracy. Given that the maximum number of members on a committee is usually nine—or perhaps 11—surely to goodness the recording of votes has been pretty accurate. On several occasions, however, our electronic voting consoles have not recorded votes accurately—or members have claimed that they did not record votes accurately. Errors can be challenged if we use a show of hands. If a convener says that the vote is five in favour and four against when it is clear that it is four in favour and five against, members can challenge that immediately by saying, "You have not counted my vote properly." If members want to vote one way but claim that they will vote the other way, they cannot do that in a show-of-hands vote. If the vote is taken electronically, members can say, "Oh, I meant to vote the other way," or, "Oh, the computer has recorded my vote differently."

Alex Johnstone: Interestingly, the electronic voting system is open to human error. Recently, there have been a significant number of cases in the chamber where, during a vote, whoever was in the chair had to point out to an individual member that they had pressed their request-to-speak button by mistake. That openness to human error calls into question the accuracy of the electronic system.

The Convener: Do we want a complete clarification of the subject in order to understand the issues of software, cost and so on, or are we agreed that this is a matter of principle, in which such issues are not significant?

Richard Baker: My preference would be for us to say that committees should take the decision and that we need no more than one committee room to be geared up for electronic voting. Instead of encouraging committees to use electronic voting on a regular basis, we should be establishing the principle that it should be done only on an ad hoc, exceptional basis, perhaps for big bills like the Planning etc (Scotland) Bill.

The Convener: Right. I suggest that we go through the paper bit by bit. Is it the committee's general view that it is quite enough for one committee room to be fitted up for electronic voting?

Kate Maclean: It is not a question of how many committee rooms should be fitted up. Before we decide on that, we need to arrive at a view on what should happen. If we are of a mind that electronic voting should happen only on rare occasions and that the decision to proceed should be made by the committees, we should leave it up to committee officials to say, "This is what our committee wants and this is what is required." If we say that only one committee room should be fitted up, we are dictating what happens. We do not know how much use would be made of the facility.

Committees seem to be telling us that they do not envisage using electronic voting to any great extent. They are also saying that the decision on when to use it should be made by the individual committee and that facilities should be put in place for that to happen. Once we have agreed on that, we will have taken care of Alex Johnstone's point. If he wants to bolster his ego by putting his hand up every two seconds, he can do so. When the convener asks whether his committee wants to have electronic voting, he can say, "No, I don't want that because I want the vote to be transparent." Once we have taken the decision in principle, officials can say what facilities need to be put in place and how much it will all cost.

Richard Baker: Fair enough.

The Convener: So is it our view that electronic voting should be used only in exceptional circumstances, for example when a committee is considering a bill that has generated a large number of amendments?

Kate Maclean: We should leave it for committees to decide.

The Convener: Right. We are not saying that electronic voting should never happen; we are saying that it should be a rare event. In the light of that, we are also saying that one room will be quite adequate for these purposes. Is that agreed?

Members indicated agreement.

The Convener: What about the issue of the standing orders? Do we want to change the standing orders to say that a committee can go ahead with electronic voting if it wants to do so, or do we want to put sufficient obstacles in the way of proceeding such that the committee has to get the Parliament to agree?

Richard Baker: I am happy for the decision to be made by the committees. In general, I am in favour of the committees running their own business. However, I will not die in a ditch over the issue.

Karen Gillon: We should be doing as little as possible to encourage this practice.

Alex Johnstone: I agree.

Richard Baker: We should have a show of hands.

The Convener: Or we could have an electronic vote on the issue.

Karen Gillon: I am not convinced that the current system is so cumbersome that it would be outwith the wit of a committee, which I guess would be meeting every week at stage 2, to get the approval of the Parliamentary Bureau and the Parliament to use electronic voting. We do not allow committees to meet when they want—the Parliament takes that decision.

The Convener: Should we say that, in pursuance of our view that electronic voting should be used only in exceptional circumstances, the committee in question should have to approach the Parliament for permission? That would mean that committees would use electronic voting only when they felt a strong need to do so.

Kate Maclean: Is that the status quo?

The Convener: Are we supporting the status quo? I do not know.

Chris Ballance: On the issue of transparency, the convener of the Communities Committee, who has worked with electronic voting, states:

"there are genuine efficiency benefits to be gained by using this system and ... it would be unfortunate if its future use were to be ruled out on this issue alone. However, it is recommended the issue should not be ignored and that officials should be asked to examine it further and to consider whether there is any potential for using the broadcasting/voting systems to allow those present to see the individual voting records at the time the result is announced."

I see no reason why we should not ask the Parliament's business information technology office whether that is possible.

Karen Gillon: We are in danger of spending more than £7,000 to find out whether something is possible, but we have not made a decision on the principle of whether electronic voting in committees is the right way to go.

Chris Ballance: If we can overcome the transparency problem and ensure that, immediately after the vote, who has voted which way is clear to everyone in the room, I have no problem with electronic voting. If that is not possible, I have grave reservations about it.

Karen Gillon: My understanding is that the costs in the paper do not include the transmission of results on television screens.

Chris Ballance: I do not know whether that has a cost.

Karen Gillon: Everything seems to have a cost in this place.

Chris Ballance: It might be something that BIT could do internally within its own work programmes.

As things stand, I do not think that we should change the rules to allow electronic voting in committees, but I am open to finding out whether the transparency problem can be overcome.

The Convener: Should we state that our view is that we do not wish to encourage electronic voting; that it is acceptable to use electronic voting for a bill to which an exceptionally large number of amendments has been lodged; that we are concerned about the transparency of electronic voting; but that, if those on the technical side read our debate and find ways of meeting our concern, we will revisit the matter? Is that a legitimate way forward?

Andrew Mylne: It certainly is. Do you envisage that that would be conveyed by means of a letter to the Conveners Group?

Karen Gillon: Before we get engaged in protracted correspondence with the Conveners Group, it would be helpful to come to a view one way or the other. Chris Ballance suggested that we find out whether BIT could sort out the TV screens, so I suggest that we do that first. I guess that a majority of members of the committee are against electronic voting in committees, but I am happy to explore the avenues.

Chris Ballance: This is a small point, but if you can understand the subtle nuance, I was suggesting that we should respond to the Conveners Group and say, "We are not interested, but if you can suggest a way in which the transparency issue can be resolved, we will look at the matter again." That will put the onus on the Conveners Group to consider how important electronic voting is.

Karen Gillon: That is a good idea.

The Convener: We can do that. I suspect that the timescale of the Conveners Group's meetings and ours is such that we will not progress very far in the current session.

Andrew Mylne: Convener, perhaps the final question is whether the committee is content for you, on behalf of the committee, to write to the Conveners Group in those terms or whether the committee wants to see a draft letter.

The Convener: Will members entrust the composition of the letter to Andrew Mylne and me, or do they want us to e-mail a draft letter to them so that they can be sure that it fairly—

Karen Gillon: We will trust you, convener.

Members indicated agreement.

The Convener: Thank you.

In the light of the decisions made earlier in the meeting, there is probably no necessity to have a meeting on 6 February. We could have a meeting on that day, but I do not think that there is sufficient demand for that.

Karen Gillon: Is there sufficient demand for the other meetings that are scheduled? There is probably demand for one more meeting, but I am not convinced that there is demand for another three.

Andrew Mylne: I suggest that we take a decision about that in due course, but if we take a decision on the 6 February meeting now, that would be helpful.

The Convener: Right, so there will be no meeting on 6 February. The deputy convener, the clerk and I will have a discussion in good time before 20 February to decide whether we will meet then. Is that agreed?

Karen Gillon: We should take out one more meeting at this stage. People's diaries are getting relatively busy. I looked at the work programme and there is nothing on it. Why should we have three meetings in the diary for a work programme that does not exist?

Andrew Mylne: I suggest that we contact members shortly after today's meeting to confirm the date of the next meeting.

The Convener: Okay. If we need one meeting, we will have one, but if we need two, we will have two. Our decision about that might relate to the next meeting of the Conveners Group. From memory, there will be one in February but none in March.

Thank you for your attendance.

Meeting closed at 11:16.

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