



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE

Tuesday 25 October 2011

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STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE
5th Meeting 2011, Session 4

CONVENER

*Dave Thompson (Skye, Lochaber and Badenoch) (SNP)

DEPUTY CONVENER

*Helen Eadie (Cowdenbeath) (Lab)

COMMITTEE MEMBERS

*Margaret Burgess (Cunninghame South) (SNP)

*Bob Doris (Glasgow) (SNP)

*Margaret McDougall (West Scotland) (Lab)

*Nanette Milne (North East Scotland) (Con)

*Paul Wheelhouse (South Scotland) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP)

Hugh Henry (Renfrewshire South) (Lab)

Margaret Mitchell (Central Scotland) (Con)

CLERK TO THE COMMITTEE

Gillian Baxendine

Alison Walker

LOCATION

Committee Room 2

Scottish Parliament

Standards, Procedures and Public Appointments Committee

Tuesday 25 October 2011

[The Convener opened the meeting at 14:46]

Decisions on Taking Business in Private

The Convener (Dave Thompson): Welcome to the fifth meeting of the Standards, Procedures and Public Appointments Committee this year. I ask members to turn off mobile phones—in fact, I shall do that myself first—to make sure that we are not interrupted during our business. *[Interruption.]* That noise was from my mobile phone being switched off. You now know that it is officially dead.

Item 1 is to consider whether the draft report on reform of parliamentary business and remodelling the parliamentary week should be taken in private at future meetings. Are members happy with that?

Members indicated agreement.

The Convener: Item 2 is to consider whether we should take item 5, which deals with directions to the Public Standards Commissioner for Scotland, in private later this afternoon. Do members agree to take that item in private?

Members indicated agreement.

Cross-Party Groups

14:47

The Convener: Item 3 is on cross-party groups. We have eight groups looking for recognition.

Paul Wheelhouse (South Scotland) (SNP): I should declare that I propose to be a member of two of the groups concerned: the group on armed forces veterans and the group on rural policy.

Margaret Burgess (Cunninghame South) (SNP): I declare that I am a member of the group on volunteering and the voluntary sector, which is applying for recognition.

Margaret McDougall (West Scotland) (Lab): I am a member of the health inequalities group.

Nanette Milne (North East Scotland) (Con): I am a member of the visual impairment group and the armed forces veterans group.

The Convener: Has everyone declared everything that they are involved in?

Margaret McDougall: I think that I am on the group on tobacco control, too.

The Convener: Okay. We can check that as we go along.

The first application before us is for the cross-party group on armed forces veterans. The group was active in the previous session of Parliament as the cross-party group on supporting veterans. Members have the application in front of them. As there are no questions in relation to the group, are members happy for it to be approved?

Members indicated agreement.

The Convener: The second application is for the cross-party group on China, which was active in the previous session and meets all the appropriate criteria. As members have no questions on the group, are they happy for it to be accorded recognition?

Members indicated agreement.

The Convener: The third group is the proposed cross-party group on health inequalities. The group was not active in the previous session, but it complies with all the criteria for cross-party groups. As there are no questions, are members happy to accord recognition to the cross-party group on health inequalities?

Members indicated agreement.

The Convener: The fourth group is the proposed cross-party group on rural policy. The group was active in the previous session and complies with the various registration criteria. It will receive support from the Scottish Agricultural

College, including secretarial assistance and help with reasonable costs for speakers and so on, but we have been given no figure for what that support might be worth. Does the committee want to ask for a value to be put on that support, or are we content to leave it?

Helen Eadie (Cowdenbeath) (Lab): We should ask for that.

The Convener: You think that we should ask for an estimate of what the support might be worth in a parliamentary session.

Helen Eadie: Yes. It would be dreadful if, further down the line, we discovered that it was an amount that we felt was unreasonable.

The Convener: Okay. Is the committee happy to accept that suggestion?

Members indicated agreement.

The Convener: As there are no further questions on the cross-party group on rural policy, are members happy—subject to getting a value for the support from the SAC—to accord recognition to it?

Members indicated agreement.

The Convener: The fifth group is the proposed cross-party group on the Scottish Showmen's Guild. Members have the application in front of them and will see that all the criteria for registration have been met. My only comment relates to the purpose of the group. The second sentence states that it is:

"To make proposals to introduce or amend legislation concerning the Scottish Showmen's Guild."

Obviously, cross-party groups do not have any legislative authority or powers to deal with that. I wonder whether we should ask for that sentence to be removed. Do members have any questions about the group?

Members: No.

The Convener: Is the committee happy for us to accord the group recognition on the condition that that sentence be removed?

Members indicated agreement.

The Convener: The sixth group is the proposed cross-party group on tobacco control. The group meets all the criteria for registration. As there are no questions on it, is the committee happy to accord recognition to the cross-party group on tobacco control?

Members indicated agreement.

The Convener: The seventh group is the proposed cross-party group on visual impairment. The group meets all the criteria for registration. However, in the application, the different people

who will be involved are listed under the group's purpose. That list is not really relevant to its purpose, and we get the same information again in the list of organisations and so on further down the page. There is also an issue to do with the amount of support that the group will receive.

Are members happy for us to ask for the second paragraph of the group's purpose to be removed? It is not of any relevance to its purpose, and its removal will make the application tidier.

Members indicated agreement.

The Convener: I asked the group to provide more information on the support that it will receive, which you will see is pretty substantial—£10,000 a year. Most other cross-party groups will be looking at them with envious eyes, especially those that get no support from anyone. It is a substantial sum.

We asked the convener, Stuart McMillan, to explain the support. He has written back with an explanation, which is in annex G of the papers, relating to general secretarial support, agendas, minutes and other documentation. In particular, all the paperwork for the cross-party group will be provided

"in alternative formats of Braille, audio, Large Print, tape and digital as well as standard formats."

The group is also looking to host some parliamentary receptions and occasional dinners and lunches. Do members have any views or questions?

Margaret Burgess: It is a substantial amount of money. I wonder how many other cross-party groups have been funded to that level.

Are cross-party groups required to produce accounts to show how they have used their funding? I can understand that getting material printed in different formats will cost the group more than some of the other groups will spend, but are there any rules on that? Will the group be required to keep records to show how it spends the money? The funding will be going via another organisation, and I wonder about that.

The Convener: The clerk has helpfully pointed out to me that rule 10 of the cross-party group rules states:

"Cross-Party Groups must hold an Annual General Meeting and submit an Annual Return Form. The Annual Return must include the following details:

a note of all membership changes in the last year;

a financial statement, including details of all donations or assistance of a value which exceeds £500".

We will therefore see a full report of what the money has been spent on at the end of the year.

Margaret Burgess: Okay.

Helen Eadie: I do not have a problem with what is suggested to us. I say that for a number of reasons.

In my experience as an MSP over the years, there are a variety of ways in which cross-party groups have been given a secretariat. Sometimes it is done through the office of an MSP who is kind or brave enough to volunteer to do the work, and in those cases the MSP's team does some of the work. Sometimes it is done through other organisations. An example is the cross-party group on heart disease and stroke, in which the British Heart Foundation and some other volunteers are involved. The proposed cross-party group on visual impairment has perhaps been more open and willing to share more information than other groups have thought to do. That is perhaps a failing of the system, although I am not saying that it definitely is.

A separate point is that equality costs money. No matter what part of life someone is in—be it a local authority, the Government or whatever—if they are going to take measures and adopt policies that create equal opportunities, there will be a price tag at the end. Particularly in the case of blind people, there is a cost involved in making information available in different formats. Perhaps the group is leading the way for us; the other cross-party groups should also be providing information in those formats, because we should be mainstreaming equalities.

I do not have a problem with the application, and I would be happy to endorse the group. I do not think that I am a member of it—I have been to one or two of its meetings, but I have never signed up because I am now cautious about signing up to cross-party groups—but I support its work, which is extremely important. It has made good progress over the years. I seem to remember Bob Doris convening one of its meetings previously. Is that right? Perhaps I am mixing him up with one of his colleagues. If so, I apologise.

Bob Doris (Glasgow) (SNP): I have certainly convened many meetings over the years, but not of that group.

Helen Eadie: Anyway, the group does commendable work, and it has my absolute support.

Nanette Milne: I agree with Helen Eadie. The group is also well attended. Many people with visual impairments go along and they require quite a lot of support.

The Convener: Are we happy to accord recognition to the cross-party group on visual impairment?

Members indicated agreement.

The Convener: The eighth and final group is the proposed cross-party group on volunteering and the voluntary sector. Again, the group meets all the registration criteria. Do members have any questions about the group?

Margaret McDougall: I register my interest in that one as well.

The Convener: Thank you, Margaret. The clerks have noted that. Are we happy to accord recognition to the cross-party group on volunteering and the voluntary sector?

Members indicated agreement.

Bob Doris: Before we move to the next agenda item, it is worth pointing out that MSPs sometimes put in apologies to cross-party groups if they cannot attend the first meeting, which can be intimated as an intention to join the group. I see my name on the list for the proposed cross-party group on health inequalities. Although I was not fully aware that I was joining that group, I can confirm, for full transparency, that I am delighted to be a member of it. Everyone else has declared interests, so that is now on the record.

The Convener: Thank you.

Reform of Parliamentary Business

15:00

The Convener: That takes us to agenda item 4, which is reform of parliamentary business and remodelling of the parliamentary week.

I welcome our three panellists, who are Margaret Mitchell MSP, Hugh Henry MSP and Christine Grahame MSP. We look forward to an open discussion. You were asked to join us at relatively short notice, so I am grateful that you have done so. I will give you the opportunity to say a few words of introduction before we move to questioning. I ask you to be brief and to speak for no more than a couple of minutes.

Margaret Mitchell (Central Scotland) (Con): I thank the committee for inviting me to give evidence. It would be useful if I gave some background to my submission, which is based on my experience as a member of the busy Justice 1 Committee from 2003 to 2007; the convener of the Equal Opportunities Committee and a member of the Conveners Group in the previous session; and currently as a back bencher.

The committees were supposed to be the jewel in the crown of the Scottish Parliament in initiating and scrutinising legislation, but in practice, on a busy committee such as the Justice 1 Committee, there often was not sufficient time at stage 2 for full discussion of amendments. It was a legislation-heavy committee, which was regrettable because there was no opportunity to carry out inquiries and the opportunity for post-legislative scrutiny was practically non-existent. Even in the Equal Opportunities Committee, it was often difficult to find enough time to take evidence from all the people who we wanted to appear before the committee.

Committees are not guaranteed time for their inquiry reports to be debated in the chamber and, even when those important reports are debated, they are often squeezed into unreasonable timeframes that do not do justice to the content. In the past few years, important debating time in the chamber has often been wasted. It is sometimes filled with debates on what I term happy-clappy motions, which are general and banal and are often just there to fill in time.

The committee structure has changed dramatically. In the first two sessions, we had a coalition Government. We were a new Parliament and we were learning, so amendments that could have been passed were often voted down because of the balance of members on committees. In the third session with the minority

Government, the process worked well and there was a good political balance, which was reflected in the committees. In this session, with the advent of majority Government, there are no checks and balances. That brings its own problems.

Hugh Henry (Renfrewshire South) (Lab): I will develop one of Margaret Mitchell's points. To an extent, it is unfortunate that much of the public debate about reforming parliamentary business has focused on time in the chamber and how frequently or how long Parliament as a whole should meet. That is starting from the wrong perspective. If we genuinely want to reform the time and business of the Parliament to make it more effective, we should start from the committees and then consider how to make the work of individual MSPs more effective.

Margaret Mitchell is absolutely right. Over the years, no matter which Administration has been in power and who has been the major influence in scheduling parliamentary business, we have too often filled our time with nonsense, simply to fill the schedule. At times, business managers have been scrambling about to get topics for debate. That does Parliament a disservice. If we extend the time during which Parliament meets, we will fill it with even more irrelevant, useless and meaningless debates. Instead of the reputation of Parliament being enhanced, Parliament will attract more ridicule. We need to learn how to use the time that we have more effectively before we consider extending meeting times.

As Margaret Mitchell indicated, we should look at how we make the work of the committees far more effective. I want to put that suggestion down as a marker—I am happy to develop it later. She also raised a significant point that we do not spend sufficient time on post-legislative scrutiny in committee and in Parliament. Given that we have a Parliament that is responsible for scrutinising then passing legislation and that we have no revising chamber, I think that we have sometimes rushed into legislation and not given sufficient thought to how effectively an act has worked. We should be considering how to make more time available for that.

I caution against changing the structure of the parliamentary week so that Parliament meets on Tuesday, Wednesday and Thursday afternoons. Although that might be superficially attractive, not only is there a danger of impacting on the way that committees work but we would get into the issue of the structure of question time—when it might take place and what time might be available for the rest of the week. I can explore that in more detail later.

We have prided ourselves on doing things better than other legislatures, and we have talked about how we do certain things better than Westminster,

but we should be big enough to admit that there are things that other legislatures do better than us. If we recognise that, we should learn from it. Committees should be allowed to meet at the same time as Parliament when there is an issue that grabs the public's attention. That would engage the public far more effectively with Parliament than happens when committees are limited to certain times.

For example, the bill being considered by the Justice Committee, which Christine Grahame convenes, has excited a great deal of debate. Why do we not allow that committee more time to meet—even when Parliament is meeting—to allow more members of the public to engage? The debate on alcohol is another example. The Public Petitions Committee deals with issues that excite and capture public imagination and attention. We could allow it to meet sometimes when Parliament is meeting. We should think much more about flexibility.

I suggest that we also look at questions. Question time is becoming largely irrelevant—I speak as someone who has been a minister and who knows how easy the present way that we do business makes it to avoid answering a question. That is not good for holding people accountable for their actions.

Paradoxically, I would argue that we should take longer for questions but allow more supplementaries—not just a second supplementary but possibly a third and a fourth if that is what is required to tease out a specific issue. We could make parliamentary question time, including First Minister's question time, much more relevant.

Going back to legislation, I believe that, if it is necessary, we should take longer for stage 3. The way in which we sometimes rush important pieces of legislation and do not allow members who have not been engaged in the committee stage of proceedings to participate is farcical. To have people speaking to important amendments for about a minute or two attracts ridicule, and it is a bad way to pass legislation.

Those are just some thoughts, convener. I have other comments that I would like to make.

The Convener: We will have time to talk about other points later.

Hugh Henry: We need to be careful not to rush into something that is superficially attractive without addressing some of the more fundamental issues.

The Convener: Thank you. You took a wee bit longer than two minutes, but that is not necessarily a bad thing.

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): I hope that he has not eaten into my time.

I endorse practically everything that Hugh Henry and Margaret Mitchell have just said. I have one or two things to say before I go on to talk about my paper. The paper does not really fit under the agenda item's title, but as I have come to speak to it I might as well do so.

It is important to redress the balance of the committees. They were supposed to be committees of the Parliament, but I think that that idea has slipped off the agenda. This is my fourth time as a committee convener so I think that I know a wee bit about it.

I would like members' business debates to take place during the day sometimes. Certain member's business debates have been excellent and shown the Parliament at its best. Quite often they are non-contentious and worth while, and they help to progress the issue outside Parliament or in legislation. I would really like to see that happen instead of all those debates taking place at 5 o'clock.

I can give an example of my next point. The Public Audit Committee has recently received a report about wasted expenditure in criminal justice procedures and processes, and on the Justice Committee we are looking at the budget. I would like two or three committees that have an interest in a particular topic to discuss it in the chamber without a motion being put. The discussion could be on an issue such as how to save money in the justice system, for example. Justice Committee members could therefore sit with other committees, whose members have expertise of their own. The Equal Opportunities Committee might be there because it is usually the people who have the least money who are served least well by the criminal and civil justice systems. It would be quite good for members and committees to talk and share that information in a way that we do not currently have time to do.

Those are just three little observations about committees, but my paper was about something completely different. I wrote about the election of the Presiding Officer. This is not sour grapes. Two ex-candidates are sitting here, but I am quite content and I am sure that Hugh Henry is—it is done and dusted. However, the election of the Presiding Officer was the first real business in the chamber and I have huge concerns about the way in which we went about it.

First, we had all just been elected, and there was a batch of new members. There was no opportunity for candidates to speak in the chamber or to have been questioned in any way by the other MSPs. There was no settling-down period. In

fact, if I may say so, there was no awareness of the abilities and capabilities that a PO needs. Someone said to me, "Christine, if I vote for you, can you still be an MSP for Midlothian South, Tweeddale and Lauderdale?"

When the issue is discussed at that level, the election is bound to turn out pretty much as it did—voting along party political lines. If we are to grow and mature as a Parliament, we have to look at what is required. The process is very unsatisfactory so I propose that either the previous Presiding Officer, if they are still in Parliament, continues until the end of June or the oldest member takes us up to the end of June and we have a proper Presiding Officer election at the end of June. That will give new members the chance to take the measure of each other and of the candidates.

I also extended that suggestion to the election of committee conveners, although I do not quite know how it would work. Obviously we have to follow the d'Hondt principle and give certain convenerships to certain parties. I suppose that all the suggested processes would be subject to abuse. Someone might think it useful to have a weak committee convener rather than a good one. We need to give committees their place because they are so important, particularly when there are tensions over legislation. Members can have their differences but they can work together on the committee and still come to a view.

15:15

My final point is about the dreadful motions that are lodged. To ensure that I do not insult anyone, I will invent one—or at least I hope no one has lodged a motion congratulating Auchenshoogle floral society for getting £30 from the lottery fund. That is where we are.

I do not sign any of those motions. I see no harm in motions about constituency matters, clubs or whatever; I just do not think that they should be printed in the Parliament's *Business Bulletin*. I humbly suggest that, instead, they be put up on some scrolling screen in the public area. We could have a wee picture of the Auchenshoogle floral society getting its lottery award, the name of the constituency MSP and the signatories to the motion, and we could let that run for a week instead of the whole chamber getting involved.

The motions printed in the *Business Bulletin* should not have to be up for members' business debate but they should at least be substantive. I certainly do not think that I am alone among MSPs as someone who reads other motions and despairs. We have not yet had a motion congratulating the turn the heel of a sock society, but we are reaching that point.

The Convener: Thank you very much for those very interesting opening remarks which, as I am sure members will agree, have provided a lot of material. As the witnesses might know, we are planning to produce a report on this issue before Christmas. There will be two phases, the first of which will focus on certain issues. In the second phase, we will focus more on committee issues, on which the Conveners Group is also carrying out some work. However, we are happy to cover as many issues as you want to raise.

Hugh Henry suggested that there be more supplementaries at question time. Of course, it is already possible to get a second supplementary, but I am not sure that many MSPs realise that. In practice, it happens very infrequently and, in any case, the time constraints militate against it. How can we make question time more effective? Would it help to have themed question times in which each cabinet secretary and his or her whole team would come along every two or three weeks and there would be a fairly strict 40 seconds for questions—40 seconds is actually quite a lot of time—and a minute for the ministers to respond? Could members have more supplementaries to allow them to develop their questions and respond to the responses? I am interested in hearing your views on that.

Hugh Henry: There are a few points to make in that respect. This might be incidental, but those of us who have been here since 1999 will remember that, in the first parliamentary session, question time was handled differently and there was a build-up to First Minister's question time, which was held at a different time of the day. For whatever reasons, First Minister's question time was moved. My memory might be playing tricks on me, but I felt that there was a sense of development and build-up of excitement, tension and atmosphere in the questions leading up to First Minister's questions that, frankly, is not there now. Perhaps we should also examine when we have question time.

As for whether question time should be themed or whether any member can ask any question, I have to say that I am slightly agnostic on the issue. I know that, given the demands that ministers have outwith Parliament, such a move could be a bit more disruptive. Incidentally, one of the strengths of the Parliament and Government has been that ministers and members have been much more accessible to outside organisations and members of the public than they ever were. That is why we should be careful about tying ministers down on a Tuesday, as they very often use that time to visit other parts of the country. Our attempts ostensibly to open up Parliament might actually cut down the contact that the public has.

Why do we need to read out what has been printed? Why do we not just say, for example, "Number 4," followed by the minister getting up to answer the question? As I have said before, members should have the opportunity to ask two, three or four supplementaries, because sometimes the way to get to the nub of things is to lead and develop. If a minister knows that there will be only one or two questions, they are in complete control and there is no accountability. It tests a minister's mettle and their knowledge of their brief if they have to think on their feet because they are not aware of what a follow-up question is likely to be and where it will go. We need to allow a wee bit more of that.

If we do it properly, we could take more time, but more time with the present type of questions would be mind numbing. More time to allow proper interrogation would be better. Indeed, I see no reason why committees, such as the Justice Committee or the Health and Sport Committee, should not be allowed to have ministers in regularly for extended questions on committee subjects and not just on the legislation that is before Parliament. That could be an extension of questions in the chamber as well.

Christine Grahame: I would like to add to that to help Hugh Henry. We were all new and therefore interesting to the media in the first session, but the real reason why interest in general questions has fallen into desuetude is that they are no longer from 12 to 12.30, when the media covered all 10 questions pretty well. We would be up on our feet knowing that our constituents, other members and everybody else could see us, and, even if we did not ask a question, we were there. There was therefore a reason for lots of members to be there, which built excitement and there was heckling and so on, which built up the body heat. Frankly, I think that general question time was moved so that First Minister's questions could get on the lunchtime news bulletin. We are victims and to some extent beneficiaries of the media, so that is part of the problem.

I hate time limits for things. Some members make really good speeches in the chamber but are cut off, while other members make awful speeches that we must listen to for six minutes. The Presiding Officers have a bit of flexibility in that regard, but they should have more. If a member is making a good speech and it looks like other members are interested, they should be allowed to go on. If they are not making a good speech, they should be kept to their time and we should perhaps move the clock on a bit faster.

Having to put down questions a week ahead—and having to put our names in the ballot a week ahead of that—means that we have almost lost

the will to live by the time our question comes up. I confess that I do not put down a question; I wait to see whether there is anything that is relevant for me to ask a supplementary about. A question might be topical when it is put down, but it will often not be when it is asked. That is part of the dead hand of procedure.

First Minister's question time is exactly the same. Questions for that must be in for 2 o'clock on Monday, so we must try to second-guess what will be in the news on Thursday. We look at the tabloids and the broadsheets on a Monday to assess whether something will be relevant by Thursday, but we do not know. We might also consider a report that comes out on a Thursday. I do not know when it would be best to put down a question. To be fair to ministers and the First Minister, there must be a balance, but the best time to put down a question is certainly not on a Monday. That process could probably be accelerated.

I consider that a convener should have a slot to ask the First Minister not their own personal question but a question on behalf of their committee. That would give conveners a platform that would partly be symbolic, because it would demonstrate that parliamentary committees matter, but would also allow them to illustrate particular issues. It would not be about, for example, Hugh Henry, Margaret Mitchell or me getting up and asking a question just because we felt like doing it; it would have to be something that the committee wanted to ask the First Minister. Given how many committees we have—I have lost track of the number—such questions would not occur often for each committee. Again, however, it would bring committees and back benchers to the fore. That may be a useless, airy-fairy idea, but I just wanted to propose it.

That was the question time stuff. I return to the use of debates. We have motherhood and apple pie, and retreads—perhaps that is just because I have been here too long; that is in no way a retiral indication. People get to the point where they say, "I can't debate this any more," and there is nothing new to say.

However, there is much that we could do. Sometimes, debates without a motion are useful because we are free; we have no vote and we get to say stuff—not that I stop myself normally. In those debates, back benchers are free to talk about issues and to develop themes.

As I have said before, I would like committees with a common interest to have not a committee sitting but a committee effort and not just a general debate—maybe one committee would say, "We should discuss this, but let's bring in these committees on this day." As a result, one committee might decide to do something or find

that it need not do something, because another committee is busy doing it. Often, we sit in a committee and find out that the Public Audit Committee is doing something or that the Equal Opportunities Committee has done it, which makes us think that we have not communicated with each other.

Margaret Mitchell: The ballot most certainly is not working. Spokesmen's names are being pulled out of the ballot, but they already have a platform to ask questions, because they are spokesmen. The issue for back benchers is not easily resolved, because we have a majority Government. As there are many SNP back benchers, it is not easy to see how we get a balance across political divides.

Christine Grahame's idea that a convener could ask the First Minister a question sounds good in theory. Under the minority Government of the previous session, that would have been great—a committee could have had a tightly balanced vote and I hope that the convener would have used an objective casting vote to decide what the committee would ask. However, there would be room for abuse if a committee had a majority of SNP members who decided on the question that would be raised at First Minister's question time. Given the d'Hondt system, we must consider smarter ways of doing that.

I agree with Hugh Henry. I return to the suggestion in my submission of having one week of plenary business, with First Minister's question time and themed questions, and one week of committee business. A week of committee business would provide more time for inquiries, for evidence sessions, for questioning ministers more often and for getting down to the nitty-gritty of the aspects on which a committee questions a minister.

Themed questions do not work well. As Hugh Henry said, we could learn from Westminster, where members never bother reading out the question, which is a waste of time. If members said just, "Number 4," for example, the question could appear on screen or people could read it in the *Business Bulletin*. That would allow more supplementaries.

A minister could be questioned in detail on a subject or a particular topic, which could be an inquiry topic. After having a debate, everyone could have a good go at drilling down to nitty-gritty questions and getting answers.

The one-week plenary system would have advantages. It would make the most of our chamber business and of our business in committees, which could be brought to the chamber.

I will touch on another issue that Hugh Henry mentioned. I was profoundly depressed when I

looked at some of the evidence from Lord McConnell, Alasdair Morgan and—I forget who else was there. That had an element of tokenism in saying that we must work longer hours, for example. This is our people's Parliament—how do we engage with them to best effect? How do we feel that our work is relevant to them and ensure that we are not in a Holyrood bubble by going out, getting the issues, bringing them back and addressing them?

Christine Grahame: I differ on the idea of having a week of committee business and a week of plenary business. We are a legislature, so a lot of legislation comes before us in the Justice Committee. Some legislation that probably should be remitted to us does not come to us because we are so busy. I would find sitting as a committee for three days in a week quite hard, because that involves a different kind of concentration and a different kind of work. Sometimes it is hard going. We could maybe sit twice in a week, but having the variety of a committee meeting one day and chamber business another day provides a different rhythm.

When I convened the Health and Sport Committee—Helen Eadie was a member of that committee at the time—we were at one point taking evidence on two bills at the same time. Sometimes, we did not know which bill we were dealing with and we had to remind ourselves which bill we were on.

It is a matter of trying to get a balance. Sometimes we dealt with legislation and sometimes we did an inquiry. It was almost relaxing to get on to an inquiry. I have concerns about a committee sitting day after day to do committee work. I can see the Justice Committee dealing with three bills at the same time, and we do not want that.

15:30

Margaret Mitchell: I would not be looking at the Justice Committee. If its work got away from being top heavy with legislation, that would give it the opportunity to have an inquiry, to go out and speak to people as part of that, and to engage in post-legislative scrutiny. The committees always intended to engage in that, but we have done badly on it. There could be huge variety within committee work. It could be expanded. If members are not in the chamber, the media would have to look more at what they do in committees. Excellent work is often done in committees that is never reported, and there should be an opportunity to showcase it.

Christine Grahame: In 12 years, I have convened the Justice 1 Committee, the Health Committee, the Health and Sport Committee and

the Justice Committee, all of which have been heavily legislative committees. It is a fact of life that bills, which are a priority in our Parliament, will come through, no matter who is in government. Whether bills, subordinate legislation or petitions come before a committee, there is little space for other stuff, and I cannot see how we can get away from that. Perhaps we will run out of law. I am an ex-lawyer, and do not like lots of legislation, but Governments—whatever Government it is—like it. I think that that is how it will always be for certain committees.

The Convener: We have had a really good start to the meeting. I think that we will be here until about 9 o'clock with the amount of material that is coming before us.

Nanette Milne: Margaret Mitchell mentioned going out to meet the public and the Parliament being the people's Parliament. I agree with that, and want to raise two particular issues.

I was a member of the Public Petitions Committee in the previous session, as I am now. We deliberately often had meetings in different parts of the country so that we could meet different groups of people, such as schoolchildren, and we often met not on our normal Tuesday committee days but on Mondays, so that we could have a whole day at it. That worked quite well, and I am interested in what the witnesses think about that approach.

The other issue is cross-party groups. There are probably too many cross-party groups in the Parliament for the number of MSPs who can cope with them. I know that the number of cross-party groups that I am a member of is in double figures, but they are an important way of meeting people. If there were late sittings, I would worry a little bit that we might cut into the time for them. Fitting in such things is difficult enough now. Do the three witnesses have any comments to make on that?

Margaret Mitchell: It is important that committees get out and about. Excellent work is being done in the cross-party groups, and I would like work that they have done to be debated in plenary sessions. I also agree whole-heartedly with Christine Grahame's suggestion about some of the members' business debates after 5 o'clock. Some of those debates are superb, but they are not given the airing or attention that they should be given. People are not as aware of them as they should be.

On late sittings, members should not forget that many things happen in the Parliament after 6 o'clock. There are events and receptions at which people get to meet their MSPs and raise their concerns. There is interaction with people. If MSPs are in the chamber for longer debating

banal motions on a token basis, that will not be serving people.

As an MSP who serves nine constituencies, I value and need Mondays and Fridays in my region to do the job properly. I would not be keen to extend our work here to Mondays. For members who live in the Highlands and Islands, there must be a balance in their constituency work, private life and what they do in the Parliament, for goodness' sake.

Christine Grahame: Mondays and Fridays are constituency days. We must have time for our constituencies. That is an important part of our work. I do not know where all the cases went before, but they come to MSPs now, and we are all busy with them.

Peripatetic committees will not happen because of the costs. I think that they have been cut back because if there is a formal committee meeting away from the Parliament, there must be security, sound recording and so on. As far as I know, we have cut back on them because of the costs involved. That is the wrong type of penny-pinching. A committee should go out not for its own sake but because there is a highly topical issue. In the first session, the Health and Community Care Committee went out to Glasgow when the issue of hospital closures arose. People got a bit hot under the collar because they seemed to think that we were a court of appeal, which of course we were not. Nevertheless, we were out there and people aired their views; I cannot remember whether Helen Eadie was on the committee at that time. People who had never heard or seen a parliamentary committee were able to do so. However, cost constraints will have ended that for the next four or five years.

Hugh Henry: I want to follow up on that. I know that there is a desire to take committees out beyond the Parliament; I was convener of the first committee that went out in the first session of Parliament. There are huge cost implications involving the official recordings, security and everything else.

I wonder whether we should be a bit more flexible, given the constraints under which we are now working. Perhaps we could send delegations or representations from committees rather than holding formal meetings, although it might be difficult to get a party balance given the size of the committees. People are happy to meet two or three MSPs who represent the Justice Committee or the Health and Sport Committee, for example, and they take it seriously. In that way, we could spread ourselves about much more.

I accept that such meetings would not be part of the *Official Report*, and I understand everything that goes with that, but it is not beyond our wit to

produce a précis of what happened. We could go out to many more communities and cover many more subjects. We need to learn to work flexibly in the environment in which we now find ourselves.

On the point about evening meetings, there probably are too many cross-party groups, which is a problem, but I do not know how we limit that. Having longer sessions on a Wednesday evening or perhaps even a Thursday evening would potentially impact on those groups. I do not advocate extending parliamentary time just for the sake of it, because I agree with Margaret Mitchell that that is pure tokenism. As I said before, filling our time with more rubbish does no one any favours.

There are times when I think that we should consider extending the debate on a Wednesday evening, and not only to debate legislation. If a debate has captured the public imagination and members want to get involved, we should make the time available. We should allow the public to see that their MSPs are articulate in representing their concerns. Such a change would undoubtedly impact on CPG meetings that take place on a Wednesday night, and I am not advocating that it should be the norm. However, we should be flexible and mature, and seize the opportunity. When we have an opportunity to have a proper debate on a significant issue, we should take it.

Christine Grahame: We would not need to extend the time, because we could just get rid of the motherhood-and-apple-pie debates. At present a two-and-a-half-hour or one-and-a-half-hour debate is set down. Why can we not just have a longer debate that starts on Thursday morning and continues in the afternoon? We do that with finance issues and the budget, so we can do it with other issues.

I would be cautious about going beyond 5 o'clock unless there are exceptional circumstances. Other people want to be in the Parliament. There are far too many cross-party groups, but many of them wither on the vine. You can tell MSPs until you are blue in the face not to set up a cross-party group on manicurists or something like that, and they will go away and do it, but the group dies off because nobody can go to it. That is the way that it works.

We could have a morning and afternoon debate on something that has grabbed the public's imagination. It is up to the Parliamentary Bureau as well as the Government to address that.

The Convener: I will bring in some more members.

Helen Eadie: I am interested in hearing your views on switching to Tuesdays, Wednesdays and Thursday mornings, which seems to be gathering some credence among a number of colleagues

across the Parliament. I have already spotted one issue that would arise from that—it has been an issue every time we have reorganised our business—and that is that political party group meetings would need to be thought about, too. To what extent might that proposal create problems for your parties? Some MSPs, like my good friend the convener, have a long journey to the Parliament. I just come across the bridge and it takes me no time at all, but it takes Dave Thompson three or four hours or more to get down here. Every member of the Parliament is different, and that is the value of it—we all bring in our differences—but there are party-political implications that can be created, too. Do you foresee there being other issues?

Hugh Henry: I am not so exercised about the party-political responsibilities, as I think that it is up to the parties to cope with those. There are potentially issues with a half-day sitting on a Tuesday, for example, for members who come from more remote parts of Scotland. We need to reflect on that although, to some extent, that happens anyway with committees. Whether Parliament meets on Tuesday, Wednesday or Thursday mornings or Tuesday, Wednesday or Thursday afternoons, there will be consequences.

Let us take the suggestion that Parliament meets on Tuesday, Wednesday and Thursday afternoons as an example. One of the arguments is that Parliament should meet on a Tuesday so that it can respond to any urgent business that comes up, but that can happen now. Frankly, that argument is facile. What would happen at the end of the week? I do not know when question times would be but, if they were on a Thursday, Thursday morning would be a committee morning—I would not want to see anything enter committee time—and the Thursday afternoon would be Parliament. The bulk of that afternoon would be taken up by parliamentary questions. When would we debate an issue that needed to be debated? The position would be the same as it was before with the need to discuss urgent matters on a Tuesday. What would you do on a Thursday? You would have one day a week that consisted of committee plus questions and two afternoons for parliamentary business, and you would have shut down your options much more. I think that it is much more restrictive, it is tokenism and it is a superficial response.

Helen Eadie asked about the parties, but parties will always struggle to find the best time for their group meetings and I think they just need to get on with it.

Christine Grahame: Yes, we cannot consider tailoring things for political parties. That is not what the Parliament is about. It is rotten public relations, too, to say that we are doing something so that we

can have our group meetings. I do not think that the public even know that group meetings take place.

I even had concerns about Tuesday morning committees for people like you, convener, Mary Scanlon and others coming from the north. It meant that they would be travelling down on a Monday evening with even less time to do their constituency work. I was quite taken aback to find that we were sitting on Tuesday mornings. Tuesday afternoon was fine, as it allowed people to travel down and meant that they had Mondays and Fridays clear to work in their constituencies and to give some sense of organisation to their diaries. My diary is chaotic enough without chipping into it in different ways.

There is a lot of discussion about having more plenary sessions but, unless the quality of the topics improves—some are good, let us be fair, but some are just retread and motherhood-and-apple-pie debates to fill more time—I do not think that we necessarily need more time. In fact, I want us to move back to having committees on Tuesday afternoons and all day Wednesday.

Committees also have to take account of the fact that, because we are a small Parliament, some members are on two or three committees and we have to arrange committee times so that there can be a representative from the different parties on the committees. Some of the Justice Committee members are members of two committees, and some are substitutes on a third committee. Perhaps the public think that members sit on just one committee, but they do not have that privilege, although conveners sometimes do.

15:45

All kinds of practical arrangements must be put in place including travel for people such as you, convener, who come from up north—from as far as Orkney and Shetland—or from the south of Scotland, where there is less public transport. All of that travelling means that members lose contact with their constituencies, so it is right that we have to find a balance. I would get rid of Tuesday mornings and have Tuesday afternoons and then Wednesday mornings and Wednesday afternoons for committees.

Margaret Mitchell: It is up to the political parties to sort out when they have their group meetings, and I do not think that they will get a lot of sympathy from anyone for that. The problem also arises on Tuesday, Wednesday and Thursday mornings—members are just getting into a topic and then they have to stop or run over lunch time. They then have to speak in the chamber, so things are disjointed.

Having a week of committees would not necessarily mean meeting on Tuesday mornings—it is for the committees to organise their business as they see fit—but it would give members a good shot at committee meetings before the plenary sessions. That would really start to use the various aspects of the Parliament. If a cross-party group had raised a particular issue, that could be debated. Whether the business was a committee report, members' business or a topical issue, we would start to use the chamber in a much more meaningful way, avoiding the kind of banal motions that we have had so far.

Within my proposal that we concentrate on committees one week and on plenary the next, there could be a degree of flexibility, taking on board some of the things that Christine Grahame and Hugh Henry have said. If there is an urgent need for a debate, Parliament can be called in on a Tuesday morning to have the debate. There is flexibility around that but still an expectation that there will be a good amount of time for committees to pursue inquiries, hear evidence, scrutinise legislation and have stage 2 debates while there is still plenty of time in the chamber to have a stage 3 debate. The 110-day rule for retaining prisoners that was part of the Scottish justice system for hundreds of years was changed, I guarantee, without too many members of the Scottish Parliament knowing too much about it in a debate of less than half an hour. That is unacceptable.

Bob Doris: I want to talk about whether we get the topics for debate in Parliament correct. Hugh Henry and others have said that we should not extend the time for debates for the sake of it but that we should ensure that the right stuff is debated. That is what I want to look at. Governments, by definition, will want to debate things that suit them and Oppositions, by definition, will want to debate things that they think will embarrass the Government.

Back benchers who are feeling their way will want to make an impact in their own way. I am keen to know whether members think that there might be an avenue for that in members' debates. I do not know how this could be achieved through the Parliamentary Bureau, but some of the debates could end with a vote—they would not have to be consensual. Also, the relevant minister sums up in a members' business debate, so the member who brings the debate to the chamber does not get the opportunity to say what they feel has happened in the debate. Should they have the opportunity to respond to the minister? They might not be happy with what the minister has said—they might think that it has been a glib response rather than a meaningful attempt to debate the issue.

We should not underestimate the benefit of members' business debates. I had a debate on sectarianism and referenced Neil Lennon. Whether or not members thought that it was a good-quality debate, many people in Scottish society thanked me for at least discussing the matter in the chamber. They felt that the Parliament had been silent on the issue. It had not been silent on the issue, but unless members of the public see a substantial, meaty debate on a theme, they do not think that the Parliament has done anything on it. I would like more information on how members' business debates could be managed.

Also, the Parliamentary Bureau dictates the business of the day. Is there a role for a member of the Conveners Group to sit on the bureau to ensure that there is more committee-led debate time? Again, such debates could lead to a vote at the end rather than being just general debates. The question is how we beef up the debates to ensure that they are not just the clichéd Government and Opposition debates, but something meaty and meaningful from the back benchers and the committees.

Margaret Mitchell: You make a very good point. Especially when there is a majority Government, if there was a vote in members' business debates, which are normally held after 5 o'clock, and if the member who secured the debate had the last word, that would give a bit more balance. It would not be so much of a case of, "This is the way it's going to be because there's a majority SNP Government," which would be good.

What was your other point?

Bob Doris: It was about whether someone from the Conveners Group could sit on the Parliamentary Bureau and help direct—

Margaret Mitchell: That would be cumbersome, but I would like to see an acceptance that there will be issues that cross-party groups have raised that could be debated. For example, the work of the adult survivors of childhood sexual abuse cross-party group resulted in a £1 million fund for various holistic projects. There are some cross-party groups that should not be there but, equally, there are some that do excellent work. They do not always feel that their work is valued or heard and appreciated in the Parliament. If those issues were factored into the work that was expected to be done in the Parliament, I do not think that there would be the need for a convener to pop up and do a watching analysis.

Christine Grahame: I would not want there to be a vote in some members' business debates, because that would mean that a decision would

have to be made on which ones there would be a vote in and which ones there would not.

However, I think that the member who secures a members' business debate should have the right to sum up—that is a good idea. When the minister had said their stuff, the member could say—as they could if they were leading a normal parliamentary debate—"I hear what the minister had to say," but then go on to have the last word. I think that that would be good, but having votes in members' business debates might mean that some motions might not get signed. It would make things different. The present system has a certain flexibility. Members' business debates can still be contentious—some of them are, and that is fine. We do not need to have votes on everything.

I am warming to the idea of a cross-party group putting forward a motion for debate. I chair the cross-party group on animal welfare and I can think of issues that it has dealt with that would not be dealt with by the Government but which would make an interesting subject for debate. Such a debate could have the same form as a members' business debate—in other words, with no vote, but with the convener of the cross-party group having the right to sum up. If members thought that their group would have that ability, it might encourage more members to go to cross-party groups because, under standing orders, members of the public cannot take part in debates.

Margaret Mitchell is quite right—cross-party groups come up with a lot of good stuff, which in many cases is highly informative, but such work just kind of stops. Her example of things changing is quite unusual. A lot of good work is done by cross-party groups, but it does not seem to go anywhere in the larger college of parliamentarians. That proposal might beef things up and make us have more interesting debates than we have at the moment.

I hope that no one is listening to this—they will think that we have terrible debates all the time. There are some good debates in the Parliament, but there are too many that are just retreads.

Hugh Henry: I do not think that there is a role for a convener to sit on the Parliamentary Bureau. To be honest, cross-party representation of conveners would need to be considered, because it would be extremely difficult for one convener to reflect all the opinions, and that is already done on the bureau, so I am not sure that such an arrangement would work.

As far as members' business debates are concerned, I had not thought of Christine Grahame's point about the member who secured the debate summing up, which is an interesting idea and one that would put a different perspective on the debate. What Bob Doris suggests could

have some merit. It is not an idea that I had previously thought about, but I know that, over the years, business managers and the minister responsible for parliamentary business have often struggled to decide what debates to put on. There are debates on supposedly worthy topics in which people just go through the motions and which have no heart.

If members were allocated time in the way that parties are allocated time, that could lead to some lively debates, so there could be an argument for saying that a certain number of slots should be allocated to back benchers during the year.

I would not want to lose the frequency of the general members' business debates. You might end up with two classes of members' business debate: one that is held in the Parliament, which might lead to a vote, and one on the run-of-the-mill issues that are debated on a Wednesday or Thursday and often attract considerable interest. It is an interesting suggestion, which is certainly worth considering, because it would probably help the business managers to fill the slots and it could lead to much more lively and interesting debates. There could be two members' business debates in a morning session in the same way that political parties sometimes split their morning debating time; that would give quite a lot of coverage.

I suggest that we also look at the possibility of holding members' business debates not in the chamber but in a committee room. It is dispiriting for some members of the public who come along because they feel that they have ownership of an issue to see five or six members sitting in the chamber of a Wednesday or Thursday evening. Having a members' debate in a committee room would introduce much more intimacy, because people would be closer to the debate and would feel part of it. Theoretically, we could have more members' debates by having them in a committee room, whether at lunch time, in the evening or—this relates to my more controversial suggestion that committees and Parliament could meet at the same time—on a Wednesday or Thursday afternoon. I know that that would start to clutter things up, but we should think imaginatively about when we could have the debates. Having them in a committee room would give them more vibrancy and intimacy and make people from outside Parliament who come here for the debate feel much closer to what is going on.

The Convener: Margaret, did you want to come in, or have you forgotten your question because it is so long since you put your hand up?

Margaret Burgess: Part of what I was going to ask has been answered—it was about the evening sittings. I think that everyone has said that some of the debates are banal and just go on for the sake of it. Could it be organised so that the debate

would last a particular length of time but the speakers would not have a time limit as their speaking time would be flexible and up to the Presiding Officer? We might get fewer speakers speaking for longer on a particular issue. How do you feel that that could be managed?

Hugh Henry: I think that Christine Grahame has already suggested something along those lines, and it could work. However, in the case of a banal debate, in which, frankly, no one is interested, it would not work, because no one would want to speak for any great length of time on an issue that is of no consequence. We have to ensure that what we are debating is germane, interesting, stimulating, pertinent and relevant to the people whom we represent. If the debate is on a topic that captures people's imagination and about which people are enthusiastic and passionate, there will be no problem finding people who want to speak in it—limiting their speaking time might be the problem. You are right—Christine Grahame has said this before—that restricting members artificially to four or five minutes in a debate on a subject of huge significance, so that they really do not have time to develop a point, becomes absurd.

Christine Grahame: That is true. It becomes absurd because if members take an intervention they wonder whether that adds to their time. Really, that is not a debate; it is people making speeches. If someone wants to take half a dozen interventions, they should be allowed to take them and then go on with their speech. It should not be like extra time on the football pitch—someone gets another minute because they have taken interventions. People should feel that they can take interventions. An intervention should not be used to tell someone's life story, but it can be reasonable for an intervention to be lengthy if a decent point is being made.

16:00

There should be flexibility. We have some really good debaters, including among the intake of new members across the chamber—I am quite impressed. Members should be able to take interventions. Otherwise, a member gives a speech and sits down, then another member gives a speech and sits down, and we congratulate ourselves because we have timed it right and kept to our six minutes. That is not the way to debate.

The Presiding Officers have some flexibility, but perhaps our rules need to give them more. I do not know where the six-minute rule comes from. Is it written down anywhere? Where do such rules pop up from?

The Convener: I think that that is the Presiding Officer's area of responsibility.

Margaret Mitchell: It depends on the length of the debate.

Christine Grahame: I do not know how the rules came about.

The Convener: A formula has been set with limits of four minutes and six minutes, but I do not know where it came from.

Christine Grahame: Perhaps we need to find out who wrote down the rules on a bit of paper in the first place.

Hugh Henry: There is an issue about a debate that is perhaps exciting some passion. The Presiding Officer has the flexibility to call whomsoever she chooses, but in practice over the years the whips control who speaks. For a lively debate, we might want the influence of the whips to be reduced, because back benchers who are a thorn in the flesh of the whips might have something pertinent to say and might want to get into a debate. There must be a bit of come and go on that.

Christine Grahame: That was done before. In the first two sessions of Parliament, under Lord Steel and George Reid, I can remember members being displaced on the alleged list, because the Presiding Officer moved them around. Of course, that was sometimes a punishment for the member being naughty.

The Convener: Such discretion is in the hands of the Presiding Officer.

Margaret Mitchell: Having a strict time limit for a speech and patting oneself on the back while thinking, “Yes, I filled my six minutes” is not the ideal way to debate issues. There should be some debates in which members are given eight minutes. We could have some such debates and see how it goes as part of a pilot. Members would not have to take the full eight minutes; they could indicate to the Presiding Officer that they have a specific point to make and that their speech will be about four minutes, or whatever. There could be degrees of flexibility.

In the previous evidence session, someone mentioned that Liam McArthur did not get into a fisheries debate although he had a load of knowledge to impart. A flexible approach would take care of the problem that we have under the current system involving business managers, d’Hondt and all that. Again, we have to address that because we have a majority Government.

Paul Wheelhouse: Witnesses have mentioned options for debates in which members have a particular interest. I think that Lord McConnell suggested that we could allow up to 10 minutes for members who have a depth of knowledge of the subject and who want to explore the detail and expand the arguments.

Based on your deeper knowledge of how Parliament works and your experience in the Parliament, what would be the best mechanism by which we could measure the strength of demand for a debate, get round the issue of the whips having control and allocate time effectively? We touched on members perhaps being able to indicate to the Presiding Officer how long they might need. Do you have any firm views on how best that could be managed and, in particular, how it might work if we are looking at debates stretching into Wednesday evening?

Margaret Mitchell: I think that the Presiding Officer has a role. The Presiding Officer and the Deputy Presiding Officers listen to members and know them pretty well. They know who has an interest in a particular subject, so they can judge that a member has a lot of experience of the matter or has a constituency interest. Based on that knowledge, they should be able to be fair minded, as the Presiding Officers are, and say, “Here’s a new member—I don’t know what they will have to say, but if they indicate to me that they have a particular expertise, let’s see how it goes.” There could be much more flexibility, which would produce much better debates.

Christine Grahame: The whips know when debates are oversubscribed and members get mumpy because they do not get into the debate. For other debates, the whips drag people out and say, “For goodness’ sake, go in for this debate—I cannae get anybody to speak in it.” The business managers know which debates are popular and are exciting interest among the group, so a lot is in their hands. That kind of thing usually applies across the parties, because the issue that is being debated is contentious or a hot potato.

In those circumstances, the business managers could say that they have a lot of people who want to speak in the debate and we could extend it or allow more time. Thereafter, the Presiding Officer should have the flexibility to change speaking times. I am not one for saying, “You get 10 minutes if you know something, six minutes if you know half of something and three minutes if you’re a waste of space.” I do not see the point of that. The Presiding Officer should use their discretion and, if they think that someone is interesting, let them go on. The business managers know what length of debate is appropriate, and of course they sit on the Parliamentary Bureau and sort out the timetable that we all have to adhere to.

The Convener: You have just finished your three minutes. [*Laughter.*]

Paul Wheelhouse: We have discussed the quality of the subject matter that we debate, and there is an issue about the quality and nature of speeches. A number of witnesses have also talked to us about the format of speeches. Rather than

debating a subject, many members read out a scripted speech with little flexibility to adapt to the debate as it unfolds. Do you have views on how we can change that culture in the Parliament and encourage members—if you think it is a good idea; it might not be—to speak less from scripted speeches and more from just notes?

Hugh Henry: I tend not to read from a written speech. There have been occasions when I have written something out, perhaps because there are specific things that I wanted to say, but usually I just have a few notes that I use to develop a theme.

We have to look at the time that is available. There are some really important debates, and if I have only four minutes, it does not encourage me to take an intervention, because I will not have time to develop what I want to say and I always sit down thinking, “I’ve missed out two or three of the points that I wanted to make.” That is a problem. With six minutes, I start to look at it a bit more.

If we are going to use the term “debate”, the Presiding Officer has to force it to be a debate rather than a set of speeches where people are talked at. It might be that, if a member has six or seven minutes and someone wants to intervene—it does not always happen—they should be required to take one or two interventions. That requirement would have to come from the chair, and there would have to be a degree of compensation. I do not have a problem with taking interventions, but if I take two or three and it completely disrupts and eliminates the points that I wanted to make, why should I take them? There has to be an incentive for people to take interventions, but the Presiding Officer should actively consider a rule, formal or informal, that requires members to take one or two interventions in a six or seven-minute speech if other members want to get on their feet. Otherwise, we will just have people standing up and talking at us for six minutes and not taking any interventions, which destroys the notion of a debate.

The Convener: The Presiding Officer is making more allowance for members who take interventions.

Hugh Henry: I know that, convener, but there are still some members who will not take interventions. I think that that is farcical.

Christine Grahame: I do not agree with mandatory interventions. Some members are not orators or speakers but are good parliamentarians, so I have concerns about making it mandatory. A member might be on a roll for the whole six minutes of their speech. I think of an Alex Neil speech where he is firing away, although he will take an intervention and knock it back

splendidly. I would not like to see mandatory interventions.

Members who never take interventions get known for it and people tend not to listen to them, because if they are not going to take an intervention, what is the point of listening to them? That is when people go and get a cup of tea. Also, if someone takes an intervention, they are more likely to be given one back, so there is an informal thing that happens over time between people who are known to bat things back and forwards.

We should not be too unkind to members who have just come into the Parliament and need the security of a typed-out speech. I have only had a fully typed-out speech once. It was when I was a shadow minister, I think; I am trying to remember what I was. It was a sensitive subject so my words had to be said carefully. I am sure that Hugh Henry has had the same experience. The issue was so sensitive that I had to get other people to check the speech. However, most of the time, I, like Hugh, have only scraps and bits and pieces of paper. That is what happens. There is no point in writing down anything in advance because, after all, if you are speaking in the middle of a debate half of what you want to say has already been said by the time you get to speak.

I do not think that it should be mandatory to take interventions. Gradually, members of Parliament will get more confident and start to take them—that is just the way it is.

Margaret Mitchell: I, too, do not think that interventions should be mandatory. I certainly do not think that, if people take one or two, it should be counted against them. However, if they decide to take a third, the Presiding Officer should say, “I have to warn you that, if you take this intervention, it will eat into your time”. These things have to be managed somehow and there should be some way of ensuring that people are not simply speaking for the next hour. I think that that would be an improvement on the current system.

Hugh Henry is absolutely right. Four minutes is simply not enough, especially if you have to talk about really important issues in legislation. That is the only time that I write out speeches. If I speak anywhere else, I know what I am saying, I am roughly within the time frame and what I say is—I hope—logical and coherent. In the chamber, however, you get cut off in your prime before you get to your punchline. As a result, you tend to write things down, which does not lead to good debates. There could be a bit more flexibility and leeway to ensure that you do not get cut off; indeed, if you are confident that you are not going to get cut off because you do not have a set speech timed to the last minute, you can develop your style.

Margaret McDougall: I want to ask about a couple of issues. Hugh Henry raised the issue of committees meeting at the same time as meetings of the Parliament and suggested that members' business debates could be held at such times. Can you expand on those comments?

Christine Grahame talked about redressing the balance of committees. How would that be done? Moreover, with regard to the election of Presiding Officers, how would your suggestion work if the previous Presiding Officer was not returned?

Finally, how can we encourage more spontaneity in the chamber?

Hugh Henry: My comment about members' business debates and having committees meet at the same time as the Parliament was a bit of a throwaway. There are two arguments to make about such debates. First, Bob Doris suggested that members be allocated time for debates that could lead to votes. My response is that that is a good idea.

My bigger argument about members' business debates is that they should be held in committee rooms, not in the chamber. If people want such debates to be held at the same time as the Parliament is meeting, which is what happens in other Parliaments and leads to more of them, the proposal is worth considering.

That is not the point that I feel most strongly about, however. I am very clear that any parliamentary reform should start from the committee perspective. If, by juggling things around and trying to give the impression that we are doing more by having the Parliament sit at different times we simply eat into committee time and impact on committee work, we will do ourselves a disservice and put the Parliament at a disadvantage. If a committee is examining a hugely topical and controversial issue that is of interest, it should be allowed to meet at the same time as the Parliament and not by exception, which is what has happened with Scotland Bill Committee meetings. Christine Grahame's committee is doing something that has clearly attracted attention; the Scotland Bill Committee has attracted attention; and when we come to debate the alcohol bill there will be a huge interest in those proceedings. At the moment, we pigeonhole the debates into certain times. Why should we not allow Christine Grahame's committee to run into a Wednesday afternoon, Thursday morning or Thursday afternoon? Of course someone might need to be in the chamber, but such problems are not insurmountable.

There is a bigger prize for this Parliament in the public engaging more with their parliamentarians on significant and interesting topics. If we rush things through, people can feel that they have

been cut off or not listened to. Should a debate on digital Scotland stop us debating what we can do about football-related violence, sectarianism, alcohol abuse and so on? Those issues are of more significance to many more people than digital Scotland, important though digital Scotland is.

We are not talking about every committee, and we are not saying that it should happen every week but, if a committee is considering a major issue, why not allow it to carry on its work into the time when the Parliament is sitting in plenary session?

16:15

Christine Grahame: I would quite like to be sitting in a debate on digital Scotland—I would not want to miss that.

Margaret McDougall asked me about my ideas on redressing the balance of committees. I said that I thought that there was scope for joint committees to debate a topic in the chamber. For example, the Equal Opportunities Committee, the Finance Committee, the Public Audit Committee, the Justice Committee and any other committee could attend a meeting in the chamber on access to justice. All the members of those committees would have to be there and would take part in the debate in a way that enabled them all to learn from each other. That would be an extremely useful way to access information. We have so much paperwork that we do not have time to read the papers and the reports of other committees.

I stand by my suggestion about First Minister's question time. Margaret Mitchell suggests that it could lead to FMQs being usurped, because the SNP has a majority. I disagree. Committees frequently agree things unanimously. Perhaps the rule could be that, as with reports, members of the committee would have to agree the wording of the question that they wanted to ask the First Minister. That would redress the balance and would help public understanding of the work of the committees. Some people do not think that we have committees, or think that all that they do is push bits of paper about—they do not realise that they are substantive parts of the engine of this Parliament, doing their own things and holding the Government to account with vigour in a way that nobody else is able to.

As I said in my paper, it is ridiculous that we vote on the Presiding Officer five days or so after the election. At the most recent Presiding Officer election, there were boxes piled up outside our offices and there were many new members. Nobody knew what they were doing. There were no hustings. The other candidates and I were asked no questions about whether we knew what

the Presiding Officer's role was—we all did, but no one asked us. The Presiding Officer's role—chairing committees, dealing with the chamber and so on—is terribly important. At the end of the day, the Parliament tempers the rule of the Presiding Officer by consent, which means that it is important that the Presiding Officer is supported by the entire Parliament. The current one is, but my point is that this is the first time in 12 years that we did not have a shoo-in for the post. That showed up the flaws in the system.

Under my proposal, Alex Fergusson would have continued as the Presiding Officer until the end of June, because he was re-elected in the parliamentary election. If the former Presiding Officer was not returned, the oldest person in the Parliament—so none of us at this table—would take the chair, as happens in committees. That would be okay, because it would be only for the early days of the session. By the time we had an election for Presiding Officer, the new members of the Parliament and the older ones would have been able to assess the candidates for the job. I hope that by the next time that it comes around we will have changed our processes.

It might be useful to extend my suggestion to cover committee conveners, too. That might be more difficult, but I would certainly like that to happen because, again, committees must have faith in the convener. Someone who is an extremely partisan convener will not have a good committee.

Margaret Mitchell: Christine has persuaded me that, as long as the wording is agreed by a majority of the committee, it would be good to allow committees to ask questions at First Minister's question time.

With regard to having the oldest member serving as the Presiding Officer initially, I can imagine a new member being the oldest member and worrying a little about it. Perhaps the most experienced oldest member could fill that spot.

Today we have started to look at the work of the committees and tried to drill down, to see how we can make them more meaningful and make them the jewel in the crown of the Parliament, as they were supposed to be. We have also looked at chamber business in an innovative way and drawn in all sections of the Parliament and the work that goes on there, thereby making people feel that their views are being counted.

The Convener: Paul Wheelhouse has a short point to make.

Paul Wheelhouse: Margaret Mitchell has dealt with it. I was worried about the oldest member not necessarily being the most experienced.

Margaret McDougall: My question about spontaneity was not answered.

The Convener: They did not answer that, eh? That is politics for you.

Christine Grahame: I think that we are quite spontaneous, are we not?

The Convener: I thank the witnesses for coming along. It has been very useful and we have a lot of material to think about. If there is anything that you did not cover that you want to bring to our attention, please feel free to drop us a line.

Hugh Henry: Convener, I want to leave one thing with you. It is about not the generality of the debate, but procedures and what happens in the chamber. At the moment, the rules do not allow us to use electronic equipment like laptops in the chamber. We are not supposed to use any electronic devices. I do not use a BlackBerry because that sort of technology is beyond me, but I know that a lot of people do. You can see them sitting in the chamber reading their BlackBerrys, deleting their e-mails and responding to messages. I wonder whether we should formally say that the use of such equipment, including laptops, might be allowed. Either that, or we will have to go in the other direction and stop everyone from doing what they are currently doing. Members of the Welsh Assembly use electronic equipment and it might encourage more people into the chamber.

The Convener: That is another whole debate and we could probably spend an hour on it alone. Thank you for the suggestion; I am sure that the committee will pick that issue up in due course.

You will get a special copy of the report once it has been produced.

Hugh Henry: Signed by you, convener.

The Convener: Thank you for your time.

16:22

Meeting continued in private until 16:48.

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