



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE

Tuesday 22 November 2011

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STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE
7th 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)

*Alex Fergusson (Galloway and West Dumfries) (Con)

*Margaret McDougall (West Scotland) (Lab)

*Paul Wheelhouse (South Scotland) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Bruce Crawford (Stirling) (SNP)

Paul Martin (Glasgow Provan) (Lab)

Liam McArthur (Orkney Islands) (LD)

CLERK TO THE COMMITTEE

Gillian Baxendine

Alison Walker

LOCATION

Committee Room 4

Scottish Parliament

Standards, Procedures and Public Appointments Committee

Tuesday 22 November 2011

[The Convener *opened the meeting at 11:30*]

Interests

The Convener (Dave Thompson): Good morning, everybody, and welcome to the seventh meeting of the Standards, Procedures and Public Appointments Committee. I remind members to turn off their mobile phones and BlackBerrys. We have a new member on the committee, Alex Fergusson, who has replaced Nanette Milne. I record my thanks to Nanette for all the work that she has done in the committee and wish her well in her new role. I welcome you to the committee, Alex. Do you have any interests that you wish to declare?

Alex Fergusson (Galloway and West Dumfries) (Con): Thank you for your welcome. It is nice to be back on the standards committee, on which I served in the second session. I have no interests to declare at this time that would impinge on the work of the committee, other than those already registered in the register of members' interests. I assure you that I will draw your attention to those, should I need to do so.

The Convener: Thank you very much. I also need to record the apologies of Bob Doris, who is attending another committee this morning.

Reform of Parliamentary Business

11:31

The Convener: Item 2 relates to the reform of parliamentary business and the remodelling of the parliamentary week. I welcome our panel today. We have Paul Martin MSP, Bruce Crawford MSP and Liam McArthur MSP. Thank you very much, gentlemen, for coming along this morning. We have been having fairly free-flowing question-and-answer sessions with the panellists who have appeared before us, and I wonder whether you would like to say a few words before we start. If you do not, that is not a problem and we can go straight into the questioning. Does anyone want to open with a short statement?

Bruce Crawford (Stirling) (SNP): I had not planned to but, if it helps, I am happy to do so. In terms of the interests not declared by Alex Fergusson, it is obvious that he takes a very keen interest in this subject. I have read his submission to the committee setting out his feelings about the direction that we are going in, and I thought that that was quite useful. I am sure that he will be a useful addition to your committee.

In general terms, I should like to explain my position and my role here today. The Government has taken no formal view on the committee proceedings at this stage, and probably will not do so until such time as you come up with your findings. Whatever the findings of the committee and Parliament, the Government will do what it can to ensure that its operation and the way in which it conducts its business fit around whatever view the committee and Parliament take at the end of this journey. Our group has taken no formal position yet, although there has been discussion on these matters, as you will be aware.

On the issues relating to the parliamentary week, what you are doing follows the general direction that the consultative steering group considered appropriate in the past. I certainly agree that it is appropriate for you to consider that area. When we come to the questions on that matter, I will be more than happy to put forward my own perspective, although I will not be able to put forward the defined perspective of the Scottish National Party group, or indeed the Government, at this stage. It is still a bit early in the process, and they will want to hear a bit more of what you are saying before taking any firm position. I hope that that will help when I come to answer questions on the specifics.

Paul Martin (Glasgow Provan) (Lab): I welcome this opportunity. As you have said, convener, this is the first time in 12 years that we

have considered these issues, and the Scottish Labour Party welcomes the opportunity to do so. Likewise, we are not in a position to confirm our party's position. It will be helpful to have the committee's findings to influence and inform the process. I know that you are attending the Labour group meeting today, convener, and perhaps that can inform the process even further. Allowing the consultation process to take place, and allowing the committee's findings to inform it, will enable us to take a defined position in the future. I look forward to hearing the questions that will be asked today.

Liam McArthur (Orkney Islands) (LD): Committee members will be aware of the correspondence from my colleague Alison McInnes, who has, unfortunately, been required to attend the Justice Committee, which is conducting its stage 2 consideration of the Offensive Behaviour at Football and Threatening Communications (Scotland) Bill. She set out three or four ideas that we believe will go some way towards meeting some of the concerns that have been raised by the Presiding Officer and with which this committee has been wrestling. I am happy to follow up with more detailed responses to any questions that members might have on those issues or on the wider remit.

Alex Fergusson: Just before you continue, convener, with regard to the point that Bruce Crawford made, if my having given evidence to this committee in my role as the former Presiding Officer is a registrable interest, I so declare it. However, I do not think that I said anything that I could not retract, if necessary.

Bruce Crawford: I meant that you had an interest, Mr Fergusson, rather than that you needed to declare an interest. I should not be joshing so early in the proceedings, obviously.

The Convener: I will start off the proceedings by asking your views on the issue of the sittings of the Parliament in relation to the committees and the plenary sessions. You will be aware that the Presiding Officer has suggested that Parliament should sit in plenary session on Tuesday, Wednesday and Thursday afternoons, with the committees in the mornings. We have heard some views in support of the proposal and some against it. What are your views of the effect of the proposal on the workings and resources of the Parliament?

Paul Martin: From the point of view of the public and the media, I can see how the idea of having three sessions over three days would be good in terms of presenting the Parliament in a good light. However, the committee must consider whether that would make a significant difference to the Parliament in practice. We need to challenge ourselves in that regard and ask how effective the

Parliament will be at using those three sessions. Discussions that I have had offline have suggested, for example, that there might be challenges in ensuring continuity in stage 3 proceedings. You could argue that, at times, for the sake of the completion of stage 3 proceedings, it has been better to conflate the process into one day rather than spacing it over a number of days. However, that said, I can see the appeal of interrupting the consideration of stage 3 of a bill at the end of certain sections and dealing with the next sections the following day.

The real challenge must be to consider what the impact of the proposals would be on the scrutiny of the Government. The Presiding Officer has mentioned the idea of having emergency question times and ensuring that the Government is held to account properly during those three days. That idea is appealing. However, we must ensure that we are meeting not just for the sake of it or in order to look good to the public but in order that we can hold the Government to account and that the Opposition can play its role in that regard.

Liam McArthur: I echo many of Paul Martin's concerns. Our submission sought not only to respond to the proposal but to consider the issues that lie behind it, which involve the desire to give the Parliament every opportunity to scrutinise the Government on the most topical issues. The risk is that the framework of sitting times that we set might end up being populated by debates that are not necessarily seen as being particularly topical, regardless of whatever media and public support there might be in the initial stages. If it ends up meaning simply that the week is taken up by debates that are not time critical and do not hold ministers to account on burning issues of the day, that support will quickly fall away.

We certainly need an opportunity to question ministers on more topical issues. Concerns have been raised about the fact that we go from decision time on a Thursday through to the plenary session on Wednesday afternoon before there is any opportunity to do that. The situation is probably worse still, in that a member goes into the ballot one week, lodges the question the next week and asks the question the week after that, so the delay is even longer. There is clearly an issue to be addressed.

Like Paul Martin, we would have some reservations about setting out that there should be three afternoon meetings of Parliament, because I am not sure that that would get to the nub of the problem, which is about making business in the Scottish Parliament relevant and ensuring that members across the chamber have a timely opportunity to hold ministers to account.

Bruce Crawford: I agree with Paul Martin's opening comment that it is appropriate that the

committee is considering the issue and that this is the right time for us to undertake this exercise. I have alluded to the fact that the CSG pointed us in this direction before the Parliament came into being.

I stress that these are my own views. I can see the advantages of Parliament meeting on Tuesday, Wednesday and Thursday afternoons, but that timetable is not without complications. I will explain what I mean by that.

First, I pick up on Liam McArthur's point about how we go about scrutiny of the Government. I think that he is right: if Parliament were to meet on three afternoons, that would give us the potential to have questions to ministers on each of those three days. That would improve topicality. How that would be gone about is a matter that we can consider further and in detail, but the system would provide an opportunity. Depending on what business managers agree, it should also offer the potential for more topical debates, because we would obviously also be closer to the moment. We could make some improvements.

There are a number of tensions on stage 3 debates. First, the Government accepts that the stage 3 process needs to be re-examined, as many members who make good contributions at stages 1 and 2 do not always get the chance to contribute at stage 3. We constrain ourselves when members who want to involve themselves in a serious moment of the day are not able to do so. Addressing that issue probably means having to find a bit more parliamentary time for the stage 3 process.

A consequence of Parliament meeting on Tuesday, Wednesday and Thursday afternoons would probably be either that there would be more evening sittings—we should do that not as a matter of form but when it is necessary—or that stage 3 would have to be held over two days. That is possible, as Paul Martin explained, but we must recognise that it would present a challenge to the way that we go about Government. It would be right, particularly on an occasion when stage 3 contains high drama and controversy, to allow stage 3 to happen on one day. If the stage 3 process was scheduled for a Tuesday or Wednesday, that might mean that the meeting of Parliament would have to go into the evening, which would begin to conflict with our family-friendly policies. Those are the challenges that we face as part of the journey.

Liam McArthur raised the issue of questions, and I might come back to it again later. However—I am not sure that my ministerial colleagues will love me for saying this—I believe that there must be the potential to allow more supplementaries to give the member who asks the question the chance to probe a bit deeper. That would improve

scrutiny. Do we really need to go through the rather arcane process of always having the first question read out? Is there a way to speed the process up to make it a bit more dynamic? Those steps could all be taken to improve processes.

There are some complications. A lot depends on what the second part of the committee's inquiry unearths on the core issue of the importance of committees to the Parliament. We must ensure that whatever we do in regard to the plenary session does not undermine one of the strengths of the Scottish Parliament, because it is perceived—it is not just a perception; it is real—that the committee process is one of the Parliament's strengths.

11:45

There is a challenge in how we bring everything together. Liam McArthur comes from a rural part of Scotland. It is not necessarily a brake on the direction of things, but we must recognise that some MSPs represent rural and remote areas, and they will have responsibilities towards their constituents. I am not saying that that is a case against change; I just think that it is a challenge that must be recognised.

Hugh Henry raised the next issue. As a member of the Government, I wondered whether I should raise it but I concluded that I should. He raised the issue of ministers'—whoever the Government of the day might be—being able to reach the more remote and rural parts of Scotland while dealing with their constituency workload. That is part of our challenge in trying to get the balance of the week right.

I hope that that gives you a flavour of where I think the advantages and disadvantages are. All those things are up for debate, and I am happy to knock around ideas to get to the right outcome.

Liam McArthur: I agree with a lot of what Bruce Crawford says, and I am encouraged by the notion that more supplementary questions will afford members the opportunity to get into the meat of the issue. However, there is still an issue for members in lodging a question in advance. Even if they keep the question reasonably generic in the hope of expanding it widely, it may still constrain the answer that the minister can give. A more free-form 20 minutes of pretty general questions, albeit related to a single department or two departments, on any given Wednesday would make sense.

I was also interested in the comments about members who represent remote and rural parts of the country. You will testify to this, convener: in many respects, coming from further away is less of a problem because once we are here, we are here. I often think that the constraints are greater on members who are within striking distance of

Edinburgh, as there is an expectation that they will be back in their constituency or region to attend various events. When events happen in Orkney on a Tuesday, a Wednesday or even a Thursday night—given the fact that the last flight home has gone by the time that we finish voting on Thursday—I invariably cannot attend them. Although we need to be cognisant of the fact that whatever changes we make should not make life any more difficult for members coming from remote or rural parts of the country, we are a captive audience when we are here, and if Parliament sits later on a Tuesday or Wednesday evening it is less of an issue for us.

The Convener: That is a valid point, and I can confirm from my own experience that that is exactly what happens. For example, I came down last night and I will be here until Thursday night—I will get home at half past 9 or maybe half past 11, depending on whether I take part in a debate on Thursday evening.

We have a certain amount of time for plenary debates and, as some witnesses have said, the issue is how we use that time. At the moment, we have the equivalent of three half days of plenary and three half days of committees. Contrary to some journalistic reports, we are working when we are in committee, not just when we are in plenary session. If we keep the plenary time at three half days, the debate must be about the most effective way of using that time. A Tuesday afternoon session might allow us to get to issues more quickly than if we had to wait until Wednesday.

There is also a question about whether we should extend the plenary time into Wednesday evening. One way in which to deal with stage 3 debates would be to have the meeting run from lunch time on Wednesday right through until 7 o'clock. That would give us the equivalent of a full day to deal with stage 3 debates or major debates about things such as the budget and so on.

Let us stick to plenary sessions for a minute or two. I know that my colleagues have a number of questions about supplementaries and how we can improve questions. Do you have any comments or views on extending plenary time on a fairly regular basis, maybe once a fortnight on a Wednesday evening, to allow for stage 3 or other major debates?

Bruce Crawford: We should extend plenary time if we need to. If Parliament chooses to go to three afternoon plenary sessions a week, there will inevitably be a particular pressure on Wednesday evenings. If I remember correctly—forgive me if I have not got the number right on the button—the Government has proposed 18 or 19 pieces of legislation. That will mean 18 or 19 stage 3 debates at some stage. Some will be longer than others and some will be more controversial than

others but, bearing in mind one of my opening gambits about the need to make more time for stage 3 debates to allow people to contribute, where there is a requirement for them, there will inevitably be more Wednesday evening sessions. That is without question.

If we are going to have debates on complicated or controversial issues of the moment and if—as evidence to this committee has suggested we should—we are going to allow members more time to speak and develop their arguments, that will inevitably extend the plenary session time that we require. The committee may recommend it and Parliament may decide to go that way, and we have done it already on a number of occasions. As the committee's former Presiding Officer will know well, we have suspended standing orders on a number of occasions in order for business to continue into the evening. Parliament is not shy of doing that, but if we reorganise ourselves with plenary sessions on three afternoons, there will inevitably be more demand to work into the evening.

The committee should remember that there is a challenge in sitting late. At the very time that we do that, the cross-party working groups sit and, more particularly, organisations come from other parts of Scotland to hold receptions or events in the Parliament. They will not have as much time as they have previously had, so if we are going to extend debates into the evening, it needs to be done in a planned way whenever possible. There will always be moments of controversy and issues on which the Opposition rightly wants to put the Government under scrutiny, but whenever we can we should give as much notice as possible so that we avoid that conflict. It is an important part of the parliamentary week when members can engage with people from other parts of Scotland. It is one of the strengths of the Parliament that we are accessible, and there are challenges in allowing that to continue.

Paul Martin: I need to break the consensus here. It has been pretty strong so far, but I disagree with Bruce Crawford about the high drama that he said had to take place on one day. I think that the quality of the stage 3 debate is more important than having to condense it into one particular session. There might be some advantage in allowing us all to refresh ourselves and revisit the stage 3 the following day. We have to allow ourselves more flexibility to look at the following day's business and move it to another slot.

As for the issue about staying on until the late hours of the evening, I was in a committee that sat until 10 in the evening, so I do not have any issue with the work rate or commitment. The issue for me is that, when we have extended the sessions

in the past, the number and quality of contributions from members have decreased as we have got later into the evening. I do not really see what we would lose by deciding to stop at a particular section of the bill and continue the following day. That would allow members to review overnight some of the issues that they were debating during the day's plenary session and revisit them the following day.

The challenge that the Parliament faces is being able to be flexible in changing business—for example, to allow a stage 3 debate to be completed. I appreciate that there must be some limit on time for members, but we need to recognise that members have sometimes not taken the significant time slots that they have been allocated. That situation is a challenge for the parliamentary staff and the Presiding Officer.

From my point of view, we need to do what has to be done, even if that means continuing an item of business until the following day. We will have to start thinking about that for the controversial pieces of legislation that are coming forward—otherwise members will be complaining again about not being given an opportunity to contribute to the debate.

Liam McArthur: Paul Martin makes a valuable point on flexibility. We would be concerned about simply extending the time as a matter of course then looking to fill it. We have all participated in debates that could charitably be described as padded—debates in which everything has been said but not by everybody, so members continue to say it. On other occasions, debates have felt truncated and opportunities for members to contribute have not been afforded or members' contributions have been whittled down to the extent of being simply a series of bullet points. That does not aid the quality of debate. In a sense, we end up having not a debate but a series of monologues. It seems sensible to me to use what flexibility we have and to look at where we might be able to extend it.

On balance, we are of the view that having three afternoon sessions would not necessarily address concerns about topicality. That is why we suggested the option of a scrutiny committee meeting on Tuesday afternoon, which would provide the opportunity for Parliament and members across the board to hold ministers to account and which would perhaps be a slightly more flexible way of working than having a whole afternoon plenary session stretching out on a Tuesday.

Helen Eadie (Cowdenbeath) (Lab): I want to probe the issue of cross-party groups a bit more. We have a paper that shows that 25 cross-party groups meet on Wednesdays either at lunchtime or in the evening, whereas six groups meet on

Tuesdays and 12 meet on Thursdays. It strikes me that the groups are a valuable part of our work that is sometimes underrated by the media and others. Can our panellists expand their views on cross-party groups a bit? My perception is that they bring important information to parliamentarians. Do you share that view?

The Convener: Who wants to come in on that first? Nobody is rushing.

Liam McArthur: I will have a stab at it.

As a member of one of the smaller political groups in the Parliament, I am all too aware of the time pressure on members with regard to attendance at cross-party groups. As Helen Eadie said, they clearly provide valuable opportunities for imparting information that is not focused on a debate. Debates can be a little gladiatorial, and cross-party groups can allow members to reflect more soberly on relevant issues that crop up in the course of committee and chamber business.

My concern is that there has been such an explosion in the number of cross-party groups that, given the relatively small number of MSPs, it is questionable how many of them are actually exposing outside stakeholders to MSPs. Helen Eadie pointed to a real pressure point on Wednesdays in that regard, which is reinforced by the fact that, if we exclude ministers and party leaders, there are not many MSPs to spread around those groups. As part of the process of reform, they perhaps need to get better at working across their respective fields on issues of shared interest, as some have already tried to do, rather than operating in silos.

It is clear that some cross-party groups are more effective than others—they meet regularly, have good attendance and involve a good mix of stakeholders and MSPs. The issues that such groups discuss bleed into the wider policy or legislative debate. From the information that is on the Parliament's website, other groups appear to meet much less frequently and might have patchy attendance. The role that those groups perform is perhaps questionable.

12:00

The Convener: The figures could well show that many cross-party groups meet on Wednesday evenings because most people are here then. A lot of MSPs are not here on Tuesdays. Plenary sessions on Tuesday and Wednesday afternoons might encourage more members to be here on Tuesdays, which would mean that cross-party group meetings were more evenly spread across the week.

Paul Wheelhouse (South Scotland) (SNP): I will give a practical example. I think that Nanette

Milne said at our previous meeting that she was a member of 20-plus CPGs—in comparison, I am a member of only seven. Four of my seven CPGs will meet this week—two will meet concurrently at lunch time on Wednesday and two will meet concurrently on Wednesday evening. With the best will in the world, I will be unable to make a valuable contribution to those four CPGs, because their meetings clash.

As the convener said, people expect Wednesday to be the only day of the week when MSPs are available for meetings. If we had more flexibility so that more use was made of Tuesdays and Thursdays, we might have more scope to make a valuable contribution to the CPGs of which we are members.

Liam McArthur: What you say might well be the case, but that does not necessarily detract from the question whether the number of cross-party groups is sustainable. I do not have a magic figure that I can give off the top of my head, but it strikes me that one of the first ports of call for advisers on almost any issue or cause is to establish a cross-party group. I question whether that is always a sensible option. Instead, advisers could have targeted input into an existing cross-party group's work. Can so many groups be sustained over a parliamentary session?

Paul Martin: All of us who have played a part in cross-party groups value them, but we cannot get away from the fact that, when the Parliament decides when it will meet, the primacy of plenary meetings must be considered. It would be difficult for us to look at holding plenary meetings and external engagement opportunities at the same time. Some of us commute back to our constituencies for external engagement opportunities that are not necessarily directly associated with the Parliament. We need to be careful about how such engagement influences the process, because the Parliament's business could be compromised.

With the best will in the world, we will never be able to accommodate all the cross-party groups. A number of members probably do not realise that they are members of some cross-party groups. That speaks volumes for how we take cross-party groups forward.

Bruce Crawford: I agree with elements of what Liam McArthur and Paul Martin said. Cross-party groups bring value to the process and must be looked at as part of the overall package of how we deliver what Parliament is about. However, at the end of the day, the truth is that Parliament is about debating the issues that matter to the people of Scotland. That is what we are elected to do. Whatever the decision is, it must be based on the primacy of plenary and committee meetings. If we can take on board in the process concerns about

cross-party groups, that is all well and good, but we must remember why we are here.

Helen Eadie: I am grateful to the panellists for their opinions. The committee has discussed the issue in private and heard other witnesses' opinions, which concur broadly with what the panellists have said.

If we are to sacrifice cross-party group time and not to have the same interaction with them, what business should we do more of? We have heard that we could do more at stage 3. Is there other important business that we should do if, for example, there is a consensus that we need extra time on a Wednesday? For example, a proposal has been put to us that members' business debates should start earlier in the day and that members should have the final word in some of those debates. Could that type of business be involved, as well as more stage 3 business?

Bruce Crawford: If the committee and the Parliament decided that the Parliament should meet three afternoons a week, there could be three members' business debates a week. Members' business was supposed to enable regional or constituency MSPs to bring to the Parliament particular issues of moment in their areas of influence to let people's voices be heard. However, those debates are beginning to turn into just another part of the political week.

I am not sure that members' business is what we imagined it would be at the beginning. If that is where the parties want to go, that is fine. The Government will do what it needs to do to shape up to that and it will continue to contribute. Recently, a few members' business debates have been very political. I am not trying to get away from the fact that we are politicians, but I wonder whether members' business is what it was envisaged it would be in the beginning. I simply ask that question in general terms.

I am pretty relaxed on the issue of whether a member could open and close their members' business debate, although we would need to work through what that would mean. Would the member get a response to all the points that were raised in the debate in the way that that is expected to happen now? We would need to think about that.

The issue is another one on which the committees could help. Forgive me if I am wrong about the numbers, but I think that the committees are allocated 12 half days per year for debates in the Parliament. That is good, and the Government has occasionally given more time because there has been demand for it. There is scope for committees to have not only debates that are held at the end stage of a report but debates at the beginning of the process to allow Parliament to express a view. We could consider how to use

committee debates more imaginatively as part of the process.

Paul Martin: We could have something similar to the e-petition system in Westminster, through which members of the public can invoke debates. My personal opinion is that the Parliament should consider providing such opportunities. A business slot could be made available for organic debates when members of the public submit petitions, although the number of signatures required would have to be different from the 100,000 required at Westminster.

The fact that members' business debates are slotted in at the end of the day presents serious difficulties for external engagement. Many of the debates are on important local issues, but local communities face challenges in engaging with that business. A lunch time slot might improve external engagement considerably and would be an opportunity to make members' business more relevant. When I compare the number of people who attend First Minister's question time with the number who attend business later in the day, it seems to me that members of the public find it more challenging to attend later business. From a purely logistical point of view, people travelling from various parts of Scotland find it challenging to get here for a 5 pm slot. A lunch time slot would be more effective.

Bruce Crawford: Paul Martin makes a fair point. I see that Liam McArthur wants to comment, so I will let him speak before I say any more.

Liam McArthur: I was struck by Bruce Crawford's comment about the way in which members' business debates have changed. I have certainly picked up on that—in fact, I probably stand accused of stepping a little over the line in the recent past. I have participated in debates that seemed to move quite far away from what I had always assumed the nature of members' business debates to be.

Perhaps that signifies a failing in the structure of parliamentary business to accommodate such opportunities elsewhere. Helen Eadie said that ministers always have the last word, but that is less of an issue than the fact that it is a bit of a counterpoint and an echo, and there are fewer opportunities to go back and forth. That concern underlies one or two of the suggestions in Alison McInnes's letter.

The notion of interpellations came up as a possibility in a previous Procedures Committee report. It is a mechanism that is used in a range of other Parliaments: it allows a scene-setting speech from the member followed by a response from the minister, and then it goes back to the member and back to the minister before the wider debate is opened up.

Whether the minister winds up by responding to the point or the member who proposed the debate winds up is an issue for discussion, as there is an argument either way, but that mechanism allows more of an iterative process. We have all been in the position—whether in responding to a statement or taking part in a debate—of asking a series of questions and feeling that they have not really been addressed. They are either not touched on at all, or they are met with a political straight bat or even an attack-is-the-best-form-of-defence strategy. I am not saying that that is any more prevalent among the current group of ministers than it was among previous ministers; it is just part of the formula.

Initiating a mechanism to enable more of a back-and-forth exchange at the outset of a debate would probably address some of the concerns that have been raised about the slightly sterile way in which debates can currently progress.

Alex Fergusson: I am interested in Paul Martin's suggestion that, from a public engagement point of view, members' business debates might be more effective if they were held at lunch time rather than in the evening. I suspect that one of the things that most disengages the public from members' business debates—and particularly those members of the public who come to Parliament to listen to those debates—is the sight of every MSP who is not taking part in the debate disappearing as fast as they can out of the exit door. That would be the same at lunch time as it is in the evening.

It has been suggested to the committee that members' business debates might take place in a committee room rather than in the main chamber. Would that have any benefits with regard to public engagement in members' business debates? I think that such debates have an important role to play in relation to public engagement.

Helen Eadie: While the witnesses are pondering that question, I will just mention that we were informed last week that Westminster has started a new system of members' business debates of the sort that I described earlier. Were the witnesses aware of that?

Bruce Crawford: This is the first time that the point that Liam McArthur raised has been put to me. As an initial perspective, I suppose it reminds me of the game last week when Edinburgh beat the club that they were playing 48 points to 47 along the road at Murrayfield, and there were only 5,000 people watching. There is a danger that in some members' business debate, the chamber will be almost empty of MSPs. One advantage of Paul Martin's suggestion is that people would not see members all leaving as the members' business debate was beginning if that debate was the first piece of business of the day.

The question could reasonably be put to the members of the public who come along to listen to members' business debates. This should be an outward-looking exercise about what best suits the people of Scotland with whom we engage. I would guess that a lot of people come along to those debates because they are held in the chamber of the Scottish Parliament, which is a special place—well, I certainly think that it is, and I think that a lot of other people do, too. Would a members' business debate have the same impact if it was held in a committee room? I am dubious about that. I can see how it would help the dynamics for MSPs—it would be much more like East End Park with 5,000 in it than Murrayfield with 5,000 in it—but whether it would provide the spectacle or the opportunity that people want in terms of their contribution to or engagement and interface with the Parliament, I have my doubts. However, I would need to think about it a bit more.

12:15

Alex Fergusson: Just because I asked the question does not necessarily mean that I am making that suggestion. I have considerable sympathy with what you have said. It is a difficult problem.

Margaret McDougall (West Scotland) (Lab): I want to ask about the timing that is allowed for speeches. We have six-minute and four-minute speeches at the moment. Is there any evidence that debates could be improved if the time for speeches was increased?

Liam McArthur: I have been in debates in which the six minutes have dragged on and in debates where cutting off members after six minutes has stifled what would have been an interesting exchange or contribution. There are examples of occasions when, particularly as we head towards the wind-up speeches, certain members' contributions have been cut back even further. On whether we need to introduce more flexibility to allow the time available for speeches to expand to meet the need and demand to contribute to a debate or whether we just extend the time and then look to fill it, I would probably go for the former, rather than the latter.

The initiative that was started in the previous session and which has been encouraged further by the Presiding Officers in this session, whereby members are rewarded for taking interventions by getting additional time, is sensible. We have all been in far too many debates that are debates only in name and which consist of a series of press releases being read out, or debates in which people are there because it is their turn to warm the bench. Those debates really do not make a particularly edifying spectacle for those who are in the public gallery, or those who monitor

proceedings through the *Official Report* or the website. Time allocations can be a problem, but that is not the case in every instance.

Paul Martin: Those of us who have been here since 1999 will recall that we had four-minute speeches at the start, which were then increased to six-minute speeches. When you look at the way in which the Presiding Officers' team allocate the slots, you can understand the challenges that they face, in the context of the time available, in working out how to make sure that all members get parity across the board, where possible, taking party representations into consideration.

To be honest, I think that most of the time we get the balance right. However, I have to say that a number of colleagues have raised with me the issue of padding debates to which Liam McArthur referred, which happened in previous sessions, too. I think that it is the responsibility of all parliamentarians to deal with that. We have to argue for certain debates to be part of parliamentary business. Perhaps we do not engage in that as effectively as we should, although I know that members have talked about back-bench committees influencing that process.

I mentioned the organic process of e-petitions. That might deal with some of the issues to which Liam McArthur referred. I have always felt that what is important to one member in one part of the country might not be important to another. Farming might not be an issue for my constituency of Glasgow Provan, but it might be an important issue in other parts of Scotland. We need to recognise the importance of different issues across the country. When members complain to me about the debates that Liam McArthur described, I always find it very difficult to say what effective action can be taken. Allowing more time for stage 3 debates might help.

Liam McArthur: I know that the committee has discussed the fact that fisheries debates have a geographic focus that does not lend itself to allocation of speeches according to d'Hondt. My name has even been taken in vain in that context. Whatever system is in place will throw up anomalies. I used fisheries as an example, but I am sure that other topics also have a geographic focus.

There are also topics on which members across the parties—perhaps because they are members of a cross-party group—may have more interest in and more insightful contributions to make. Such topics would not necessarily fit an allocation of time according to parties. It would be helpful to allow the Presiding Officer, with the business managers, to reflect on that and to ensure that such matters are addressed more routinely. If that happened, speeches would likely be better informed and of better quality, whether they were

6 minutes or 10 minutes long. That could not be anything other than good for the Parliament.

Bruce Crawford: Ultimately, the only person who can decide whether a debate warrants a slightly different approach is the Presiding Officer, with guidance from the business managers. There will always be a political bias in what business managers think, so the PO is the person with whom the role must ultimately lie, but there is scope for more flexibility and for a more horses-for-courses approach.

That would need the parties to play along with the game—that is the wrong terminology, but you know what I mean. They need to be prepared to accept that things will occasionally be different in order to allow diversity. That would not be a bad thing.

I will deal with padding debates. I put my hand up a wee bit: admittedly, when we were a minority Government, we tried to win as many votes as we could because that was one of the things that we needed to do to stay alive. However, if you look at the debates since the election in May—not only Government debates, but Opposition debates—you will find that they have been a bit more meaty and substantial despite the fact that, as always happens at the beginning of the parliamentary session, we are waiting for the main body of legislation to come through. If members reflect on what has been debated since May, they will find that there has been a change in it.

The make-up of Parliament in different sessions means that such differences are inevitable. At another time, the Parliament would have a different environment and perspective and a different feel and ambience. Now, not only can the Government set out its case, but so can the Opposition, which is no longer hampered by the fact that it might win. That might seem to be a strange concept, but I think that the committee knows what I mean by it in relation to our debates. Perhaps that is slightly controversial, but we might as well get some controversy into the discussion.

The Convener: Is there any merit in the suggestion that speakers be given up to 10 minutes, but should let the Presiding Officer know when they will take less, which would allow for more variability? Another suggestion is that, instead of the rigid six-minute slots that we have at the minute—which mean, for example, that we end up with eight SNP speakers in a debate all making relatively short speeches—each party should be given a block of time and should decide how to allocate it, which would allow for more flexibility. Do you have any comments on those suggestions?

Paul Martin: The problem with blocks of time would be the power that parties would have over

members. Members want individual slots and not for it to be in the gift of a business manager to give to an MSP a slot that he or she does not want another MSP to be given. Business managers might be accused of doing that, which is where some of the challenges in that proposal might be.

The opportunity for some members to speak for up to 10 minutes might be helpful, but I can see the logistical challenges with which that would present the business team for allocating time and ensuring that the debate moves on. Members are not always aware of that challenge until they see the tables that are available for how the PO goes about that business. We need to take that into consideration. Some members would want to speak for 10 minutes, some would want to speak for much longer than that and some would want to speak for much less, so we should allow flexibility.

Although it might sound appealing and helpful to allow the business managers to make the allocations, I am afraid that members would be prone to develop conspiracy theories to explain why some members were being allocated less time than others.

Liam McArthur: I am glad that a business manager has said that, even though it is not necessarily an issue that my group is wrestling with at the moment. We wish that we had more debates in which we could use allocated slots.

I have noted a concern that, in debates in which the Presiding Officers have a bit of spare time to allocate, it tends to end up being used by members who speak earlier in the debate, albeit that there are occasions on which ministers and closing speakers are given 14, 15 or 16 minutes to fill, or are allowed to speak until 5 o'clock. There are occasions on which the Presiding Officers can be generous with the time until some of the early speakers in a debate completely abuse that, with the result that members who might have been able to shed a different light on matters or to offer an interesting perspective later on in the debate are more constrained. The flexibility to which you refer seems to be a good idea in principle, but it is a question of how it could be introduced without making the whole process unmanageable for the PO and her team, and without gifting too much power to business managers.

Alex Fergusson: I will offer an addendum to that. We have used the word “flexibility” a lot. It strikes me that the answer to half our problems would be flexibility in how we go about things, but as long as we have the rigidity of holding decision time at 5 o'clock, it will be extremely difficult to introduce the degree of flexibility that we have been debating. What are your thoughts on that? How can we introduce flexibility when the rigidity that we have in our practices is integral to the Parliament's family friendliness? I do not want to

be seen to be undermining that in any way—nor should it be undermined—but I find it difficult to understand how we can fix one without altering the other. Do you have any comments on that?

Bruce Crawford: My view is that there has to be discipline about when meetings of Parliament finish, not just for the purposes of business managers, but for the purposes of ordinary back benchers, so that they know when their time will be required and what they will have to do at a given time. That is also necessary to give discipline to the debate. Regardless of whether we finish at 5 o'clock or 6 o'clock, the trick is how we use the available time and create flexibility within it.

As Liam McArthur and Paul Martin have described, it is not necessarily easy to allow more flexibility, because it would mean that the POs would have to balance who would and would not contribute, and how much time different parties would get. It would be necessary for POs to have more management information on how time had been allocated because it is inevitable that there would be complaints from certain elements about not being treated properly. It would be necessary for members to be able to put more trust in the POs to come up with a process that would allow for that. In addition, the POs would need to be prepared to share information on, and to be a bit more transparent about, how the system for allocating time works in order to allow that trust to emerge. That will not be easy, either; I do not deny that.

Alex Fergusson: If we were to move to a system whereby speeches could be up to 10 minutes long, as has been suggested, and there was a bit less debate management by the whips and a bit more by individual members and the PO, would there be merit in decision time being no later than 5.30 or 6 o'clock, or even 5 o'clock, for example, to allow for such flexibility? If a debate ended at 4 o'clock or 10 past 4, we could move straight to decision time, provided that that was accompanied by the appropriate ringing of the bells.

Bruce Crawford: That would not change business managers' and members' need for certainty in order to plan other events. For example, having more flexibility about decision time might cause difficulties in respect, say, of the start times of meetings of cross-party working groups. Of course, as we showed recently when the voting system failed, we can wait until the next day to vote. We could change when decision time happens, but people need to know when it is happening to allow them to construct their diaries properly.

12:30

Paul Martin: The Presiding Officer might have some flexibility to guarantee that Parliament will finish between 5 and 5.30 or 5 and 5.15. Given that we have on occasion found ourselves in the chamber at 5.15 or 5.20, one could see the appeal in such an approach if the Presiding Officer is trying to manage the debate and can accommodate a number of members with a 10-minute extension. It would probably not happen all that often; as has been pointed out, there is much appetite for some debates. Instead of the rigid approach to the 5 o'clock decision time slot, a guarantee to have decision time between 5 and 5.30 would provide some flexibility. Of course, members will complain about needing to catch a train or whatever, but such flexibility would allow time for further contributions and would perhaps improve the debate.

Paul Wheelhouse: On the proposal for three-days-a-week plenary sessions, colleagues from my group have observed that there would be an impact on the Parliament's family-friendly working. If we moved to plenary on Tuesday, Wednesday and Thursday afternoons, would we make it a matter of routine not to have votes on a Tuesday and to carry any votes over to the Wednesday? That would allow people to plan their lives and allow rural members and ministers more flexibility to get to Parliament to vote.

Bruce Crawford: We should be as flexible as possible in how we do business: if such a move were to help us to do it better, that would be fine. However, my concern is that, particularly with controversial debates of high drama and significant interest to the people of Scotland, it would be like—again, I use a rugby analogy—watching a try being attempted in the last minute and having to wait until the next day before you heard whether it had been scored or not. The real danger is that the Parliament might be seen as not being relevant to the time or not acknowledging the significance of the issue under debate. The purpose of debates is to help members come to a conclusion about how they should vote. We all know how the system works in reality, but that is the debate's purpose. If the vote were allowed to run in to the next day, many of the points that had been made in speeches might be lost.

Paul Martin: It is important that Parliament adheres to the family-friendly principle. When we first considered it, we wanted to ensure that we did not follow practice at Westminster, which we have achieved in significant measure. However, those of us who have families—a number of us are in that position—need to recognise that members who have been allocated a Tuesday afternoon committee have found themselves here at 5 o'clock and sometimes later on a Tuesday,

Wednesday and Thursday anyway. We should also be mindful of public opinion and remember that people out there have even more challenging lifestyles and work patterns. We need to strike a balance with regard to families—we have done very well in that respect—but we should reflect on the fact that families out there have daily lives that are much greater challenges than we face.

The Convener: I am conscious that time is marching on. Do you want to come back on that, Paul?

Paul Wheelhouse: I am not speaking personally, because I am here on Tuesday nights anyway and it does not affect me, although I have a family. Nevertheless, there was a perception that women in the Parliament might be unfairly affected, so certainty about when votes were taken would help. I wonder whether the business managers could schedule the more topical high-profile debates for Wednesdays, particularly if we are extending business into Wednesday evenings. If there were stage 3 debates on Wednesdays, that might work.

Liam McArthur: Paul Wheelhouse makes a valid point about the need to safeguard, throughout the process, the family-friendly ethos of the Parliament. That is important. However, we might have some misgivings about having three afternoon sessions if we go down the route of scheduling the more controversial debates or whatever for Wednesdays and Thursdays, because that would be a move away from what is driving the change, which is the need to ensure that Parliament is as topical and relevant as it can be. If we have a plenary session on a Tuesday afternoon, the chances are that the issue will have hung over from the previous Friday or the weekend and members will be under pressure to debate it on the Tuesday afternoon. The balance of probability is that debates on Tuesday afternoons would likely be more controversial for having been pent up over a longer period. As Bruce Crawford said, then delaying the vote until Wednesday would make it anticlimactic.

The Convener: There is also the issue of making question times more vibrant and relevant. Would there be any merit in having ministers' question times, themed questions or whatever on a Wednesday at the start of the afternoon if the Parliament was meeting on Wednesday and Thursday? If the Parliament was meeting on Tuesday, Wednesday and Thursday, should we have ministers' question times on the Tuesday and the Wednesday, at the start of parliamentary business? Would it be beneficial to have fewer questions in the *Business Bulletin* but to allow many more supplementary questions? In that way, when a minister answered the first question and supplementary question from a member, the

member could then ask a second or even a third supplementary question if they were not satisfied with the answer. Other members could also ask supplementary questions in order to drill down into an issue instead of getting a couple of quick answers and moving on to the next one. What are your views on how we can improve ministerial question times?

Bruce Crawford: You have given us pretty strong guidance as to what you want and the direction in which you are going, convener, but you have not asked us how we think questions could be improved, which would have been a much more open question.

In my opening comments, I said that there is scope for more supplementary questions, which would provide more scrutiny. I am not sure what my ministerial colleagues will say about my saying that. It is my personal view, although I am sure that they would be supportive. Regardless of whether Parliament meets on Wednesday and Thursday or on Tuesday, Wednesday and Thursday, there is an argument for that. In restructuring, we need to remember that we had question times on Wednesday before we decided to move them to Thursday. We should not move them for the sake of it, but there are strong arguments for doing so from the perspective of topicality.

Paul Martin: The discussion raises the issue of members' being able to ask emergency questions of ministers. That would allow the issues of the day to be debated, rather than pre-rehearsed ones, as Liam McArthur suggested. Such opportunities would be welcomed.

We need to recognise, however, that under the current system, most members get the opportunity to ask their particular question. They can then press-release it, which they personally welcome. If we move towards a system of supplementary questions, we must recognise that it will reduce the pool of members who will be asking questions, unless we decide to extend the allocation of time for questions.

The Convener: More members could be allowed to come in with additional supplementaries, rather than having to have a question in the *Business Bulletin*. Four or five members could ask supplementaries on the same main point.

Paul Martin: I suppose that that would be fair enough, if we were allowed that kind of flexibility. The issue for members is whether the public record shows that they will ask a question; it is then their question and they have some ownership of it and the interrogation process with the minister afterwards. Simply asking a supplementary might not have the same appeal.

Also, the more supplementaries that there were, the fewer members would be in the pool. There would then have to be a process of managing those members who had not been called. That happens at the moment, and it causes tension, but if there were an increased pool of people who did not have a chance to ask a question, I imagine that they would be quite concerned. Under the current system, covering perhaps 10 questions in a 20-minute period makes for a pretty poor session. That has happened a number of times, and it speaks volumes for the quality of those sessions. The fact that we are able to ask 10 questions in 20 minutes and get them answered tells us that that session is not as good as it should be—

Alex Fergusson: Or not get them answered, which is one of the issues.

Paul Martin: Or not get them answered. Members who ask supplementaries sometimes feel under time pressure as well, as it gets close to 12 o'clock. We need to look at that. The Wednesday sessions provided a really good opportunity in the past, and I was grateful that First Minister's question time was at 3 o'clock. I know that that had to be moved for different reasons, but we were allowed to lead into First Minister's question time more effectively then.

The Convener: You mentioned emergency questions. The process for those was looked into not long ago. There have been very few such questions since the Parliament started—only about six or seven—on genuine emergency issues. I tend to agree that we need some kind of procedure, perhaps not for emergency questions, which should be left as they are, but for raising urgent, topical questions more frequently. We should keep emergency questions for the genuine emergencies that occur only rarely, but do you agree that there is room for finding a mechanism that would allow more topical, urgent questions to be taken?

Liam McArthur: You make a very good point, convener. Rather than falling down on the issue of whether something constitutes an emergency, we can all make a judgment on whether something is topical and whether it would be helpful to our constituents if we were seen to be raising it at the earliest opportunity. I certainly think that Wednesday afternoons would afford that opportunity, with a freer form of question time for 20 minutes or so. That need not necessarily involve every Government minister being on hand to answer questions; we might need to focus on two or three departments at a time. It would be sensible to have an opportunity for topical issues to be raised in that way.

Paul Martin mentioned getting through the list of questions in the *Business Bulletin*. A concerted

effort has been made recently to get to the bottom of the list; I can understand why that has been done, but it has sometimes detracted from members' ability to probe ministers, perhaps affording ministers an excuse to be not quite so fulsome in their responses as they might be. Taking more supplementaries might be a way forward, not only from other members but in the same way that the Presiding Officer has discretion on whether to call the party leaders at First Minister's question time to ask an additional question if appropriate.

12:45

Bruce Crawford: I think that the issue of topicality is very relevant. There is room for that. One word of caution, though: one person's topical issue is another person's area that they do not care very much about. If we decide to go that way—there is scope to do so, and we should think about how we travel in that direction—the Presiding Officers will need to be extremely clear about the criteria that are applied, because there will be pressure on them to allow a certain issue to be considered to be topical. At that point, there will be one member fighting with another to have their question considered to be topical. That might be a good process, but we would need to ensure that the criteria were robust enough for the Presiding Officers to make a good judgment.

I have never understood the desire to fit in every question during a question time session. Some people say that we should always reach question 6 at First Minister's question time and that, if we do not, that is somehow a failure. That picks up on Paul Martin's point: we should be thinking about the quality of what we are doing, not the numbers that we are trying to achieve.

Liam McArthur: The explanation might be that the sixth question is often the first opportunity for Conservatives or Liberal Democrats to ask a question. Some of the questions further up the *Business Bulletin* might have more topicality or might result in more intense political exchanges. Nevertheless, they have been selected on the basis that the Presiding Officer has deemed them to be topical that week. There is an argument there.

There is already a mechanism to bring in topicality, which is that the Presiding Officer can choose questions from members with constituency interests at FMQs. That presumably involves largely the same sort of threshold that would be used with regard to topical questions on a Wednesday. Bruce Crawford is right to say that there would need to be a degree of common understanding about what would meet that threshold. In a sense, however, we are already in

that position, as we have a similar mechanism that is used at FMQs.

Paul Wheelhouse: I want to touch again on the issue of time allocation for questions. I have been fortunate so far, but I have noticed that, when members attempt to deliver a preamble to their supplementary question, in order to explain why they are about to ask it, they are often asked by the Presiding Officer to hurry up and are cut off, to a degree. If there were an allocated amount of time—45 seconds or whatever—in which to ask a question, members might be able to lay out clearly, for the benefit of those in the public gallery and other members, the reason why the question is being asked, which might contribute to the quality of the answer. How important might that be?

Paul Martin: It sounds like an appealing idea, but I think that it is important that the Presiding Officer should have the ability to decide when a member should get to the point. Question times are an opportunity to ask questions, not necessarily to make speeches, as members do in normal debates. Allowing the Presiding Officer the discretion to decide whether the member is getting to the point is probably the most effective way of managing that.

Paul Wheelhouse's proposal sounds perfectly plausible, at first, but I think that it might place a burden on the timing of the session and make it difficult for the Presiding Officer to manage. It might affect the flow of the session.

Bruce Crawford: I agree. A formula would make it stilted. If we start introducing formulas, we will end up with stilted processes that are limited by particular time constraints.

The way to get good question times is for members to think about how they craft their questions and how they construct their contribution. If they are trying it on, the Presiding Officer will, quite rightly, step in. If they are able to craft their contribution so that they are asking the question in a genuine way, I do not think that there will be a problem. That is more to do with members working out how to do that than with introducing a formula.

Liam McArthur: I have certainly fallen foul of the situation that you are talking about. However, as Bruce Crawford says, having a formula would make the session quite stilted.

Of course, as Paul Wheelhouse said, there are occasions when setting the scene is entirely justified. We have to realise that it is not just about the internal dynamics of the chamber. There are people outside Parliament who wonder why on earth members raise particular issues if they have not set the scene. The Presiding Officers generally use their discretion wisely and ignore the

brouhaha on the benches, with members shouting for the question to be reached. The only concern is that the member who shouts loudest could determine the length of a question or contribution, but generally speaking, Presiding Officers have used their discretion sensibly. There are members who gain a reputation for abusing preambles, and Presiding Officers are rightly on the look-out for that, too.

Alex Fergusson: I wish that someone had mentioned that over the past four years.

The Convener: There are time limits in the Dáil in Ireland, but they are fairly flexible. The Ceann Comhairle—the Presiding Officer there—allows quite a bit of leeway.

Margaret Burgess (Cunninghame South) (SNP): We have heard evidence that very little time has been spent on post-legislative scrutiny, although we are now in the fourth session of the Parliament. That has not been mentioned yet. Do the panellists have any suggestions or ideas about how that could be remedied?

Bruce Crawford: That is a germane point. I have seen comments on that from other people.

There was always an expectation from the constitutional steering group that the Parliament would have a more dynamic process of examining legislation that it had passed to ensure that it worked and to consider whether and where it needed to be adjusted. A job can be done in that regard, but the question is whether that issue is for a plenary session discussion or the next part of your inquiry, which is on how committees go about their jobs—and I believe that that is more where the focus should be.

When we get down to the level of detail of post-legislative scrutiny, it is inevitable that the starting point will have to be in committees. There is an issue about how committees go about that work. You will consider committees in the second part of your inquiry, and if more discussion can be encouraged it will be very helpful to the law-making process in Scotland.

At the end of the day, we are here to make laws, and we all try to do our best in that respect. If we can focus on particular bits that are not working in the way that we expected them to work and on how we can come up with positive suggestions to make changes through a process that gets there by consensus through taking evidence, it will help Scotland to improve its laws significantly in the longer term. The process will not always be easy for whatever Government is in place, but hey ho—that is what being in government is about.

Paul Martin: There are issues in how we decide what post-legislative scrutiny to follow through and in members being able to track secondary

legislation that should have been delivered. I know that a number of us have proposed successful amendments to bills at stage 3 but realised some time later that they have not been implemented.

That is an issue to do with having a proper mechanism with which we can scrutinise legislation that has been passed. Given the information technology capacities that are available to the Parliament, there is no reason why we cannot put more resources into being clear about the stage that post-legislative scrutiny is at and how we decide what scrutiny we will undertake of legislation that has been passed. That would be a challenge, which committees need to play a significant role in. It is about the discipline of committee members to do that.

Liam McArthur: Bruce Crawford and Paul Martin are absolutely right. The committees would do the heavy lifting in determining what legislation needed to be scrutinised in that way. How that would be done would be a matter for the individual committees, but the credibility of the legislation that we pass will only be enhanced by a reassurance that capacity, willingness and determination exist to look back at it and ensure that it does what it said on the tin. The challenge is not insurmountable.

The other point about secondary legislation, of which I am sure the committee will be aware, is the amount of time that a committee has for scrutinising it. An awful lot comes through that process and, in my experience from committees that I have been a member of, the taking of evidence on and the testing of such secondary legislation has not always been sufficient to do justice to the importance of the issues that we are dealing with.

Margaret McDougall: We have not touched on the financial and resource implications. Have you considered the implications of having plenary meetings on Tuesday, Wednesday and Thursday afternoons? Obviously, such a change would have knock-on effects on financial and staff resources.

Liam McArthur: Putting on my corporate body hat for a second, I know from the discussions that we have had that there is a degree of comfort that we would be able to accommodate a change to three afternoon slots. The issue of resources arises more in relation to the potential consequences of passing the Scotland Bill and having enhanced powers, particularly financial scrutiny powers. They are more an issue for resources than changing to three afternoon plenary sessions would be.

I know from my conversations with the chief executive of the Scottish Parliament in the context of the corporate body that, because the issue of resources was flagged up in advance, the

parliamentary staff have done some early work and their expectation is that the three afternoons could be accommodated. If we were to have sessions extending and whatnot, that might well put on added pressure, but it would not if we were simply to move the sessions around.

Bruce Crawford: I said at the beginning that, whatever the committee or the Parliament decides, the Government will work around it and ensure that it works. That should be the approach that Government takes and I think that it should be the approach that Parliament takes with the resources that are available to us. We are asking lots of organisations in the public sector to deliver services within, on some occasions, tight settlements. I do not think that Parliament should be any different. If we have to operate differently within a tight settlement, that is no more than we are asking lots of other organisations in Scotland to do.

I think that we should face up to the challenges and deliver whatever the committee comes up with and the Parliament decides on. I am reasonably confident that the corporate body can make that work within the different framework that it might have to work in. That should be our expectation of it when we come to the end of this journey.

The Convener: Okay. Thank you very much, gentlemen. We have probably asked all the questions that we wanted to ask this morning. Thank you for coming along and for your contributions. We will send you a copy of the report once we complete it.

We now move into private session.

12:58

Meeting continued in private until 13:00.

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e-format first available
ISBN 978-0-85758-982-8

Revised e-format available
ISBN 978-0-85758-997-2