

ENTERPRISE AND LIFELONG LEARNING COMMITTEE

Tuesday 19 June 2001
(Afternoon)

Session 1

£5.00

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2001.

Applications for reproduction should be made in writing to the Copyright Unit,
Her Majesty's Stationery Office, St Clements House, 2-16 Colegate, Norwich NR3 1BQ
Fax 01603 723000, which is administering the copyright on behalf of the Scottish Parliamentary Corporate
Body.

Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by The
Stationery Office Ltd.

Her Majesty's Stationery Office is independent of and separate from the company now
trading as The Stationery Office Ltd, which is responsible for printing and publishing
Scottish Parliamentary Corporate Body publications.

CONTENTS

Tuesday 19 June 2001

	Col.
ITEMS IN PRIVATE.....	1905
SUBORDINATE LEGISLATION.....	1906
CONSULTATIVE STEERING GROUP PRINCIPLES	1909

ENTERPRISE AND LIFELONG LEARNING COMMITTEE 19th Meeting 2001, Session 1

CONVENER

*Alex Neil (Central Scotland) (SNP)

DEPUTY CONVENER

*Miss Annabel Goldie (West of Scotland) (Con)

COMMITTEE MEMBERS

*Bill Butler (Glasgow Anniesland) (Lab)
*Mr Duncan Hamilton (Highlands and Islands) (SNP)
*Marilyn Livingstone (Kirkcaldy) (Lab)
*Mr Kenny MacAskill (Lothians) (SNP)
*Mr Kenneth Macintosh (Eastwood) (Lab)
*Des McNulty (Clydebank and Milngavie) (Lab)
*David Mundell (South of Scotland) (Con):
*Tavish Scott (Shetland) (LD)
*Elaine Thomson (Aberdeen North) (Lab)

*attended

WITNESS

Ann Scott (Scottish Executive Enterprise and Lifelong Learning Department)

CLERK TO THE COMMITTEE

Simon Watkins

SENIOR ASSISTANT CLERK

Judith Evans

ASSISTANT CLERK

Linda Orton

LOCATION

Committee Room 3

Scottish Parliament

Enterprise and Lifelong Learning Committee

Tuesday 19 June 2001

(Afternoon)

[THE CONVENER *opened the meeting at 14:32*]

Items in Private

The Convener (Alex Neil): Welcome to the 19th meeting in 2001 of the Enterprise and Lifelong Learning Committee. Does the committee agree to discuss items 4, 5, 6 and 7 in private?

Members *indicated agreement.*

Subordinate Legislation

The Convener: Item 2 is on subordinate legislation. I welcome Ann Scott, Jim Logie and Colin Reeves from the Scottish Executive.

The committee has two statutory instruments to deal with, both of which relate to Bell College of Technology.

Ann Scott (Scottish Executive Enterprise and Lifelong Learning Department): The Bell College of Technology (Scotland) Order of Council 2001 (SI 2001/2005) is a Privy Council order, so there is a limit to what we can say about it. The Designation of Bell College of Technology (Scotland) Order 2001 (SSI 2001/199) will transfer Bell College of Technology from the further education sector to the higher education sector—the first such transfer since further education colleges were incorporated into that sector in 1993. The order will assist ministers' aims of widening access by giving new local opportunities for higher education in Lanarkshire. Ministers also expect that the transfer will underpin the local economy by opening up the range of training and educational opportunities that are available to improve the local skills base.

The Designation of Bell College of Technology (Scotland) Order 2000 also winds up and dissolves the existing college board of management. That is required under the Further and Higher Education (Scotland) Act 1992 when a further education college transfers to the higher education sector.

The Designation of Bell College of Technology (Scotland) Order 2001 is linked to the Bell College of Technology (Scotland) Order of Council 2001, which establishes arrangements for the governance of the college as a higher education institution and gives Scottish ministers authority to appoint a first round of governors. The governors' consent to receive the obligations, assets and so on of the college is required to effect the transfer. Thereafter, it will be for the governing body to appoint any governors.

Bell College of Technology was established by the local authority in 1972 to provide advanced education. Its position in the further education sector has been anomalous for some time because nearly all its provision is of higher education. Bell College of Technology applied for higher education designation in 1997. The application was the subject of widespread consultation and enjoyed widespread support. The college underwent a successful quality audit by the Quality Assurance Agency for Higher Education and ministers approved the application in February 2000. It has taken since then to put all

the necessary bricks in place to make the transfer possible. Subject to the will of Parliament, the transfer will take place on 1 August.

The Convener: Thank you.

Mr Duncan Hamilton (Highlands and Islands) (SNP): Is anyone unhappy about the move? Does anyone continue to oppose the transfer?

Ann Scott: I am not aware of any opposition.

Miss Annabel Goldie (West of Scotland) (Con): On a technical point, I understand that the college will no longer have a board of management, but that it will have a board of governors. Is that correct?

Ann Scott: Yes.

Miss Goldie: Are we heading towards an inconsistency in the higher education echelon, in which we will have ancient universities that were created by statute, new universities that were created by charter, and now an institution that appears to have a board of governors, rather than a university court? Is there some inconsistency there?

Ann Scott: No. The higher education sector is not homogenous. It consists of four ancient universities, four chartered universities, five universities that were established under the Further and Higher Education (Scotland) Act 1992, and several higher education colleges, which were established by different means. Most universities have chosen to call their governing body a university court—there is one exception. However, in other institutions, the governing body is simply called the governing body or the board of governors. Bell College of Technology will be akin to the universities that were established by the Further and Higher Education (Scotland) Act 1992, with the difference that it will call its governing body the governing body, rather than the university court.

Miss Goldie: Is there any distinction between the terms in law? The obligations of the members of university courts are clearly defined. What governs a board of governors?

Ann Scott: The board will be governed in accordance with the Bell College of Technology (Scotland) Order of Council 2001. That instrument sets the college's governing body in place, provides for the appointment of different categories of members, determines the duration of their terms of office and sets out the powers and responsibilities of the governing body. It is the same sort of governance order as that which is in place for all the universities that were created by the 1992 act, the art colleges, the Royal Scottish Academy of Music and Drama and Queen Margaret University College.

The Convener: As we are considering negative instruments, we do not explicitly amend or approve them, but simply identify issues that we want to raise.

Do members have any issues to raise that should be reported to Parliament?

Members indicated disagreement.

The Convener: I thank the Executive officials.

Consultative Steering Group Principles

The Convener: Agenda item 3 is on the Procedures Committee's inquiry into the application of the consultative steering group principles in the Scottish Parliament. We have a paper from that committee and the matter is fairly straightforward. The key principles of the CSG were sharing power, accountability, accessibility and equal opportunities. Do we wish to report or give evidence to the Procedures Committee—positively or negatively, with or without recommendations? Are there any comments on the paper?

Mr Kenneth Macintosh (Eastwood) (Lab): I am a member of the Procedures Committee and would rather not say anything.

Miss Goldie: Should Kenneth Macintosh not tell us what we should say?

The Convener: In the committee's work and throughout the Parliament, the four principles have been implemented fairly satisfactorily. I can think of no matter that is not being addressed that I would like to raise. We are sharing power. The Executive and Parliament will always tussle over where the boundaries lie, but that is part of politics. As for accountability and accessibility, the number of people that give evidence to the committee is a good example of accessibility.

We go out of our way to ensure that equal opportunities principles are applied, although perhaps we do not always succeed. For example, we will consider later a long list of potential advisers for our lifelong learning inquiry. The list contains 14 men and two women. One could argue that the list should be evened out, but one could also argue that it so happens that there are 14 men and two women who have the relevant skills. In general, a positive attitude to equal opportunities is taken throughout the Parliament.

Mr Hamilton: I am concerned about the principle of sharing power. I do not know whether I agree that the committee structure, including this committee, is exploring that to its full potential. The principle is explicit. Sharing power does not mean just being consulted or being part of the discussion—it means something more substantial than that. I am not sure whether the committee structure as it was envisaged is what is in place now. I am not sure whether the committee has any real power.

Off the top of my head, an example of that is the option for committees to have their reports debated in the Parliament. That is entirely discretionary. The Health and Community Care

Committee report on the Arbuthnott inquiry was long and complex. When that report was pretty much dismissed by the Executive, that called into question whether the envisaged power sharing was taking place. I do not know whether that should be a representation from me or the committee, but I make the point that sharing power is a principle that is not being implemented effectively.

Des McNulty (Clydebank and Milngavie) (Lab): There are two matters to raise on accountability. One is whether we, as committee members, are content with the utility of some of the budget information that we receive. Sometimes I think that it is difficult, as we follow the budget process, to make sense of how the money is spent and how that links into priorities that the Executive presents.

Sometimes we have a bit of a gap between the plan and budget accountability, which is different from what I was used to in local government. An accountability issue can be raised with regard to the usefulness of some of the information that we receive, because we must scrutinise properly the budgetary process that the Executive pursues.

The second issue will perhaps recommend itself to the convener, bearing in mind the bill that he plans to introduce. It is the issue of the accountability of some of the bodies that have been mentioned. Annabel Goldie raised a point about university courts. Having been a member of two university courts, I sometimes wonder about how accountability operates in them.

14:45

That question comes across more strongly when we consider organisations such as the Scottish Further Education Funding Council and the Scottish Higher Education Funding Council. To an extent, many institutions are geared up to a previous system of accountability, and the Parliament has not properly been brought into play. The Procedures Committee should consider—without prejudice and without my suggesting that it go down any particular route—whether the existence of the Parliament should in some way affect the pattern of accountability for organisations such as SHEFC, Scottish Enterprise and universities.

I am not pushing any solution or offering any answers; I am merely raising the issue of the accountability of public bodies and how they are affected by the coming into being of the Parliament, and particularly by the scrutiny process of which the committee forms a part.

Tavish Scott (Shetland) (LD): I want to pick up on what Duncan Hamilton and Des McNulty said. My experience, although it is minute, is that until—

I am not sure how to put this delicately—the civil service changes overall, the Parliament will always be, shall I say, constrained in how it scrutinises what the Executive does. It does not matter what the Executive's political persuasion is; what matters is how the Executive is supported by those who work for it.

I still feel, having been an MSP for two years, that people typically come into a committee meeting—or another forum—and sit at the bottom of the room being very defensive about how they provide information to the committee or other forum. I share Des McNulty's view—if I understood it correctly—of the experience in local government. I know that local government is different, but when I was a councillor the process was much easier and there was a much closer working relationship with officials, irrespective of whether members were part of a ruling council group or just ordinary councillors doing a job. That would be an interesting area for the Procedures Committee to consider in its review. I appreciate that the Parliament will bed down over the years, that it will become more effective and that it will, as Des McNulty has often remarked, increasingly ask the right questions, but how the Parliament interacts with the civil service—or not, as the case may be—is still a key issue.

David Mundell (South of Scotland) (Con): I fully agree with Tavish Scott. A great deal of thinking went on before the Parliament was set up. The one gap was how the civil service would work in relation to the Parliament. I am sure that that is one of the things that will emerge in the Procedures Committee's report. A new institution has emerged—the Parliament—but what I might call the executive side of the Executive has not emerged in quite the same way.

Like most other members, what I have found most difficult to come to terms with is the fact that the bulk of the people in the Executive are invisible to us, that we have to know who to find and that we sometimes have to get permission to speak to them. The whole process requires a fundamental look to be taken at it if the Executive side is to dovetail with the Parliament and support the Parliament's effectiveness.

The Convener: I am not plugging my own bill here, but it has been mentioned. It will be published next week. In case people do not know what it is, it will be called the public appointments (approval) (Scotland) bill. If it is passed, it will implement a major consultative steering group recommendation to give the Parliament the power, if it wished to exercise it—I think it would do so only rarely—to vet and, if necessary, veto public appointments to quangos.

My bill would deal with some of the points that have been raised about quangos. We would be

sharing power much more and quangos would be made more accountable. If we ensure that that happens, minority groups' access to quango membership will be increased and equal opportunities policies will be followed much more rigorously. That was a little plug for my bill: anyone who wants to support and sign it is most welcome to do so.

Mr Hamilton: It is obvious that there is broad agreement on all those issues. We will have to decide whether it is appropriate for the Enterprise and Lifelong Learning Committee to make a submission. What is the time scale for that to happen?

Simon Watkins (Clerk): The Procedures Committee has requested two things: one is a written submission for which the deadline, by my recollection, is next week. To meet that deadline, the committee would need to respond on the basis of this discussion. The second request is for the committee to decide whether it wants to nominate a member to appear in front of the Procedures Committee to give oral evidence.

The Convener: The matter is in progress, as the Finance Committee is actively pursuing the point that Des McNulty raised.

Mr Hamilton: It is worth repeating.

The Convener: Yes. It is worth repeating for information.

Miss Goldie: I have never understood the phrase "sharing of power." Can somebody please explain its meaning?

Mr Hamilton: It makes its own point, does it not?

Miss Goldie: In any system of political representation, it seems to be axiomatic that a party or parties in a Parliament will end up in a position of control. By self-definition, that makes the sharing of anything extremely difficult. I have never understood why the CSG used that phrase as, frankly, to me it means damn all.

Mr Hamilton: Is that a technical term?

Mr Macintosh: Perhaps we should look at what it is not. We are trying to get away from a Westminster-style system of government. Westminster under Thatcher and other leaders was possibly moving towards a more presidential style, where too much power was in the hands of the executive.

The Convener: Ken Macintosh will be glad that those days are over.

Mr Hamilton: Is he keeping his face straight?

Miss Goldie: Mrs Thatcher looks like the raw apprentice.

Bill Butler (Glasgow Anniesland) (Lab): I do

not know what the phrase means either, but nobody who aspires to office, of any political party, should have a problem with it. Perhaps we should talk about the sharing of influence, as committees' attempts to hold the Executive to account are serious. Committees may initiate a bill, but that is significantly different from the rather ancient system that applies at Westminster. Annabel Goldie rightly said that "sharing of power" is rather too grand a phrase. I have no problem with that. If we are to try to make the Parliament as inclusive as possible, "sharing of influence" would be a better phrase.

The Convener: I agree with Bill Butler's interpretation. Committees can introduce their own bills, they have the power to undertake pre-legislative scrutiny and they deal with stage 2 of bills. Those three examples show that power is shared much more evenly between the Parliament and the executive in Scotland than is the case at Westminster.

Mr Hamilton: We are not going to go back over the CSG principles. Whether members think power sharing should be a principle is not relevant. What is relevant is the fact that the CSG, through a long and protracted discussion, decided that it was a good principle. Given that that was one of the Parliament's founding principles, we are being asked if it is being adhered to. Bill Butler is right about the opportunities for committees.

I will return to a point that I made at the beginning of the discussion. The single biggest disappointment of the Parliament—to me and to others who access the system—is that although it is accessible and more accountable, there is no balance between the committees and the Executive.

After a detailed inquiry, committees can become temporary experts in different areas, but that expertise is often lost in the ether. What happens to it? A report is published. Can you point to five or six strong examples where that has made a substantial difference to Government policy? To me, that is what power sharing is about. It exists in principle, but I remain extremely sceptical.

Bill Butler: I agree with Duncan Hamilton up to a point, Lord Copper—as they say. Tavish Scott and David Mundell talked about the civil service becoming more acclimatised to the atmosphere of the new Parliament; that would be helpful in creating a level playing field. We hope that, in the end, the Executive heeds reports from committees, but it is ultimately the Executive that executes. We must try to make as level a playing field as possible in the exercise of the power that is given to the Executive by the electorate. We have to make that differentiation. We aspire to a level playing field, but the destination of that power is a political reality.

The Convener: This committee may be a good example of where the Parliament has been influential: its first major report, on local economic development, has been more or less implemented by the Executive. In a year's time we will review how effective that implementation has been. We also have a commitment from the Minister for Enterprise and Lifelong Learning that no strategic changes in lifelong learning will be made until we have completed our lifelong learning report next year. If that is adhered to, it represents a useful level of power sharing. One area of possible concern to all the parties—according to the newspapers, at least—would be major changes such as a change from a regional list to a national list system without all-party agreement. That is the kind of area where the principles of the CSG would be breached.

Mr Macintosh: We are having an interesting discussion, which is the point of the Procedures Committee's inquiry. I hope that each member—individually or as a member of a party—will have been given an opportunity to make a submission to the Procedures Committee. This committee is being asked to make a submission. The convener's point about the effect that this committee had—before I was a member—on the Executive's action was worth making. If we do not feel strong enough to send a nominee to give oral evidence, I suggest that we copy the *Official Report* of the discussion we have just had to the Procedures Committee; some valuable points have been made, which we may wish to draw to its attention. That might be a way of capturing the tone of the discussion and showing the committee's position on the matter.

The Convener: That is a good idea. We could include a covering letter from Simon Watkins on the key points that have been raised. Is that reasonable?

Members indicated agreement.

The Convener: Can I assume that we do not need to send someone to give oral evidence to the Procedures Committee and that there are no volunteers?

Tavish Scott: If the committee wanted a volunteer, it could ask us.

The Convener: After the recess.

Tavish Scott: Absolutely.

Marilyn Livingstone (Kirkcaldy) (Lab): I agree with that, but to return to what Duncan Hamilton said, I stress that we have spent a lot of time on the local economic forums inquiry and we will be doing the lifelong learning inquiry. Our recommendations were taken up almost fully; as has been said, that will be the case with the lifelong learning review. We should never

undersell the work of the committees, especially this one. There are at least two good examples of the committees being a major influence.

The Convener: This committee is having an influence outside the Parliament. We can take the example of the electronics summit that was held yesterday, which involved the industry, the minister, me, Simon Watkins and others from interested sections of the community. To be frank, that arose out of an initiative that I took, in consultation with members of the committee, as a result of a presentation by Hugh Aitken, the chairman of Electronics Scotland. Committee members met members of the board of Electronics Scotland and, as a result of that meeting, the summit took place yesterday. We will receive a report on the summit later, but I believe that it had a successful conclusion. We should not limit our influence to matters that are within the Parliament—we can use our offices to try to promote certain initiatives outside the Parliament. The Electronics Scotland initiative is a good example of that work.

I do not want to prolong the discussion.

15:00

Marilyn Livingstone: I just wanted to say that a committee member from each party was asked to sit on a panel at the conference of the Association of Scottish Colleges to discuss the way forward for the sector. Four members of the committee sat on that panel, which was a good initiative as it promoted the work of the committee.

Tavish Scott: Some members are more knowledgeable than others, if I may say so. Marilyn spoke particularly well.

Marilyn Livingstone: Thank you, Tavish.

Tavish Scott: Bill Butler mentioned the difference between the Scottish Parliament and Westminster, but we should also bear in mind the idea of power sharing. The convener is a member of the Scottish National Party—he is not a member of one of the coalition parties. That is a related factor—[*Interruption.*] You may aspire to Government, Mr Neil, but it is likely to take some time.

Our committee structure reflects the structure of Parliament, which is quite a consideration. I cannot envisage the chairmanship of a major Westminster select committee not being with a member of the governing party.

Des McNulty: That is not right. David Davis's main claim for the leadership of the Conservative party is the fact that he has been the chair of the Public Accounts Committee.

David Mundell: Does he have your support,

Des? If so, that would influence us greatly.

The Convener: I will bring in Ken Macintosh and then I will try to wind up our conversation.

Mr Macintosh: Another good example of the committee's pioneering work was the business in the chamber event. I was not a member of the committee at that time, but I know from speaking to my local authority and others that the event went down extremely well. It was extremely well received by the local authorities that were involved and captured some of the principles that we are discussing, such as sharing power, accountability and transparency. We are not talking about sharing power simply between the Executive and the Parliament; we should be sharing power with the people, too. I would commend that element of the committee's work programme to the Procedures Committee in our submission.

The Convener: My final point is to give a message to David Davis: being chairman of a powerful committee can be advantageous in a leadership election. [*Laughter.*]

Are we agreed that we will send the *Official Report* of today's meeting with a covering letter from Simon Watkins to the Procedures Committee?

Members indicated agreement.

The Convener: We now move into private session.

15:02

Meeting continued in private until 16:41.

Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice at the Document Supply Centre.

No proofs of the *Official Report* can be supplied. Members who want to suggest corrections for the archive edition should mark them clearly in the daily edition, and send it to the Official Report, 375 High Street, Edinburgh EH99 1SP. Suggested corrections in any other form cannot be accepted.

The deadline for corrections to this edition is:

Monday 2 July 2001

Members who want reprints of their speeches (within one month of the date of publication) may obtain request forms and further details from the Central Distribution Office, the Document Supply Centre or the Official Report.

PRICES AND SUBSCRIPTION RATES

DAILY EDITIONS

Single copies: £5

Meetings of the Parliament annual subscriptions: £500

The archive edition of the *Official Report* of meetings of the Parliament, written answers and public meetings of committees will be published on CD-ROM.

WHAT'S HAPPENING IN THE SCOTTISH PARLIAMENT, compiled by the Scottish Parliament Information Centre, contains details of past and forthcoming business and of the work of committees and gives general information on legislation and other parliamentary activity.

Single copies: £3.75

Special issue price: £5

Annual subscriptions: £150.00

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

Single copies: £3.75

Annual subscriptions: £150.00

Standing orders will be accepted at the Document Supply Centre.

Published in Edinburgh by The Stationery Office Limited and available from:

The Stationery Office Bookshop
71 Lothian Road
Edinburgh EH3 9AZ
0131 228 4181 Fax 0131 622 7017

The Stationery Office Bookshops at:
123 Kingsway, London WC2B 6PQ
Tel 020 7242 6393 Fax 020 7242 6394
68-69 Bull Street, Birmingham B4 6AD
Tel 0121 236 9696 Fax 0121 236 9699
33 Wine Street, Bristol BS1 2BQ
Tel 01179 264306 Fax 01179 294515
9-21 Princess Street, Manchester M60 8AS
Tel 0161 834 7201 Fax 0161 833 0634
16 Arthur Street, Belfast BT1 4GD
Tel 028 9023 8451 Fax 028 9023 5401
The Stationery Office Oriel Bookshop,
18-19 High Street, Cardiff CF1 2BZ
Tel 029 2039 5548 Fax 029 2038 4347

The Stationery Office Scottish Parliament Documentation
Helpline may be able to assist with additional information
on publications of or about the Scottish Parliament,
their availability and cost:

Telephone orders and inquiries
0870 606 5566

Fax orders
0870 606 5588

The Scottish Parliament Shop
George IV Bridge
EH99 1SP
Telephone orders 0131 348 5412

sp.info@scottish.parliament.uk

www.scottish.parliament.uk

Accredited Agents
(see Yellow Pages)

and through good booksellers