



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE

Thursday 24 September 2015

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STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE
14th Meeting 2015, Session 4

CONVENER

*Stewart Stevenson (Banffshire and Buchan Coast) (SNP)

DEPUTY CONVENER

*Mary Fee (West Scotland) (Lab)

COMMITTEE MEMBERS

George Adam (Paisley) (SNP)

*Cameron Buchanan (Lothian) (Con)

*Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab)

*Gil Paterson (Clydebank and Milngavie) (SNP)

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

*attended

THE FOLLOWING ALSO PARTICIPATED:

Jackson Carlaw (West Scotland) (Con)

Murdo Fraser (Mid Scotland and Fife) (Con)

Patrick Harvie (Glasgow) (Green)

Hugh Henry (Renfrewshire South) (Lab)

Michael Russell (Argyll and Bute) (SNP)

CLERK TO THE COMMITTEE

Gillian Baxendine

Alison Walker

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Standards, Procedures and Public Appointments Committee

Thursday 24 September 2015

[The Convener opened the meeting at 09:30]

Decisions on Taking Business in Private

The Convener (Stewart Stevenson): I welcome members to the Standards, Procedures and Public Appointments Committee's 14th meeting in 2015. As usual, I remind everyone to switch off their mobile phones, because they might affect the broadcasting system.

We have received apologies from George Adam.

Under item 1, do members agree to take in private item 4, which is consideration of a report from the Commissioner for Ethical Standards in Public Life in Scotland on a complaint, and item 5, which is consideration of our approach to the next stage of our inquiry into committee reform?

Members indicated agreement.

The Convener: Under item 2, do members agree to take in private at a future meeting consideration of the commissioner's report and our draft report on the complaint, and to take in private at future meetings the committee's consideration of consolidation bills?

Members indicated agreement.

Committee Reform

09:32

The Convener: Item 3 is evidence for our inquiry into committee reform. I am grateful to the members who are joining us today to give evidence. I welcome Jackson Carlaw, Murdo Fraser, Patrick Harvie, Hugh Henry and Mike Russell. Tavish Scott had hoped to be with us but has sent his apologies.

The members who have joined us have a diverse range of experience and perhaps—who knows?—a diverse range of views. We shall see. I will not exclude any off-the-wall ideas from the discussion, because they often provoke good ideas in other areas, even if ultimately we do not proceed with them. We will start with questions from committee members. We have not decided who will ask questions. Does Patricia Ferguson want to kick off?

Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab): Okay. Which of the many questions that have been taxing us should I ask? All the MSPs we have spoken to have raised the issue of MSPs' workload as committee members. On whether we can make the system better, there have been a number of suggestions, such as having smaller committees and recognising the status of conveners by paying them. We have also had suggestions about the number of bills that go to committees and even about the number of ministers that there should be. Do colleagues agree that the volume of work for committees is an issue that makes everything else that happens in committee more challenging and, in particular, makes committees less likely to be able to undertake their own investigations and post-legislative scrutiny?

Sorry—that is a big, catch-all question, but you did ask me, convener.

The Convener: Mr Russell is nodding his head.

Michael Russell (Argyll and Bute) (SNP): I always agree with Patricia Ferguson, convener. She has her finger on the nub of the matter. There are too many committees, and they are likely to have an increased workload as a result of the increased powers for the Parliament. There is no prospect of an increase in the number of members—that is absolutely clear. In those circumstances, something will have to give.

Hugh Henry and I gave evidence to the committee some time ago, when we touched on these issues. In my view, no member should be on more than one committee, and members should have the opportunity to build real expertise in that committee's subject matter. Some members

should see themselves as having a career in the Parliament that involves chairing those committees and developing the committee system.

Good government and good governance require effective challenge, and the committees really have to be able to challenge effectively. My experience, both of having been a minister for a period and of not being a minister over the past year, is that the committees are not yet resourced adequately or enabled to play that challenging role. They do it very well at times, but they could do it better, for which we need fewer, smaller committees and a focus for members on the work of those committees.

This is the third committee meeting that I have been at this week. It is not that it is not a pleasure, but I was at the Justice Committee on Tuesday morning as a committee substitute; I was at the committee that I regard as my main committee, the Rural Affairs, Climate Change and Environment Committee, for four hours yesterday morning; and I am here this morning. Such a workload cannot be sustained if members are to be effective as local representatives and do a range of other things. I think that there should be fewer, smaller committees, with each member on a single committee. That would increase the Parliament's ability to hold the Executive to account and improve governance.

Murdo Fraser (Mid Scotland and Fife) (Con): I agree with 90 per cent of what Michael Russell has just said. I certainly think it would be very challenging to be on more than one committee—I have only ever been on one committee at a time. Because of the size of our group and the number of committees, most of our members are on only one committee, although, on occasion, some have been on two. It would be very challenging to be on and cope with the workload of two committees, particularly if they were both subject committees. I cannot speak from experience, but I think that that would be extremely difficult.

On the number of committees, I think that we should be cautious. I would not like there to be fewer subject committees. I will give an example from my experience. I am the convener of the Economy, Energy and Tourism Committee, and many external stakeholders tell me that we have a very broad remit already. We cover three important but disparate subjects. We have been quite fortunate this session, as there has been very little legislation on those subjects—there have been two bills, but the areas that we address do not generate a lot of legislation, as much of the legislative power is reserved. Therefore, we have been able to conduct a large number of inquiries, probing into the broad range of topics that we cover.

I would not like economy, energy and tourism to be linked up with some other aspect of public policy. If we are to address the number of committees, which is a reasonable proposition, perhaps the way ahead would be to address the number of mandatory committees, as opposed to the number of subject committees.

We should consider the number of committee members. We have nine members on the Economy, Energy and Tourism Committee. I am not entirely sure how that figure was arrived at and it seems to me that we could conduct the business of the committee perfectly reasonably with seven or eight members.

I think that there is something to be said for enhancing the status of conveners. This is not special pleading—if I am re-elected, the chances are that I will not be a convener in the next session. Paying conveners is a perfectly reasonable idea, but if we were to do that, we would need to consider whether our current arrangements were still appropriate. Convenerships are, in effect, in the gift of the parties, so the party leaders would effectively be rewarding people with a position that brought with it a higher salary. There are issues around that, which we would have to think about.

Cameron Buchanan (Lothian) (Con): I am very much in favour of paying conveners something, because a convenership would then act as an alternative career path. Also, as I have said before, conveners have an increased workload—that was the point that I was going to start off with. What do our witnesses think about that?

Patrick Harvie (Glasgow) (Green): I will address Cameron Buchanan's point and some of the other issues that have been raised.

We should recognise that there is probably no perfect solution to the problem. On the argument that we should have smaller committees, my concern is that that would inevitably mean that committees would have much wider remits—and, as Murdo Fraser said, some committees already have very broad remits. A smaller number of committees with very broad remits would not reduce the workload, and our workload will increase anyway, given our additional responsibility to scrutinise and hold ministers to account for a wider range of powers. The question should be how we can manage that increased workload rather than whether we can engineer a situation in which we all get away with a smaller workload—that is not going to happen if we, as a Parliament, are doing our job. Even if committees had very broad remits, they would inevitably have to start breaking up into sub-committees to specialise in particular topics, and we would end up with more sub-committees than we have

committees today. I am, therefore, not sure that a reconfiguration of the size and number of committees is the solution.

I argue that we should look at additional ways of enhancing the scrutiny capacity of the Parliament. That might involve increased research or clerking capacity to allow committees to do more, or allowing committees to hold meetings or committee debates in parallel with debates in the chamber. Our larger committee rooms are easily physically capable of handling committee debates. Recently, two committees—the Infrastructure and Capital Investment Committee and the Economy, Energy and Tourism Committee—shared a committee debate, but the time that was allowed for the debate meant that only one or two members other than members of those committees were able to speak. It was a useful way of exploring some common ground between two committee reports, but there seems to be no reason why such a debate could not be held in a larger committee room in parallel with the main debate in the chamber—like debates in Westminster Hall, which take place alongside the rest of the agenda at Westminster.

Given that this is the most networked generation that there has ever been, there is also the possibility of looking at extra-parliamentary ways of bringing scrutiny to bear from a wide range of external sources, including organisations in civil society and members of the public. That was part of the original concept of the Scottish Parliament, and it was partly the reason why I had the chance to participate in the first session, before I was elected. The idea was that the Parliament would share power with the people, and there were initially some really creative ways of doing that. However, I think that they have gone wee bit stale. With the facilities that exist in today's hyper-networked world, there are surely ways of augmenting the scrutiny capacity of the Parliament through extra-parliamentary sources.

On the idea of having paid conveners, we are all highly paid people, and I am not sure that it is justifiable to increase an MSP's income because they convene a committee. I was a committee convener in the previous session and there was a workload attached to that, but I do not think that it was significantly greater than the workload of any committee member who takes their work seriously. I do not think that there was such a step up. There might be more of an argument for increasing a convener's staffing allowance, to enable them either to expand their staff capacity or to hire external expertise as and when needed—although those things could happen through the clerks and the Scottish Parliament information centre. I am open to the idea of having elected convenerships, which would require us to address the culture of the Parliament and the power of the whips, but I

am sceptical about having paid convenerships. I would be more interested in supporting conveners by adding capacity through staffing allowances.

Cameron Buchanan: I do not think that it is a question of pay; it is a question of enhancing the status of conveners.

The Convener: In the light of what you have just said, Patrick, I make two points. They are slightly off-the-wall thoughts. First, would you support the appointment of external, non-MSP secondees to committees? Clearly, they could not be part of the deliberative process, but they could sit on the committee's side of the table, questioning witnesses and helping out. Secondly, would you support the procedure that has been introduced at Westminster whereby the Government is required to produce post-legislative scrutiny of its legislation, which can then form the basis of committees' own scrutiny? In other words, some of the heavy lifting has been offloaded but the committees do the real work. Those are two ideas that, in the light of what you have said, I thought you might have some sympathy with.

09:45

Patrick Harvie: It would be beneficial to require the Government to submit a post-legislative report to committees, in order to inform their work. There are always a range of views about how well a piece of legislation is working—we can probably think of several examples in this session alone—so the report ought to be commissioned externally and independently and not carried out by Government.

Having external, non-parliamentary members of committees would be one approach. What I had intended to encourage people to think about was some formalised way of bringing extra-parliamentary scrutiny to bear on the work of Parliament. In the first session and part of the second session, there was an organisation called the Scottish Civic Forum that gave some value, even though there was a general feeling that it was not brilliant. What you do when something is not brilliant is try to make it better, but instead the Civic Forum was simply ended. I think that we need to re-invent it—something that would have a formal external role, so that we can encourage external scrutiny to be brought to bear on legislation, policy and budget scrutiny.

Mary Fee (West Scotland) (Lab): I should have made my points before Patrick Harvie spoke, because he has covered most of what I wanted to say.

Michael Russell made a point about having fewer and smaller committees. By its very nature, that suggestion implies that we would broaden the remit of committees. I am not quite sure how we

could have fewer committees and fewer people on them. I think that we would have to expand the capacity of the committees and introduce sub-committees. I am interested in people's thoughts on how effective sub-committees would be and how they would operate.

I also want to ask how effective people think committees are at post-legislative scrutiny. Given their workload, it can be quite difficult for them to adequately scrutinise the Government's work.

The other point that I want to make, which has been made in previous meetings, is that the timing of First Minister's question time constrains Thursday morning committees. It has been suggested that FMQs could be moved to a later slot in the afternoon. Are there any thoughts on that?

The Convener: Hugh Henry wants to come in, but Michael Russell wants to respond to a specific point.

Michael Russell: I want to clarify my point about having fewer committees. It is something to be explored. Although I do not often use these words, I commend the Labour Party for its decision, in its reshuffle, to think about subjects rather than being tied to what the existing Government does.

The Parliament sometimes has the problem that, when departmental designations change, committees find themselves a little confused about what they should do. There is no reason why that should be the case. Taking a thematic approach might free committees up to do more than simply pass legislation—it might enable them to take on a wider role. It is only a suggestion, but I think that it is an answer to some of the problems.

Hugh Henry (Renfrewshire South) (Lab): Convener, you have allowed me to experience something exceedingly unusual: saying that I agree with Patrick Harvie.

Patrick Harvie: It has happened once or twice before.

Hugh Henry: Has it? God.

Patrick Harvie is absolutely right about the issue of paying conveners. That would strengthen the hand of business managers, increase their grip on the system and introduce cronyism rather than ensure that the people who are chosen are those who are best suited or qualified to do the job.

I am now in my fourth separate stint as a committee convener. In the early days of the Parliament, I chaired the European Committee, I have twice been convener of the Public Audit Committee and I am now convener of the Welfare Reform Committee. Would paying me have enhanced my status or made me work harder?

No, not at all. Would it have made me more effective? Absolutely not.

Patrick Harvie has hit the nail right on the head. The thing that I struggled with during all that time was the way that my constituency staff were increasingly pulled in to support my job as a committee convener when there was any extra pressure or workload. That took them away from their main function, which was to support me in my constituency role. Therefore, it would be justified for conveners to have additional support. That support should not come from the clerking team, however, because they have an entirely separate role; it should be separate support from someone who could participate in research and do the supportive work that is required. As Cameron Buchanan said, that would help to enhance the status of the committee convener.

Patrick Harvie makes a useful suggestion on committee debates and committee business. I know that others have a fundamentally different view, but I have long argued that committees should be allowed to sit at the same time as Parliament. That would require a forensic look at our parliamentary business. I do not want to demean anything that we ever discuss in the Parliament, but most people have already worked out for themselves a hierarchy of what is more and less important. Frankly, issues are debated in the chamber that do not require a full parliamentary debate.

I laud the notion of committee debates but I wonder whether, for a lot of the people who are specifically interested in such debates and come to listen to them, it would be better to have them in the intimate surroundings of one of the larger committee rooms, as they would feel more part of those debates. That would be better than having a handful of people sitting in the public gallery listening to a handful of members talking about something that most other people are ignoring, which actually undermines the significance of the topic that is being debated.

The committee debates could and should be held in committee rooms. That would allow Parliament to decide whether it wanted to use that time for other things or whether we needed to look again at the parliamentary week. I am not sure that our current model is all that effective. I understand why we did what we did but, as Mary Fee outlined, there are problems with the Thursday morning parliamentary meetings, which are guillotining some committee activities. We should re-examine that.

Murdo Fraser and others talked about the different work that committees do. There are probably three things that committees need to do: they need to look at Government legislation and scrutinise it, they need to look at broad policy

issues and they need to undertake post-legislative scrutiny. When committees get the chance to hold inquiries on policy issues, they can be hugely effective, but there is a problem in finding the time to do that. When it comes to post-legislative scrutiny, frankly, the Parliament is failing abysmally. We do not have the time, the resources or the capacity to do that, and we do not build that into the system, either. That is why we need a radical and fundamental examination of the whole parliamentary structure.

On the legislative process, I am agnostic about whether there should be more or fewer committees, as I can see the arguments on both sides. I am not sure that having larger committees would necessarily solve the problem. We need to reflect the fact that the committees are largely influenced by whatever the Government of the day decides. Many members here will recall the period when we had two justice committees simply because of the volume of justice legislation that the Government was introducing. Frankly, that was not a good solution; equally, one committee could not have coped with all that legislation. I do not know how that could be done without putting the hems on the Government's priorities and its intentions to introduce legislation.

The Justice Committee is a good example. I have never been a member of that committee, but I have given evidence to it. As I have said to committee members before, I remember when I dealt with two bills in one week because we had two justice committees. I dealt with one bill on the Tuesday and another on the Wednesday. Doing that puts a huge strain on ministers, although they are better resourced than committee members. That was not really the best way to deal with legislation, and we need to reflect on that.

I will be controversial and throw in a couple of suggestions that I am sure will go down like a lead balloon in some quarters. Those who were responsible for drawing up the blueprint for the Parliament came up with the idea that the Public Audit Committee should, for a specific reason, be in the gift of the Opposition parties, not the Government parties. They thought that that would be important for holding the Government of the day to account and that it would send an important signal. I still think that that is important although, on reflection, a number of other committees are fundamental to holding the Government of the day to account. The Finance Committee is a good example of that, and it could be argued that the conveners of some of the other major policy committees should be Opposition, not Government, members.

In such a small Parliament, we have been scrupulous about reflecting the d'Hondt system. Should we consider whether some of those key

committees should be 50 per cent Government and 50 per cent Opposition members, irrespective of the balance in the Parliament? That would be controversial and could be problematic in some ways, but it would be a way of ensuring that the Government of the day was held to account.

The Convener: There is one jurisdiction in which, as a matter of process, all the committees are chaired by Opposition members, but I cannot quite remember which jurisdiction it is. It may be the Flanders jurisdiction, but I will not be held to that.

You suggest that paying conveners would place undue power in the hands of the party managers. I do not necessarily disagree, but who currently decides who the conveners are?

Hugh Henry: That is right. In a previous session of the committee, Michael Russell and I had an exchange in which we disagreed. I did not believe that committee members or the Parliament should choose the conveners because I thought there was a danger that a party might choose conveners of a certain complexion who would be suited more to its policies than to the needs of the Parliament. The way in which conveners are chosen just now is maybe a reflection not of our lack of maturity—that sounds critical—but of the fact that we are still developing as a Parliament. Maybe we will have a different approach in years to come. However, although convenerships are still in the gift of the party managers, they do not deal with the matter on the crude basis of whom they can buy off; other calculations and decisions will be made within their groups.

The minute that money is introduced into the equation, though, it will become fundamentally different. There is also an issue for the wider public, who believe that we are elected to do a job. We are well paid to do that job, and if we are seen to be stuffing our pockets because we all think that we work hard, that will be hard to explain or justify.

The Convener: I am sure that the subject will not go away.

10:00

Dave Thompson (Skye, Lochaber and Badenoch) (SNP): I have two or three points to make. Some of our members are on three committees, not two. Frankly, that is crazy. It is far too much. I have had the experience of being on two committees and also being a party whip, which was far too much because it meant that I did not have enough time to do everything that I needed to do.

The committees need to hold the Government to account, and there are some good examples of that. I am on the Rural Affairs, Climate Change

and Environment Committee, along with Michael Russell, and we have been doing a pretty good job on a number of issues and in holding the Government to account. That is important.

We should not ignore the possibility of increasing the number of MSPs. That is a crucial issue. Although we should increase the capacity of MSPs—there are ways in which we can do that—we also need to consider increasing their number. That might not be possible in the short term, but it might be a longer-term issue. If that is what we decide to do, the Parliament needs to be bold and say that we need more members. We could achieve quite a bit of extra capacity with a relatively small increase in the number of MSPs. If we exclude ministers, Presiding Officers, party leaders and business managers—there are 34 of them in total—there are only 93 MSPs to do all the committee work and everything else.

We could increase the number of MSPs easily by having two additional list MSPs in every region, which would give us 16 additional MSPs and a 17 per cent increase in capacity. That could be done mid-session; it would not have to wait for an election. We have the votes for the lists, and it would not be difficult to do that mid-session. It is just a thought, convener—a bit off the wall. I am sure that members will do the number crunching and work out whether that would benefit them. However, the inquiry needs to consider that in the medium or longer term. As more powers come to the Parliament, we should grasp that nettle.

I have a question for the panel. If we are to increase the capacity of MSPs in the short term, what increase in the allowance for employing staff would be appropriate not just to resource MSPs but to resource committees? It is important that committees are resourced enough to do their job. If MSPs could employ more staff and pay their staff a bit better than an awful lot of us pay them at the moment, that would make it more likely that we would keep them for longer—there is quite a churn among MSP staff at the moment—and it would enable us to be much more effective and efficient in doing our job. There are things that we can do about that in the short term. What are the views of the panel, particularly on the MSP allowance for staff?

The Convener: Does the member accept that another way of creating capacity might be to cap the number of cross-party groups, of which there are currently 80, at—for the sake of argument—50?

Dave Thompson: There have been many debates in this committee about the number of cross-party groups, several of which I was involved in when I was the convener. The consequence of putting a cap on the number of cross-party groups would be the emergence of

extra-parliamentary groups—like caucuses in America—that would be unduly influenced by powerful and rich individuals and organisations. In principle, such a cap sounds great but, in practice, according to reports that the committee has produced in the past, it would not be quite as simple as you think it would be.

Murdo Fraser: I will respond briefly to Dave Thompson's points. We must take a fairly hard-headed political reality check. I do not think that there would be much public appetite for increasing the size of the Scottish Parliament, no matter what excellent arguments we might put from an internal point of view. I salute Mr Thompson's courage in suggesting the idea—he is clearly not standing for re-election—but we will probably have to find some other way to deal with workload issues.

The point about allowances is perfectly valid. I do not have a particularly strong view on that off the top of my head, but it is something that we need to look at. I am concerned about the fact that particularly talented staff will always leave because we cannot offer them the salaries that they will find elsewhere. It is not necessarily a bad thing that we usually bring in young people who have talent and who then move on but, if we want to keep them, there is an issue to consider.

I want to come back on a few points that have not been addressed yet. I would be concerned about the extensive use of sub-committees. I am not sure how we could achieve the appropriate political balance in a sub-committee of the Parliament with three or four members, and I am not sure how it would work in terms of timing and workload. If the full committee continued with its workload, would the sub-committee meet at a different time of the week, and how would that fit into the calendar? There are a lot of practical challenges to be overcome with sub-committees. I presume that a sub-committee's report would come back to the main committee. Would not the main committee then, in effect, have to replicate a large amount of the work in addressing the work of the sub-committee? There are practical issues around that approach that concern me.

I agree whole-heartedly with Hugh Henry's point about post-legislative scrutiny. We simply do not do that to anything like the extent that we should, if at all. It should become an agreed and regular part of committees' workload. There should be a trigger point so that, when an act had been operational for a certain time—I am not sure how long that would be; maybe it would be a year, two years or five years—the appropriate subject committee would be expected to carry out a short investigation into the effectiveness of that piece of legislation. We need to think much more seriously about doing that.

Mary Fee also mentioned the timing of First Minister's questions. There is nothing mysterious about the timing of that item at 12 noon on a Thursday. We used to have First Minister's questions on a Thursday afternoon and, if I recall correctly, the item was moved to 12 noon to suit the broadcasters. I do not think that we should be at all shy about rethinking whether 12 noon on a Thursday is the right slot for it.

Mary Fee: I have two very brief points to make. The first is in response to what Murdo Fraser said about sub-committees. If we had fewer committees with more members, a sub-committee could almost be made up of members of the committee. The suggestion was that the sub-committee could do a piece of work while the committee was sitting—it would almost be working in tandem with the committee. That is the suggestion that was put forward.

Dave Thompson made a fulsome case for having additional MSPs but, for me, the fundamental issue is how the committees work. We need to sort that out. Saying that the way to sort it is to get more MSPs is to ignore the fundamental issue, which is the way that committees work.

Jackson Carlaw (West Scotland) (Con): I will be brief, because nearly everything that I might have said has been adequately covered.

Possibly somewhat controversially, I will begin by agreeing with Dave Thompson on the number of members of the Scottish Parliament. My personal view is much as his—that there should be an additional two members from each region. I would not increase the burden on the public purse, as I would reduce the number of members of Parliament who represent Scotland at Westminster commensurately.

The Convener: Perhaps to zero, Mr Carlaw?

Jackson Carlaw: No. This Parliament was established with a particular workload based on a particular devolved settlement; as that settlement changes and additional responsibilities come to this Parliament, by definition they are removed from the representatives who attend Westminster. I think that an intellectual case can be made that that balance should be reflected in terms of where the representation fundamentally lies, so I am in favour of having additional MSPs. Like Mike Russell, I recognise that that is not going to happen in the immediate period ahead. However, I think that the Parliament should try to consider by whom, when and how a decision would be taken to review that, because it is equally unclear what the process would be for considering having additional members.

I agree with Mary Fee, though, that the fundamental point in all this is how the committee

structure works. In turning to that, I also want to touch on the point that the convener raised on cross-party groups, of which there is a proliferation. Many of them were established with a mission in mind that has been achieved, but some of them have then found reasons to keep themselves in operation. Because the cross-party groups' status in parliamentary business is somewhat unofficial and the participation of parliamentary political groups in them is haphazard, I think that they sometimes confuse the dialogue on the detail of some issues that they end up exploring, which gives me cause for concern.

I am not terribly fussed about the idea of having lay members as permanent members of committees, but my point on that is related to there being too much of a revolving door in committee membership and not enough continuity. For example, a committee can be in the middle of dealing with something quite important but find that there is a shift in committee membership because a party leader has changed, for example, which means that the committee has two or three new members who are not up to speed with anything that it is discussing.

From my experience outside Parliament, I would say that the danger with lay members is that they often end up being in position longer than the elected members, who then find that they are deferring to the lay members, who can tell them, "But we did this previously," or, "What happened previously was this," which becomes a concern. That situation is unintentional, but I have seen it creep into quite a lot of organisations with which I have been involved.

On the point that Patrick Harvie raised about the remuneration of conveners, I am ambivalent about that idea because I do not know what difference it might make. I am not opposed to it, because I think that there is a need to enhance the status of conveners. However, maybe that is not the way to do it. Giving conveners a more automatic right to participate in plenary debates might enhance their status in the eyes of MSPs.

I agree with what Patrick Harvie said about the resourcing for conveners. More responsibilities are coming to the Parliament, which is why we should not rule out the need for having additional committees. I suspect that, as new powers come to the Parliament, the Government will be tempted to use the powers that it will have in new areas and that that might mean a sudden expansion of legislation in an area that we currently do not examine particularly carefully, which might lead to a need for additional committees. The resourcing of not only conveners but members generally will therefore have to increase if we are going to scrutinise properly.

I suppose that that comes back to a prejudice that is often expressed by constituency members, which is that they have far more casework to deal with than regional members do. That is often said, but perhaps we should try to assess whether it is the case and whether the resource that goes to members is commensurate with their workload.

I am also slightly concerned about the resource that goes to political parties diminishing or disappearing according to the number of MSPs that they have. I think that there is an argument about ensuring that there is an adequate research function for anything that constitutes a proper parliamentary group—I would be comfortable with that.

My final observation is that, prior to the verdict of the electorate in the coming election, so many serving members have chosen to retire that the next Parliament will probably have the largest cohort of new members that we have seen. It will be a great shame if we do not translate some of what is being discussed now into practical change, because it will be much easier if people come into a structure that does not put a straitjacket around the way in which they operate.

10:15

The Convener: We certainly intend that our deliberations will influence the next session of Parliament, although whether we deliver on that remains to be seen.

Jackson Carlaw: We have spoken about the need for committee debates. I find them interesting, and I would welcome a change to the straitjacket on members in terms of the length of their contributions to those debates.

As with all other debates, committee debates are weighted to reflect the usual nonsense. I have often found that those members who participate in committee debates have considerable knowledge of and interest in the subject under debate, and I would far rather hear from them for 12 minutes than hear from someone who has nothing in particular to contribute but has been told that they have to do so. That would be a worthwhile change to committee debates in particular.

The Convener: In session 2, George Reid sought to bring committee conveners into subject debates without their necessarily getting there by other processes, so it has been done in the past. It is, of course, in the Presiding Officers' gift to do that if they wish to.

Do Patrick Harvie and Patricia Ferguson want to come in on the substance of what has just been said, or shall I go to Gil Paterson first, as he has not yet contributed?

Patrick Harvie: I was going to respond to a couple of points and make an additional substantive point.

The Convener: I will go to Gil Paterson first, because he has not yet contributed.

Gil Paterson (Clydebank and Milngavie) (SNP): Thank you, convener. I will go for the easy point first.

I agree with what has been said about cross-party groups. There are far too many of them: some could be joined up and some, in my opinion, should not be there at all. However, that is not our problem in this inquiry, as cross-party groups meet in MSPs' free time. Our problem is parliamentary business, and a change to cross-party groups will not have an impact on that one way or the other. Something should be done about the issue of cross-party groups, but that does not impact on us.

If all—or most—of us agree that we do not have enough MSPs in the Parliament, particularly given that new business is about to arrive on our desks, it is our responsibility to put that issue on the agenda. Just because the public and the press will more than likely criticise us for raising it, that does not mean that it is wrong for us to do so.

Either we think that the number of MSPs is a problem or we do not. If it is a problem, we need to bite the bullet. We are too hair-shirt in this Parliament, and we too often respond to external forces. In my view, that approach has not been good for the Parliament. After all, we serve the public, and if we are not resourced—whether in terms of the number of MSPs or the allowances that we get—that is an issue.

It is unlikely that anything will happen in that regard any time soon, but if this committee takes the view that resource is an issue—which it might not, of course—something should be done. If members say that it is an issue but we should not do anything about it, that is wrong, regardless of whether those members are retiring next year.

There is a resource problem in this Parliament—there is no question about it. I am an MSP and the convener of my parliamentary group, and I sit on two committees; some members even sit on three committees. I do not have anyone working for me in the Parliament. I make that choice because of the amount of constituency work that I have but, when I was a list MSP, I could afford to have someone to assist me in Parliament.

There is a problem that is quite stark for someone like me. I was oblivious to it previously, because most of the MPs from Scotland who sat at Westminster were Labour members. Now, most of the MPs—practically all of them, in fact—are Scottish National Party members. Putting aside

the responsibilities and the workload, the difference in the resource that is available to MPs and that which is available to MSPs is outrageous, to be frank. If we do not recognise that—especially as more work is given to us on top of the work that we are doing at present—and put it on the agenda, nothing will ever happen.

We have to be brave enough. If we think that it is a problem, we need to say that it is. If we do not think that it is a problem, we can just not say it. I think that it is a problem and that it should be addressed, as we do not give the public the service that they deserve. I am now on record as raising the issue in public.

The number of people in our party who have become MPs is phenomenal, and that sends a message. They have left because we could not take care of them. They are good people who, in some cases, have not served their time. That is wrong. They should be allowed to move, and I encourage them to do so, but we need the stability and the resources in this Parliament so that we can better serve the public.

My main message is: what is the point in us sitting here talking about the issues and then saying, “We know it’s a problem but we’re not going to say anything about it”? In my book, that is just not on. We need to be a bit bolder in that respect.

Something has got to give, for sure, in the light of what I have just said. I would also like us to be able to participate in committee meetings at the same time as debates are taking place. It is a bit daft that we have the resource sitting empty and we cannot utilise it because there is a debate on.

Another point concerns the size of committees, given that some members are on three committees. It is simple mathematics; we need to fit things together in a better way. We need to reduce the number of committees that each member sits on so that they can participate in a better fashion.

Lastly, I must say to Patrick Harvie that in the outside world, all the way down the line, recognition is shown not by badges on someone’s jacket but by enhanced pay. It is very unlikely that I will ever become a convener—perhaps I will not even remain convener of the parliamentary group, given what I have just said—so I am not speaking for myself.

I was a member of the Health and Sport Committee. My party did not chair that committee, but I emphasise that the workload of the convener was phenomenal and went way beyond what we as committee members were doing. We need to find ways to give conveners status in order to recognise that workload. In my view—I will bite the bullet here—the best way of doing that would be to

enhance their salary, which is what happens in Westminster and in most other Parliaments. We should not duck the issue but do the right thing.

The Convener: I am minded to aim to finish the session at a quarter to 11, which is in just under 25 minutes’ time. I am flexible, but that is what I am going for.

I will bring in Patrick Harvie then Patricia Ferguson, who will be followed by Mike Russell.

Patrick Harvie: I will respond briefly to some of the points that have come up, and I will make one additional substantive suggestion that has not been mentioned so far.

I disagree on the point about salaries. If someone is a committee convener, that does not increase their mortgage or cost of living, even if it involves an additional workload, so I do not think that the position justifies an increased salary.

However, as I said earlier, being a convener does justify the provision of additional staff support, and I agree strongly with Gil Paterson’s points about the level of staff support. I made that point earlier with regard to conveners, and I make it also with regard to members who serve on multiple committees. Again, that point could be made by this committee. If there is a mechanism for moving resource from Westminster to Holyrood, it should certainly be used to address the issue of staff provision, but it should not affect the representation that Scotland deserves to have for as long as we remain in the unhappy condition in which we are at present.

I encourage the committee not to think too much about cross-party groups. They are extracurricular, so in that sense they are not part of the formal scrutiny process of Parliament. If there is a desire to have fewer cross-party groups, that should come down to the self-discipline of members. Cross-party groups offer opportunities to some members who do not have the chance to serve on a subject committee on a topic on which they have expertise or in which they have a particular interest. I would encourage members to view that issue as a matter of self-discipline rather than a problem that requires a cap.

On the point about increasing the number of MSPs, that is one possible way of dealing with the increased workload, which brings me back to where I started. The inquiry should not be about finding a way to reduce workload; it must be about recognising that the workload is going to increase and looking at how we manage that increased workload.

Whether we are bold and brave or we shy away from increasing the number of MSPs, I am not convinced that it is the best way of managing the increased workload. I would much prefer us to

look at other ways of bringing extra-parliamentary scrutiny into the process. When a bill or a subject that is scrutinised is regarded as having a great depth of complexity or a great deal of controversy around it, why could we not have an additional stage—in between the publication of the stage 1 report and the holding of the stage 1 debate—involving the holding of a debate in the chamber with members of the public, trade unions or civil society organisations? Why could we not have additional online ways of bringing people's scrutiny to bear to inform the work of Parliament? Those ways of enhancing the scrutiny capacity would be far more interesting.

The additional point that I want to raise that has not come up is about the composition of committees. I am talking about not the party affiliation of conveners but the membership of committees. This relates to something that we do not often speak about directly—not on the record, anyway—which is a sense that this Parliament is quite an obedient Parliament. That is not just the case with the Government party—although there is a sense that it is true of the Government party—but since the Parliament was established, compared with Westminster, there have been very few instances of members of political parties voting against their whips. It is quite a whipped Parliament. I do not think that the myth that used to exist that members leave their party affiliation at the door when they go into committee meetings was ever really true.

One of the things that blurs the distinction between Parliament and Government is the parliamentary liaison officer system. I will quote an extract from the UK ministerial code, which covers parliamentary private secretaries, who provide the closest parallel with PLOs. The code states:

“Parliamentary Private Secretaries should not make statements in the House or put Questions on matters affecting the department with which they are connected. They are not precluded from serving on Select Committees, but they should withdraw from any involvement with inquiries into their appointing Minister's department”.

The Scottish ministerial code, which sets out the role of PLOs, has no such restriction. In fact, every single PLO at present serves on the subject committee that scrutinises their appointing minister, and the First Minister's two PLOs are both committee conveners. I do not seek to demean or belittle the work of any of those individuals, and I have no complaint at all about the way in which any of them has done their job. However, I think that the system blurs the distinction between Parliament and Government. Although there are some differences between the two roles in the two Parliaments, those are ministerial appointments, which are sometimes seen as a precursor to promotion to ministerial office. If we want committees to be able to be

robust and to have the confidence to be robust, addressing the role of PLOs is a minor, perhaps only symbolic—although symbols matter—way in which we can demonstrate that committees are independent of ministerial pressure.

My final point, which perhaps relates to the enhancement of training at the beginning of each parliamentary session, is that I have heard members make comments about their committee work to the effect that, “We are all team Scotland, aren't we?” Parliament and Government are different organisations with different roles. We all have the country's interests at heart, but we have different roles, and scrutiny must be robust and independent. The presence of a blurred line between Parliament and Government through ministerially appointed PLOs serving on committees that scrutinise their own bosses is a problem.

The Convener: I suspect that Patrick Harvie has just made the case for Government party back benchers getting Short money, because there is no Short money financial support or set-up support for Government party back benchers. The PLO is a way of accessing what it is assumed to cover.

Patrick Harvie: I am not sure that that connection holds.

The Convener: I just make that observation. The other wee thing is that I think that Christine Grahame, Kenny Gibson and Nigel Don have all stood up in Parliament as committee conveners and told the Government party off in various respects.

However, let us move on. I must have quite crisp contributions if we are to meet my target, because we are coming to the last 15 minutes or so.

10:30

Patricia Ferguson: I will start at the end first and say that I very much agree with Patrick Harvie about PLOs. It is a tricky system—I will put it no more strongly than that. I am a bit concerned about the comment that you made about Short money, convener. I was not sure what you meant, but—

The Convener: I will explain. I am not trying to advocate anything—I say that straight away. I am saying that the assumption is that the back benchers of the Government party have access to the research capabilities and resources that the Government has access to, and Opposition parties are given money because they do not have that access. If you cut off the links that PLOs create, I do not know how—

Patricia Ferguson: That—saying that that is what they are meant to do—is the bit that is quite

dangerous. I do not think that the rest of us thought that that is what they were meant to do.

I will suggest a way around the problem—it is off the top of my head, so it might be wacky. I do not think that the issue should be dealt with by the ministerial code. These people are not ministerial. They might be appointed by the First Minister but, at the end of the day, they are back-bench MSPs. Therefore, I think that the way in which they are appointed and the way in which they operate should be governed by Parliament's rules, not the ministerial code. Parliament has no involvement in the ministerial code, even when there are issues and problems. As I say, that is an off-the-top-of-my-head suggestion, so it might not be a good one. Perhaps it is something that could be considered another day.

There is an argument about the number of MSPs that is required to service the Parliament. We are all struggling to service the existing functions and I think that, with new responsibilities, we will struggle more, but I agree with those who say that there is no appetite among the public for more MSPs, no matter how hard pressed we say that we are. However, that does not mean that we should not begin to assemble the case. The piece of work that we are doing might help to do that. If we can demonstrate that there are other things that we can do to make life easier for committees and to make committees more effective, but we are still experiencing issues and problems at the end of the next session of Parliament, we will be able to say that we have done everything that is within our power and that we therefore have to look outside to find another solution.

I wonder whether committees could make more use of the European system of rapporteurs, not for the scrutiny of Government business but for investigations or inquiries. That system works well in the European setting, even though, of course, the rapporteur will not be from the same party as many other members of the committee. It is a recognised and understood process.

We have discussed parliamentary business in the committee before. The issue arises not because of the timing of FMQs on a Thursday morning but because the way in which Parliament sits has been changed. The fact that we used to sit all day on a Thursday meant that we could have an entire day of scrutiny of a bill in the chamber and we did not have to frequently sit past 5 o'clock in order to consider legislation. I think that the way in which we operated previously was a better way of running parliamentary business. Starting business in the chamber on a Thursday morning means that it is very difficult for committees that meet on a Thursday morning to do all the work that they have to do well, because they have to finish in time to allow members to go

to question time. I have a concern about that issue and I would like us to consider it further.

The Convener: Briefly, please.

Patricia Ferguson: I have only two more points, convener.

The issue of churn is a problem. I do not know what to do about it, but I will give you a quick anecdote. I became a member of the European and External Relations Committee on the last sitting day before summer recess in 2008. Having gone off for recess, I ended up having major surgery in the first week back in September, and I was then off for all of September and October. When I went to the committee in November, I found that I was the second-longest serving member. That, I would argue, is not untypical. I do not know how you get around the issue, but I think that business managers have to think about it.

I am one of those who do not like the idea of Parliament and committees sitting at the same time. However, I like Patrick Harvie's idea of committee debates sometimes being held in committee rooms, because I think that that would give them a different tone and perhaps ensure that they were less confrontational and more focused and considered. I am not necessarily arguing that they should take place in chamber time, but maybe we could look at that idea. I am always anxious that we cannot be in two places at once. If a member is on a committee and a subject that they are very interested in is being discussed in the chamber, what do they do? That is the bit that always worries me.

I wonder whether one way in which we can enhance the role of committees and give committee members more of a role is by allowing committee members slightly longer to speak in committee debates in the chamber. I know that back benchers who are not on the committee also have an interest and need to be involved, but I sometimes think that members of committees who have gone through all the evidence, read all the reports and understood all the business should get a little longer to put their points.

The Convener: If Patrick Harvie has a very brief point about what has just been said, I will bring him in before Mike Russell and Cameron Buchanan.

Patrick Harvie: It was a very brief point, but I have forgotten what it was.

The Convener: That is very honest—thank you. In that case, Mike Russell and then Cameron Buchanan can say something. We are running out of time.

Michael Russell: I will be very brief, convener.

I disagree with Patrick Harvie on a number of things, including on cross-party groups. I think that cross-party groups are often a distraction and a disappointment. They are a disappointment to people who put a lot of effort into going to them, get there and sometimes discover that there is one MSP there, or two MSPs, or on occasion no MSPs. That system is completely out of control, and it unfair to the people who take part in them.

Elected conveners would be sensible. The approach has worked well elsewhere. A system can and has been found elsewhere to exclude ministers and allow a secret ballot to take place, for example. That brings in people who may not be considered by whips, which is an important issue. We should not enhance the power of the whips. I have no desire to do that at all; I would like a system that reduces their power.

Strangely enough, I agree with Hugh Henry on some issues that relate to particular committees having members of Opposition parties as conveners, but I do not think that all committees should. Having Opposition conveners on all committees might negate the Government's ability to get its legislative programme through, which is a key issue. However, there is a place for more than one committee having a perpetual Opposition convener.

The roles of parliamentary private secretaries and parliamentary liaison officers are not the same. There is bound to be a blurred line between Parliament and Government in a small Parliament and a small country. What makes the difference is transparency. Therefore, I do not think that the ministerial code governs the role of PLOs. I entirely agree on that: they are members of the Scottish Parliament and should operate as members of the Scottish Parliament. I have to say that the ones whom I know do that well.

The basic question for the committee is really quite simple: how does the Parliament enable support and resource members to do their job? We have to ask what that job is, of course. It involves representation, scrutiny and challenge, but we have to remember that it is also about ensuring that the electoral result is honoured and the Government is enabled to get its legislation through.

That is a core part of the process, and all those things—scrutinising and challenging—are part of it. It is not about preventing the Government from getting its legislation through; we have to ensure that the system allows that to happen, and that involves structural reform. Everybody knows that committee reform is needed. Committee membership, conveners, methods of choosing conveners, committee debates, timings and changes to support for members need to be considered.

The ideal solution would be to have more members, but that simply will not happen. Jackson Carlaw was right to say that the intellectual argument is overwhelming but will not win. We have to accept that at this stage, so we have to look at other resourcing that will allow members to be more efficient and effective.

The hair-shirt approach does not help. If we accept the argument that nobody will ever agree that the Parliament should be better resourced, that there should be more staff and more support and that conveners should be paid, in the end we will not provide the changes that members need to do their job.

I challenge the committee to come up with a clear, radical plan for the next parliamentary session, as that is owed to the people who will be in the Parliament in the next session and those who have gone through a system that has been less and less effective in doing what it needs to do, not because of any malice or desire to run down the role of Parliament, but because the workload has increased and Parliament has operated with larger issues and has found it harder to cope. We need change for the next parliamentary session, and the opportunity exists to get it.

Cameron Buchanan: I want to add three quick points.

First, the churning of committee membership is wrong, because members have no time to build up expertise. I came into Parliament not knowing anything about it, and I found it very difficult to follow some of the arguments. I was put into a committee because that happened to be convenient for my whips, not because I had any expertise in the subject.

Secondly, we should move First Minister's question time to Thursday afternoons, because the committees on Thursdays are not given enough time.

Thirdly, I wonder whether we should have members' debates days on Tuesday afternoons. That has also been proposed. I have found that there have been a lot of meaningless debates in the Parliament that do not really concern me. Sometimes we have debates for the sake of filling chamber business. We could cut them down and maybe be a bit more flexible by saying that the first Tuesday or Thursday of the month, for example, would be for members' debates or committees.

The Convener: Thank you very much. We are slightly ahead of time, so I will lob in a couple of hand grenades from the chair, if I may.

We have had a significant and quite wide-ranging talk about the additional work that we will

do in Parliament, but not a single word has been said about considering offloading some of the work closer to the point of application by giving it to local authorities and looking at their role, resourcing and numbers. I find it slightly surprising that that issue has not emerged. If there is a fixed resource to do the work and an increasing amount of work, one of the obvious things that is done in business is to ask what we are currently doing that we should stop doing. That issue is bigger than what we can adequately cover in the next three minutes, but I suspect that Patrick Harvie will say something brief on the subject.

Patrick Harvie: I will be very brief.

On the arguments that I have made about extra-parliamentary capacity informing the Parliament's work and taking a role in scrutiny, I believe that that should include local government, community organisations, trade unions and other civil society organisations. I see no reason why we should not give local government a formal voice in our work.

The Convener: Okay. I thank members very much for their co-operation on the timetable. We have done pretty well, and the discussion has been quite wide-ranging. As ever, the committee is faced with the challenge of ending the session with probably more questions than it started with, but that is the nature of the issue. I would be worried if that was not happening.

I thank very much colleagues who have joined us. We are left with the challenge of digesting and dealing with what has been said.

10:42

Meeting continued in private until 11:26.

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