The Committee will meet at 10.30 am in Committee Room 2.

1. **First Minister’s Question Time:** The Committee will consider a discussion paper by the clerks and written evidence received.

2. **Meeting in private:** The Committee will decide whether its next meeting, at which it will consider a draft report on First Minister’s Question Time, should be held in private.

3. **Work programme:** The Committee will consider a note by the Clerk setting out options for future inquiries.

Andrew Mylne  
Clerk to the Committee  
Room 5.19 PHQ  
Ext 85175  
andrew.mylne@scottish.parliament.uk
The following papers are attached for this meeting:

**Agenda item 1**
First Minister's Question Time (paper by the clerks, with tables and correspondence) PR/S2/03/2/1

**Agenda item 3**
Work programme (note by the Clerk) PR/S2/03/2/2

The following papers are attached for information:

Standing Orders (note by the Clerk) un-numbered

Minutes of the last meeting PR/S2/03/1/M
PROCEDURES COMMITTEE
OPTIONS FOR CHANGES TO FIRST MINISTER'S QUESTION TIME

Discussion Paper by the Clerks

Introduction

1. At the last meeting (10 June 2003), following consideration of correspondence from the Presiding Officer and between the Presiding Officer and the First Minister, the Committee agreed to treat the issues of possible changes to the duration and timing of First Minister's Question Time (FMQT) as priority issues.

2. The Committee noted that the Presiding Officer had met with party leaders and independent members and had received broad support to what was being proposed. Nevertheless, the Committee agreed to seek written views on the Presiding Officer's proposals from all MSPs and from media interests and to issue a general press release seeking views to supplement the information contained in the correspondence.

3. A short questionnaire was prepared and issued on 11 June to all MSPs and to 17 journalists (print and broadcast). 57 MSPs, 11 journalists and 19 others responded. A breakdown of the responses, and a summary of comments made, is attached at Annexe A\(^1\). It should be noted that not all respondents made comments.

4. The MSP responses reflect the views of all 18 Conservatives (a “block” response by David McLetchie), 15 Labour MSPs, all 6 SSP MSPs (a “block” response on behalf of Tommy Sheridan), 5 Green MSPs, 3 Liberal Democrat MSPs, 2 SNP MSPs, and Dennis Canavan. Seven of the responses were marked as being from MSPs but were anonymous.

5. The responses from journalists represent the views of BBC Scotland/BBC Parliament (attached as Annexe B), Border Television, the Courier, Edinburgh Evening News, Real Radio, STV and the Society of Editors (Scotland).

6. Separate responses were received (not in the form of completed questionnaire) from the Parliament’s Broadcasting Office (attached as Annexe C) and Participation Services (Annexe D).

Background

Previous Rules and practices

7. The original Standing Orders (contained in a transitional Order under the Scotland Act) made provision for Question Time to be a period of up to 30 minutes each week followed by a period of up to 15 minutes of “Open Question Time”.

\(^1\) A number of respondents made comments about Question Time issues other than the duration and timing of FMQT. These comments have not been included here but have been retained for any more general future inquiry by the Committee into Question Time issues.
8. Under that arrangement, up to 3 questions were selected by the Presiding Officer for answer at Open Question Time and, from the remaining questions, the Clerk selected questions randomly for Question Time.

9. This was changed on the recommendation of the Procedures Committee (in turn prompted by a referral from the Bureau) to extend Question Time as a whole from 45 minutes to 60 minutes and within that to allow up to 20 minutes for questions directed at the First Minister (FMQT).

**Current Rules and practices**

10. Rule 13.6.2 provides for Question Time to be "normally on Thursdays". To date, Question Time has, almost without exception, been timetabled as the first item of business on a Thursday afternoon (2.30 to 3.10 pm). Rule 13.6.3 provides for First Minister's Question Time to be “a period of up to 20 minutes each week immediately following Question Time”. It follows that FMQT has almost always taken place from 3.10 pm to 3.30 pm on Thursday afternoons.

11. The Presiding Officer selects up to six questions (Rule 13.6.6) that may be put to the First Minister. Any member may, at the discretion of the Presiding Officer, ask a supplementary question or questions (Rule 13.7.6). In practice, the Presiding Officer usually allows the member who asked the original question to ask at least one supplementary before calling on one or two other MSPs to ask other supplementaries. All supplementaries must be relevant to the original question (Rule 13.7.8).

12. The published guidance\(^2\) details the criteria applied by the Presiding Officer when selecting questions and includes topicality and maintaining a reasonable balance between parties over time. To date, the Presiding Officer has chosen to select questions from the leaders of the two main opposition parties first and second. Those party leaders have adopted a convention of asking what may be called "diary" questions – i.e. formulaic questions about the First Minister's appointments that allow more or less any question about the First Minister's responsibilities to be asked as supplementaries.

13. Although FMQT is a period of "up to 20 minutes" the Presiding Officer does on occasion allow it to run on slightly to enable an answer to be completed.

**Number of Questions reached**

14. Table 1 gives a breakdown of how many of the 6 selected questions were reached during the FMQTs held during the whole of Session 1. It can be seen that, on average, the 5\(^{th}\) question was reached on 65% of occasions, but the 6\(^{th}\) question was reached on only 21% of occasions.

15. Of the twelve FMQT slots from January 2003 to dissolution at the end of March 2003, all six questions were called on four occasions (33%), five questions were called on three occasions (25%) and only four questions were called on five occasions (42%).

16. The current limit of 20 minutes makes it difficult for the Presiding Officer to call all 6 questions and to allow a reasonable number of supplementaries to each. This is exacerbated by the practice of having the first 2 questions as "diary" questions, since that requires some time to be taken up with the asking and answering of 2 initial questions which have little or no genuine content. The overall result is that proportionately less time is available for backbench contributions. This has been the subject of adverse comment in the Chamber already this session.³

**Numbers of Supplementaries asked**

17. Table 2 in Annexe A shows the numbers of supplementary questions asked during the 34 instances of FMQT in the calendar year 2002. The Table provides a breakdown according to how many of the 6 selected questions were reached (in separate rows) and also according to where a question was taken in the selected list (in separate columns). The pairs of figures in brackets represent the number of supplementaries asked by the original questioner followed by the number of supplementaries asked by other members. Thus “3 x (1 + 2)” means that on three occasions, 1 supplementary was asked by the original questioner and 3 by other MSPs. Note that all figures are rounded to one decimal place – hence, although 1 supplementary by someone other than John Swinney was asked on Q1 on 1 of 34 occasions, this works out as an average of only 0.03, which rounds down to 0.

18. The average numbers of supplementaries asked in each category are then given in bold, and overall averages are given at the foot of each column.

19. A number of points may be noted from the data in this Table:

- The practice in relation to Q1 (always asked by John Swinney) has been for Mr Swinney himself to ask at least 3 supplementaries, but with virtually no supplementaries by other MSPs. The average number of supplementaries is higher overall for Q1, perhaps just because it is first.
- There is no significant variation in the average numbers of supplementaries asked on the remaining questions (including Q2, almost always asked by David McLetchie).
- The overall number of supplementaries asked during a particular FMQT appears – perhaps surprisingly – to be largely unaffected by how many of the 6 selected questions are reached on that occasion. (The averages in the row for FMQTs when only 3 questions were called are higher, but since this occurred on only one occasion, no secure conclusions can be drawn from this.) This suggests that the main factor determining how many of the 6 selected questions are reached on a particular occasion is the average length of questions and answers rather than the number of supplementaries called. (No analysis has been done of the average length of questions and answers, so this must remain speculative to some extent.)

³ Tommy Sheridan, 29 May 2003, Col. 250. Dennis Canavan, 5 June 2003, Col. 499.
20. In considering the above, account must be taken of the discretion exercised by the Presiding Officer in selecting questions, deciding the order in which to call them and (to a lesser extent) in “policing” the length of questions asked and answers given. Any discussion about changes to Standing Orders should keep in mind how the PO’s discretion is likely to be exercised. It should also recognise that not all views can easily be reconciled.

Consideration by the previous Committee
21. In May 2001, the Procedures Committee issued the first of two questionnaires to MSPs. Members were asked a number of questions, including “Do you consider that First Minister’s Question Time is the right length?” At that time, 61% of responses, representing 24% of the total number of MSPs, said yes.

22. A letter by the previous Presiding Officer, Sir David Steel, dated 9 January 2003 and considered by the Procedures Committee on 21 January and 4 February proposed that the time for FMQT be extended to 30 minutes. Sir David suggested that there was "clear support" for such a change following an experimental 30-minute FMQT when the Parliament met in Aberdeen in May 2001. However, the Committee's survey of members suggested that there was not such clear support. The Committee agreed that the issue could be revisited in the context of further options for improvement to QT in general.

23. Sir David’s letter also suggested that Question Time might be separated from FMQT (though the suggestion then was to move QT rather than FMQT to Thursday morning or Wednesday afternoon. Some of Sir David’s suggestions have also now been picked up by the Executive and by the new Presiding Officer.

24. Clearly, since those discussions, there have been significant changes to the composition of the Parliament. The views of Members, at least to the extent made to this Committee, are not the same.

Present Proposals

Duration of FMQT
25. The current Presiding Officer and the First Minister propose increasing the time allowed for FMQT from 20 to perhaps 30 minutes both to allow more questions to be taken each week and to allow more supplementaries to be asked in relation to each question.

26. As can be seen from Annexe A, a clear majority of respondents agreed that FMQT should be increased from 20 to 30 minutes (93% of responses).

27. One response suggested that the Presiding Officer should have the ability to extend FMQT by 5-10 minutes in exceptional circumstances. 4 responses suggested that FMQT might have to be longer than 30 minutes given the increase in parties and the need to balance this with backbencher expectations (40-45 minutes was suggested).
Timing of First Minister's Question Time

28. The Presiding Officer proposes that FMQT could be detached from QT to preserve the dynamic of the Chamber and also to allow a different approach to scheduling questions. In his letter he endorsed the First Minister’s suggestion that an appropriate slot for FMQT could be just before lunch on Thursdays – i.e. 12 noon to 12.30 pm (if an increase to 30 minutes is recommended).

29. From the views received, it can be seen that although a clear majority is in favour of detaching FMQT from QT (83%), respondents were much more divided on the suggestion of moving FMQT to 12 noon on Thursdays. 49% of respondents supported this time, but 36% disagreed. The reasons cited in comments included a clash with the daily politics coverage at Westminster or other broadcast considerations, and a reduction in non-Executive business time that could result. On these issues, Members' attention is drawn to the submissions from the BBC (Annexe B), from the Scottish Parliament’s Broadcasting Office (Annexe C) and the Parliament’s Participation Services (Annexe D).

30. As noted above, the current Rules merely create a presumption that QT, and hence also FMQT, takes place on Thursday. There is clearly a benefit in general in having consistency of timing for such a high-profile item of business - though the ability to depart from the normal slot to accommodate unusual circumstances is also a benefit.

31. Given the ambivalence expressed by respondents about the preferred time of FMQT, the Committee may wish at this stage to recommend maximum flexibility in the Rules for the time being. This could involve merely amending standing orders to enable FMQT to be "decoupled" from Question Time for now, without stipulating a “normal” time for either QT or FMQT. This would enable the Parliament to decide the times of both items in individual timetabling motions proposed by the Bureau. This would not prevent FMQT from being routinely scheduled for 12 noon on Thursdays, but would allow the Parliament to consider other times without further standing order changes. Making such a recommendation in the short term would leave it open to the Committee, at a future juncture, to consider further the question of the scheduling of FMQT and QT in the light of experience. If desired, that could lead to further recommendations to impose a presumption in the standing orders of when QT and FMQT should “normally” take place.

For Decision

32. The Committee is invited to decide:

- whether to recommend an increase to the time allowed for FMQT from 20 minutes to 30 minutes?

- whether to allow for some flexibility on duration to be exercised by the Parliament in agreeing to a business programme motion?

- whether to recommend enabling FMQT to be scheduled at a time other than immediately after QT?
• whether the rules should create a presumption as to when QT and FMQT "normally" take place, or whether this should be left to the Parliament to decide in individual business programmes?

• whether members wish to make any other recommendations at this stage regarding FMQT, for example in relation to selection / order of questions?

### Table 1: First Minister Question Times in Session 1 – No. of Question Reached

<table>
<thead>
<tr>
<th>Questions Reached (inclusive)</th>
<th>Number of Times Reached</th>
<th>% of Total First Minister Question Times</th>
</tr>
</thead>
<tbody>
<tr>
<td>Question 3</td>
<td>1</td>
<td>0.85%</td>
</tr>
<tr>
<td>Question 4</td>
<td>40</td>
<td>34.19%</td>
</tr>
<tr>
<td>Question 5</td>
<td>51</td>
<td>43.59%</td>
</tr>
<tr>
<td>Question 6</td>
<td>25</td>
<td>21.37%</td>
</tr>
<tr>
<td>Total</td>
<td>117</td>
<td>100.00%</td>
</tr>
<tr>
<td>No. of Supplementary Qs when:</td>
<td>Q1 (Swinney)</td>
<td>Q2 (McLetchie)*</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>--------------</td>
<td>----------------</td>
</tr>
<tr>
<td>3 Qs asked (1 FMQT)</td>
<td>1 x (3 + 0)</td>
<td>1 x (1 + 4)</td>
</tr>
<tr>
<td>Average: 3</td>
<td>(3 + 0)</td>
<td>Average: 5</td>
</tr>
<tr>
<td>(2 + 1.7)</td>
<td></td>
<td>(1 + 4)</td>
</tr>
<tr>
<td>4 Qs asked (12 FMQTs)</td>
<td>10 x (3 + 0)</td>
<td>6 x (2 + 0)</td>
</tr>
<tr>
<td>Average: 2.8</td>
<td>(3.2 + 0)</td>
<td>Average: 2.5</td>
</tr>
<tr>
<td>(1.8 + 1.0)</td>
<td></td>
<td>(2 + 0.5)</td>
</tr>
<tr>
<td>5 Qs asked (14 FMQTs)</td>
<td>11 x (3 + 0)</td>
<td>6 x (2 + 0)</td>
</tr>
<tr>
<td>Average: 2.4</td>
<td>(3 + 1)</td>
<td>Average: 2.5</td>
</tr>
<tr>
<td>(1.6 + 0.8)</td>
<td></td>
<td>(2.1 + 0.4)</td>
</tr>
<tr>
<td>6 Qs asked (7 FMQTs)</td>
<td>4 x (3 + 0)</td>
<td>5 x (2 + 0)</td>
</tr>
<tr>
<td>Average: 2.4</td>
<td>(3 + 4)</td>
<td>Average: 2.2</td>
</tr>
<tr>
<td>(1.6 + 0.8)</td>
<td></td>
<td>(2.1 + 0.1)</td>
</tr>
<tr>
<td>TOTALS (34 FMQTs)</td>
<td>AVERAGE: 3.2</td>
<td>AVERAGE: 2.5</td>
</tr>
<tr>
<td></td>
<td>(3.2 + 0)</td>
<td>(2 + 0.5)</td>
</tr>
</tbody>
</table>

* On one occasion, Question 2 in the name of David McLetchie was withdrawn and question 3 was taken as the second question.
FIRST MINISTER’S QUESTION TIME - DURATION AND TIMING

Breakdown of responses to questionnaire issued on 11 June 2003

<table>
<thead>
<tr>
<th><strong>Issue 1: Duration of FMQT</strong></th>
<th><strong>RESPONSES</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Do you agree with the proposal to increase the duration of FMQT from 20 to 30 minutes?</td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>82 (95%)</td>
</tr>
<tr>
<td>No</td>
<td>2 (2%)</td>
</tr>
<tr>
<td>Don’t mind</td>
<td>3 (3%)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Issue 2: Timing of FMQT</strong></th>
<th><strong>RESPONSES</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Do you agree with the proposal to allow FMQT to be scheduled for a time other than immediately after QT?</td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>72 (83%)</td>
</tr>
<tr>
<td>No</td>
<td>4 (4%)</td>
</tr>
<tr>
<td>Don’t mind</td>
<td>11 (13%)</td>
</tr>
</tbody>
</table>

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>If so, would you agree that 12 noon on Thursday would be an appropriate time?</td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>43 (49%)</td>
</tr>
<tr>
<td>No</td>
<td>31 (36%)</td>
</tr>
<tr>
<td>Don’t mind</td>
<td>13 (15%)</td>
</tr>
</tbody>
</table>

Note that a "group" response was received from the Conservatives which has been treated as 18 individual responses and a group response was received from the SSP which has been treated as 6 individual responses. No other "group" responses were received.
COMMENTS - DURATION

“It is important that backbenchers have more time and opportunity to question the First Minister, but I have reservations about the media spectacle that FMQs currently provides and the distorted image of Parliament that it can encourage. Question Time is merely a copy of a Westminster procedure and a poor one at that. We could find less theatrical ways of displaying and encouraging an interest in what happens here in Parliament.” – MSP

“strict 30 min slot, include any points of order etc, business concludes at 12.30” – Sarah Boyack

"PO ability to extend FMQT by 5-10mins, in exceptional circumstances" – public

"extra time should allow Green and SSP Party leaders opportunity to question the FM weekly" - journalist and SSP

"the largest opposition Party only should be guaranteed a question each week with 2 supplementaries; Con, one question every 2 weeks; Gre/SSP, one question every 4 weeks – MSP

"FMQT should be extended beyond 30mins (otherwise, MSPs should be able to address written questions to FM rather than just the Executive)" – public

"40mins - the Parliamentary day should be extended to accommodate this and MSPs should be prepared to meet these requirements" - Fergus Ewing and SSP

"FMQT should be 40-45mins" – public

"Questioning from Party leaders should be limited to 10 mins" – MSP

COMMENTS – TIMING

not in favour of 12 noon on Thursdays but prefer 2.30 on Thursdays given the tendency of news stories to develop throughout the day…BBC Holyrood is an important medium for projecting the work of the Parliament to the Scottish public…if FMQT was held at 12 noon it would be covered in lunchtime broadcasts and would become a news item in Holyrood other than a feature item which may detract from the appeal” – Conservatives

"proposal must ensure that both sessions are broadcast live" – public

"even earlier than the proposed time as STV and Grampian’s lunchtime news go out at 12.50, 9.30 would be best - allowing issues to be properly dealt with and to allow more time in exceptional circumstances" - journalist

"evening papers would prefer it in the morning, daily papers happy with present time" - Society of Editors (Scotland)
"noon FMQT slot for Holyrood Live would clash with The Daily Politics coverage at Westminster" - journalist

"proposal would impinge on (non-Executive) business in the morning" – Chris Ballance, Patrick Harvie, plus 2 other MSPs

"noon particularly good for school children being able to attend" – Hansard

"FMQT (and QT) move to Wednesday. More time for debates on Thursday" - Sarah Boyack plus 1 other MSP

"Thursday afternoon free would allow for more meaningful debates … If time is changed it should be moved permanently, not “normally” " - Sarah Boyack

“Having two questions time sessions might merely be twice as bad as the current system rather than providing an improvement. However, rather than split them up, I would be happy to move them both to earlier on Thursday.” – MSP

"Wed or Thurs 12.30 or noon" - Mike Watson, "2.30" – Robert Brown, Donald Gorrie

"Thurs 11.50 (given that it should last for 40mins)" – SSP

"drop repetitive opening questions from Party leaders" - public

"FMQT is too fast and furious, perhaps lengthier answers would be better" - Marlyn Glen
FIRST MINISTER’S QUESTION TIME - DURATION AND TIMING
SUBMISSION FROM BBC SCOTLAND

BBC Scotland’s policy is to carry First Minister’s Question Time live in its entirety. This live coverage forms the core of *Holyrood Live* on Thursdays on BBC2 Scotland. The programme was extended in duration to accommodate the last change to the timetabling of FMQT in 2000.

Our observations on the proposal to move FMQT are primarily concerned with the timing, rather than the duration. A duration, as proposed, of 30 minutes would present no problem from an editorial or technical point of view - neither is the separation of FMQs from Ministers’ Question Time an issue. Either of the two options presented to the previous Committee in the paper *Time in the Chamber* would, we believe, maximise accessibility by allowing live coverage of FMQT, and the opportunity to highlight some of Ministers’ QT. It would be the intention of BBC Scotland to continue live coverage of FMQT, but the proposal now before the Committee to move FMQT to noon on Thursdays does give us some concerns; as detailed below:

1. All the evidence we have is that more people watch the current Thursday afternoon slot than would watch an earlier programme. Afternoon audiences tend to be higher in any case, but analysis of current viewing patterns for political programming shows a marked difference between morning and afternoon audiences. Since the beginning of this year, the average audience for FMQT in its current slot has been **63,000**, while its reach (the number of viewers watching for at least three minutes between 1500 and 1530) was **111,000**. By contrast, *The Daily Politics*, between 1200 and 1230, has attracted an average audience in Scotland of **32,000**, with a reach of **56,000**. The most recent figures, for Thursday 12 June, show an average audience in Scotland for *The Daily Politics* (1130 - 1230) of **27,000**, whereas *Holyrood Live* (1430 - 1540) had an average audience of **56,000**.

2. For *Holyrood Live* to cover FMQT in a noon slot would mean a direct clash with coverage of Westminster in *The Daily Politics*. It is not clear how BBC Scotland would address the resultant challenge of covering remaining Holyrood business in the context of other political news from Westminster and Europe, and any associated scheduling issues.

In conclusion, BBC Scotland is of the view that the proposal to move FMQT to noon on Thursdays risks reducing audiences for coverage of the Scottish Parliament and could have unpredictable consequences for the overall coverage of politics on BBC Scotland on that day. BBC Scotland would be grateful if the Committee would take these points into consideration during its inquiry.

*18 June 2003*
Procedures Committee: Inquiry on First Minister’s Question Time
Submission by the Parliament’s Broadcasting Office

1. The Parliament’s Broadcasting Office will televise and webcast all proceedings in the Parliament and make them available to the broadcasting companies. However, from a communications angle, it is important to secure the best TV and network coverage for the business of the parliament, and this should be a factor to be considered when changing the parliamentary business programme.

2. Any radical changes to the parliament's business programme and schedule will have a quite major impact on all our broadcasters and the broadcasting coverage.

3. BBC Scotland's "Holyrood Live" is the Parliament's best single media outlet in terms of unedited communication with the electorate. Other broadcasters do not provide live coverage, but even here we should take into account the fact that they will need output at times that will give them a realistic chance to turn round edited news packages for News Programme deadlines. It would seem therefore that some discussion with BBC Scotland would be valuable and possibly with other broadcasters too.

4. The parliament should ensure that it can at least maintain its share of good live airtime, and, more positively, to build upon this. In this respect, it will be important to find out firstly how much flexibility BBC Scotland has in terms of scheduling "Holyrood Live" if FMQs, or any other key business, is rescheduled. It should also be noted that, at present, "Holyrood Live" tends to take the slots allocated at BBC 2 network (UK) level to "Westminster Live", and we cannot assume these will automatically transfer to a 12 noon slot.

5. On a broader front, some discussion and negotiation with the BBC on the following would be valuable:
   - which slots would work in terms of providing good audiences for Holyrood Live and the Parliament;
   - whether it is possible to extend coverage and have a Holyrood Live on Tuesdays as well as Wednesdays and Thursdays ("Assembly Live" in Wales is broadcast all three days on a network "opt out" basis) and how this could be dovetailed with changes to the business programme.

6. Such discussions are quite normal for any organisation seeking TV coverage for its work. For example, for their part conferences, political parties ask the broadcasting companies (typically the BBC) when they can provide live coverage slots, and key speeches and sessions are then timetabled accordingly.

Lesley Beddie, Director of Communications Technologies
18 June 2003
Procedures Committee inquiry into FMQT
Response from RIG Participation Services

Education Service
1. Splitting FMQT and QT would benefit our visits programme:
   • It would allow two groups to see either FMQT or QT (which are popular items in the business programme) instead of the one group which currently sees part of the combined slot
   • It would ease organisation of the Q & A sessions that we hold with MSPs, e.g. it mean that MSPs would not have to arrive/leave in the middle of our presentation because of the current timing for FMQT.

Public Information Service
2. The main impact for the Public Information team will be on ticket bookings. An analysis of the potential impact on current operations is given below. We have supplied quite a lot of detail so that you have a full picture. We are very happy to discuss options in more detail and are able to adjust our systems to meet requirements.

3. Based on our experience since 1999, we feel that it will be quite hard to manage access to the galleries adequately without quite a lot of thought about how we will adjust the system if FMQT is separated from QT. It will be important to consult Security on what they feel is practicable in the galleries themselves as it is their role to manage everyone entering the building or to ask them to leave (which they might have to do if we adopt an option such as timed tickets for Thursday mornings).

4. Our initial thoughts are given below.

Current situation

Group tickets:
5. Public Information books up to 165 seats for groups for each meeting of the Parliament. This includes an allocation for the Education Service (normally about 36 seats), which means that we have approximately 125 seats to allocate to other groups for each meeting. Groups are taken to be 6 people or more, and a maximum group size of 50 is normally applied. The actual average size for groups is 25 people, though school groups are generally larger. We can take a provisional booking for groups at any time, and most groups book several weeks in advance (on average about 6-8 weeks in advance).

Individual tickets:
6. We book up to 129 seats on an individual basis for each meeting of the Parliament (“Individual” covers 1 – 5 people). Bookings for these seats open one week in advance.

Ad hoc access:
7. In addition to the pre-booked seats, we currently keep approximately 100 seats free for access on the day without a ticket.
Allocation of bookings

8. At present, we simply book and issue tickets for the Wednesday afternoon, the Thursday morning and the Thursday afternoon as a whole, rather than for a specific time slot within these block sessions.

9. The tickets currently state that we will guarantee a seat for ticket-holders who arrive within 15 minutes of the start of the relevant meeting (the ticket will not guarantee a seat if the ticket-holder arrives more than 15 minutes after the start of the meeting). In practice, we only have to apply the time-limits strictly for the afternoon meetings (especially the Thursday afternoon meetings) as these are frequently fully booked.

Booking patterns:

10. At present we usually have relatively few individual bookings for Thursday mornings (the number varies depending on the subject for debate). However, we often have a large number of group bookings, mainly from schools. Many of these groups find it difficult to arrive for the 9.30am start, and most begin to arrive around 10.00am. Some of the school groups which come on Thursday mornings are very large (80+). These groups are split up in order to manage their visit to the Parliament efficiently so only 20-30 members of the group go into the Debating Chamber at any one time.

11. School groups usually spend approximately 30 minutes in the Debating Chamber. As most of the school groups also go to the Visitor Centre in the Committee Chambers building (where space is limited), we try to get them to stagger their arrival times.

12. In terms of both individual and group bookings, the busiest meeting is Thursday afternoon, for which we are frequently fully booked. Most of the people who want to come to a meeting of the Parliament ask for Question Time, and many ask specifically for First Minister's Question Time.

Potential impact of FMQT at 12 noon:

13. Separating QT and FMQT would perhaps help to draw some of the attention away from Thursday afternoons and reinforce for the public the fact that the Parliament meets at other times. That would be welcomed by Public Information.

14. Slotting FMQT into a meeting that was already in progress, however, could cause some logistical difficulties as follows:

15. As QT is the big draw on a Thursday afternoon, it is likely that we would get a lot of people wanting to book for the FMQT slot at noon and relatively few willing to come earlier on the Thursday morning. This could make it harder to stagger the group visits as described above and cause problems in CC & the Visitor Centre, which are already getting overcrowded at peak times and causing visitor flow issues.
16. Our experience tells us that we would get a large number of people who would want to book specifically for FMQT and who would not want to have to sit through the earlier part of the morning meeting in order to guarantee their seats at noon. There may be a risk of empty galleries earlier in the day therefore if we continue to ticket for Thursday morning as a whole.

17. If we were to ticket the morning meeting from 9.30am to 12 noon and then from 12.00 for FMQT as two separate slots, we would need to have some means of making sure that ticket holders for the earlier part of the morning left the gallery before 12 noon so that we could guarantee that those with FMQ tickets would get a seat. This might mean having to clear the public gallery before the start of FMQT. Security would need to be consulted on this aspect as they would have to manage this process in the galleries.

18. Additionally, if we were to ticket FMQT with our current group and individual allocations (i.e., 165 and 129), this would mean having to process potentially almost 300 people through Security in a relatively short space of time while the meeting of Parliament was in progress which might cause disturbance. Alternatively, we could ticket fewer seats for FMQs. This would mean fewer people to process and so fewer disturbances but the groups would probably have to be much smaller and teachers might be reluctant to split school groups.

19. These options might be easier to manage if it were possible to have a short break in proceedings before the start of FMQT.

Summary

20. The Education Visits Programme could be enhanced by the split as one extra group (of up to 36 pupils and teachers) per week would be able to observe this popular slot.

21. Many schools access Parliament via the Public Information Service’s access arrangements. It is harder to assess how the split would work in practice without prejudicing current levels of accessibility for all. In overall visitor terms, it might increase access and may suit some school groups better. However, it would require a new method of ticketing and of gallery management in order to operate the separate FMQT & QT slots.

Rosemary Everett
Head of Participation Services
June 18 2003
PROCEDURES COMMITTEE
OPTIONS FOR FUTURE WORK

Note by the Clerk

The work programme – general considerations

1. An important early task for any new committee is agreeing a work programme for the next few months. This involves priorities being identified and outline timescales established, thus enabling the clerking team (working with the Convener) to set in train the necessary preparatory work (drafting committee papers, contacting prospective witnesses etc.).

2. It is suggested that an initial work programme might cover the period until the end of the calendar year. The committee might then revisit the programme soon after the summer recess with a view to updating it and extending it into the early part of the new year.

3. For this committee, there is no shortage of options to choose from: indeed, the main problem is likely to be choosing which of the various important and worthwhile possibilities must be deferred for the foreseeable future, simply because a realistic work programme cannot accommodate them all.

4. In these circumstances, any work programme must strike a balance between ambition and realism. There is always a degree of guesswork involved in estimating in advance how long a particular inquiry will take, and it is prudent to build in a little “slack” to allow for further evidence to be taken or to accommodate the unexpected. If that is not done, it is likely that timetables will slip, with knock-on effects on other parts of the work programme.

5. A related factor is to recognise from the outset that new and unanticipated issues are likely to be referred to the committee during any period covered by a forward work programme. When that happens, the committee will need to decide whether the new issue can be slotted into the programme, or whether it must be deferred. One of the benefits of having an agreed work programme is therefore to help the committee to retain control over its agenda and reduce the extent to which it is at the mercy of events. But this must be balanced against a recognition that responding to concerns and requests from outside the committee is a proper part of its role; the committee cannot expect all of its work to be self-generated. Some external requests – from the Presiding Officer or the Executive, in particular – are always likely to take priority, even at the expense of major items of committee-initiated work.

6. In considering what to put into a work programme, the committee will also wish to consider what proportion should consist of recommendations and proposals from its predecessor and what proportion should consist of new ideas (whether from committee members or external sources).
Main options

7. Options for the committee’s future work can come from three main sources, which are (not necessarily in order of priority):

- recommendations contained in the previous committee’s report on the Founding Principles of the Parliament (3rd Report 2003, SP Paper 818);
- matters already referred to the committee by, or which are known to be forthcoming from, MSPs, bodies within the Parliament (including the Parliamentary authorities) or external sources; and
- whatever new ideas members of the committee may have.

Recommendations in the “Founding Principles” report

8. Many of the recommendations in the previous committee’s Report on the Parliament’s founding principles (the “CSG Report”) are directed at the Executive and bodies within the Parliament, such as the Conveners’ Group, the Public Petitions Committee and the SPCB. Some of those recommendations could be acted on by the relevant bodies without further action being required by this committee. In other cases, the recommendations could only be implemented by means of further work carried out by, or in conjunction with, the committee. The committee cannot easily plan such work until the relevant body has given at least an initial response to the original recommendation.

9. Some of the bodies to whom such recommendations have been directed may respond in due course of their own accord; others may not respond without some further prompting from this committee. The committee may be content simply to see what responses are forthcoming in due course; alternatively, where it feels strongly about pursuing a particular recommendation, it may wish actively to pursue a response. In either case, it is likely to be some time yet before it becomes clear what, if any, further work for the committee will be generated.

10. For the time being, therefore, it is suggested that the committee concentrate on those recommendations directed at it by its predecessor – since these could be chosen immediately as the subjects of inquiries. These recommendations are all picked up in the list of options below – along with other options that have arisen from other sources. Where an option has a CSG Report recommendation as its source, this is indicated at the end of the description of the option (R 1 = Recommendation 1).

Matters referred or known to be forthcoming

11. There are various issues that the committee has already been asked to consider, or which it is likely to be asked to consider in the short-to-medium term. In most cases, these can be expected to come to the committee as firm proposals – that is, person or body referring it is likely already to have decided on a general approach or desired result. It would then be for the Committee to decide how far it would wish to examine the proposal (which might involve taking its own evidence on the merits of what is proposed, or asking the referring body to justify
its preferences) and how far it is prepared simply to endorse the proposal and act as a channel towards implementation.

List of immediate options for future inquiry

12. All the options in this list are inquiries that could be initiated straight away, but they are divided into two broad categories according to the perceived priority attaching to them. The numbers assigned to each option are merely for convenience – i.e. to give members, in discussing the merits of the various options, a clear means of identifying which option is being referred to. They do not imply any preferred order of priority within each broad category.

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<tr>
<th>Option</th>
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<tr>
<td><strong>HIGHER PRIORITY/SHORTER TERM</strong></td>
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<td>The options in this category all raise issues that could have a significant impact on an important area of the Parliament’s business.</td>
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<td>1</td>
<td>Changes to timescales and deadlines applicable to the Stages of Bills. In particular, such an inquiry could consider:</td>
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<td>• whether it would be desirable to specify (in Standing Orders or the form of non-binding guidance) minimum periods for the overall duration of Stages 1 and 2 in normal circumstances;</td>
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<td>• increasing the minimum intervals between Stages 1 and 2 (currently laid down by Rule 9.5.3A) and between Stages 2 and 3 (Rule 9.5.3B);</td>
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<td>• increasing the notice-period given for amendments, thus requiring amendments to be lodged further ahead of proceedings taking place;</td>
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<td></td>
<td>• reviewing the process for timetabling Stage 3 debates – specifically the lack of flexibility allowed to the Chair once a timetabling motion has been agreed, which can lead to debate on important groups of amendments being cut short or even prevented altogether.</td>
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<td>Other topics which could also be included within a slightly broader inquiry could include:</td>
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<td>• whether the current two amending Stages are sufficient, or whether the Rules should, for example, require as a matter of course what Rule 9.8.5 allows as an exception – namely, taking the debate on whether to pass the Bill on a later date than the consideration of Stage 3 amendments, and allowing technical/consequential amendments only to be lodged for the latter;</td>
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<td>- whether there should be an additional criterion of admissibility (in addition to those in Rule 9.10.5) applicable to Stage 3 amendments, to prevent substantial new issues being raised at that Stage (one of Donald Gorrie’s suggestions to the previous committee).</td>
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<td><strong>Source:</strong> CSG Report (RR 38-44); Donald Gorrie; Legislation Team</td>
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| 2      | An inquiry into Sewel motions – i.e. motions giving the Parliament’s approval to Westminster legislating on a devolved matter. The inquiry could consider:  
  - the general process by which it is decided that a particular devolved matter would be better dealt with by Westminster legislation rather than by Scottish Parliament legislation, and why such decisions are made more frequently than was originally envisaged;  
  - the adequacy of the procedural mechanisms used to seek the Parliament’s consent to Westminster legislating on such a matter (currently by the Executive lodging a motion, accompanied by a written memorandum, with the motion usually debated in the Chamber);  
  - the mechanisms used to ensure that Westminster stays within the bounds of any consent given and how, if an amendment is tabled or agreed to in Westminster that would take the legislation beyond the scope of that consent, the Parliament’s further consent is sought.  

The previous committee had undertaken some work on this, and had received evidence from the Executive and the Scotland Office, and recommended that the new committee continue this work.  
  **Source:** CSG Report (R 48) |
| 3      | An inquiry into questioning procedures in the Chamber. This could cover many of the issues raised in the PO/FM correspondence other than the two specific proposals about FMQT already under consideration, specifically:  
  - selection of First Minister’s Questions, including whether the main party leaders should continue to have the “top slots” themselves or instead should ask supplementaries to backbench questions; and whether the leaders of the smaller parties should be given regular “slots”;  
  - the pros and cons of “themed” Question Times, with each week wholly or largely devoted to questions relevant to one or two Ministerial portfolios [Note: the FM’s letter suggests that the Minister... |
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<th>Option</th>
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<td>for Parliamentary Business is considering this idea “in more detail”.</td>
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<td>• whether committee conveners should have the opportunity to question the First Minister, perhaps at twice-yearly public meetings of the Conveners’ Group;</td>
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<td>• the possibility of Rule-changes to require oral answers by Ministers to be relevant and appropriate.</td>
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<td>Such an inquiry could also consider whether the current practice of “inspired” written PQs, as a mechanism to allow the Executive to make lower-level announcements, should be replaced by a facility for publishing such announcements in a new section of the Business Bulletin (R 59) – though this could also be considered in any later review of the Bulletin.</td>
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<td>[Note: the Presiding Officer’s letter to the First Minister suggests that the committee “would be able to report” on the above issues “by the end of October”.]</td>
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<td>Source: CSG Report (RR 58, 104) plus FM/PO correspondence</td>
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<td>4</td>
<td>An interim review of Chapter 10 (subordinate legislation procedures), with a view to making adjustments to the details of the process for scrutiny within the existing parameters (laid down in a “transitional Order” under the Scotland Act). In a legacy paper, the previous Subordinate Legislation Committee said that Chapter 10 has “gaps and inconsistencies that … need to be corrected. They are not serious enough to prevent procedures working with constructive interpretation but neither is there as much clarity and comprehensive cover as there ought to be”. Examples of the problems are:</td>
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<td>• the need for a lead committee to be decided, in the case of any instrument that falls within the remit of more than one committee, by the Parliament on a motion of the Bureau (Rule 10.2.2), given the very tight overall timescales for considering instruments;</td>
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<td>• the inflexibility of the 20-day limit for the SLC to report to the Parliament, even on an affirmative instrument (Rule 10.3.2);</td>
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<td>• a discrepancy between the time-limit for annulling a negative instrument in Rule 10.4.1 and the statutory time limit in the Transitional Order;</td>
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<td>• uncertainty as to whether a subject committees must report on every negative instrument referred to it, even where it has no comments to make and there has been no motion to annul the instrument (Rule 10.4.3).</td>
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| 5      | Prioritisation of non-Executive Bills. The Bureau and the SPCB in the last session agreed that a more systematic approach was needed to the prioritisation of proposals for Members’ Bills, and have jointly invited the Committee to consider, in particular:  
  - a review of the “threshold” imposed on a proposal before the MSP is entitled to support (primarily from the Non-Executive Bills Unit) in conducting consultation on the proposal;  
  - whether the Parliament should select, perhaps on an annual basis, a limited number of Member’s Bill proposals that have been consulted on, those being the only ones that may then be introduced; and  
  - how Chamber and committee time is allocated to non-Executive Bills in relation to Executive Bills.  
  [Note: it would be desirable to address this issue before, say, the end of the calendar year, when it can be expected that the pressure of Bills on the available Parliamentary time to this will begin to be felt.]  
  Source: Bureau/SPCB/NEBU |
| 6      | Changes to Chapter 9A (Private Bills), specifically to:  
  - build more flexibility into Rules assigning specific roles to the Convener of the Private Bill Committee (e.g. in moving the motion to pass the Bill), to allow for circumstances where the relevant person has ceased to be an MSP; and  
  - alter the Rules about the admissibility of amendments to prevent a Private Bill being amended in ways that could adversely affect the interests of persons not given an opportunity to object at the time the Bill was introduced.  
  Such an inquiry could also look more generally at the implications for Parliamentary time and resources of anticipated Private Bills relating to railways and related works; and consider what scope there is to streamline the process set out in Chapter 9A as it applies to such Bills.  
  Source: NEBU |
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<td>7</td>
<td><strong>Suspension of Rules</strong> – a review of Rule 17.2 to give more flexibility in the Parliament’s ability to suspend certain Rules on particular occasions, while maintaining appropriate safeguards against too-frequent departures from normal practices. <strong>Source: Business Team</strong></td>
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<td>8</td>
<td><strong>Review of Rule 9.21 (Emergency Bills)</strong>. This Rule is known not to work as well as it might – in particular, it is still necessary to suspend a number of the “general rules” in Chapter 9 to enable an Emergency Bill to proceed as this Rule is intended to allow. This does not cause any major problems; the changes involved would merely be to make the Rule more transparent and efficient. <strong>Source: Legislation Team</strong></td>
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| 9      | **Parliamentary scrutiny of “arms-length” bodies (NDPBs and Executive agencies)**. The CSG Report envisaged a general review of this area, looking at all aspects of how such bodies are subject to scrutiny by the Parliament.  

[Note: the previous committee agreed an improved system for dealing with written PQs about the work of such bodies, to enable answers given by chief executives to be published in an annex to the Written Answers Report. When this new system is implemented (expected to be September), the committee will receive a paper for information about how it will work in detail.]  

**Source: CSG Report (R 68)** |
| 10     | **Changes to the committee’s own remit to enable it to consider constitutional and governance matters.** **Source: CSG Report (R 70)** |

**Other potential inquiries and matters known to be forthcoming**

13. Listed below for information are various matters already known about, which are likely to lead to future inquiries for the committee. These are not inquiries which the Committee is in a position to choose as immediate work priorities, for the reasons given. The Committee should, however, be aware of them when agreeing its initial work programme.
| A | Financial implications of Bill amendments – a review of the Rules that govern consideration of amendments to Bills, with a view to better ensuring that cost implications are always taken into account before amendments are agreed to. [Note: under the current Rules, this depends principally on whether a financial resolution has been agreed to in respect of a Bill and, if so, on the terms of that resolution.]  
*Source: Audit Committee (based on a report by the Auditor General)* |
| --- | --- |
| B | A general inquiry into subordinate legislation procedures, with a view to proposing a Bill to replace the existing “transitional Order”, which currently sets the basic parameters governing the Rules in Chapter 10. [Note: a substantial amount of preparatory work is likely to be involved for this, involving the Subordinate Legislation Committee and the Executive. See also Option 4 above.]  
*Source: Subordinate Legislation Committee* |
| C | A general review of the procedures for scrutinising Bills. The CSG Report recommended a “root and branch review” undertaken in conjunction with the Executive and the Parliamentary authorities. The report does not give a clear indication of what its particular concerns were in this context, and the new committee might therefore wish to choose particular aspects of the legislative process to focus on.  
[Note: Such an inquiry could include consideration of the wider issues mentioned under Option 1 above, if not already dealt with, together with some of Donald Gorrie’s proposals.]  
*Source: CSG Report (RR 37, 45), Legislation Team* |
| D | A review of the Parliamentary week, looking specifically at:  
- what proportion of the normal sitting week is allocated to Chamber business;  
- how that time is divided according to the various categories of business (motion-and-amendment debates, other debates, questions, etc.) and between categories of members (Executive time, opposition parties’ time, backbenchers’ time); and  
- how the available speaking time is divided up within each debate or item.  
[Note: the “Time in the Chamber” legacy paper (PR/S2/03/1/5) is directly relevant to this Option. It would probably make sense to address this only after any changes resulting from dealing with Options 3 and 5 had bedded in.] |
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<th>Source: CSG Report (R 66)</th>
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<td><strong>E</strong> A review of the Parliament’s external communications strategy. The CSG Report suggests this might include reviewing the language policy (perhaps in conjunction with the Equal Opportunities Committee), but envisages only that this might be done at some point during this Session.</td>
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<td>Source: CSG Report (R 16)</td>
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<td><strong>F</strong> A review of progress towards securing from the UK Government amendments to the Scotland Act to allow the Parliament greater control over its own proceedings.</td>
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PROCEDURES COMMITTEE

New edition of the Standing Orders

Note by the Clerk

1. The Procedures Committee clerking team is responsible for updating and periodically re-issuing the Standing Orders document. In particular, each time Rule-changes are agreed to by the Parliament, the Team arranges for replacement pages to be printed and distributed to all members.

2. The whole set of Standing Orders has not been re-issued since early in Session 1, at the time the original Standing Orders (contained in a Transitional Order) were adopted (with some initial changes) by the Parliament. That first edition was issued in an A4 ring-binder, and all subsequent updates have involved the distribution of replacement pages in the same format as the original edition.

3. The Team would now like to re-issue the whole document in an improved format. The changes will include, in particular, footnotes throughout indicating which Rules have been amended, on what dates and giving references to the relevant Procedures Committee reports. Work on this is already under way, and it is hoped to have this 2nd edition ready for printing soon after the summer recess.

4. The clerks would like to take the opportunity to make a few small and uncontroversial textual changes to some of the Rules at the same time. None of these would be changes that would require consultation or discussion – they might include, for example, the removal of one or two Rules that only apply to events that happened during Session 1 (and hence are now redundant). We would also correct a few errors and minor inconsistencies of wording.

5. Since some of these minor changes (e.g. deletion of redundant Rules) would require committee and Parliamentary approval, the Convener has agreed that these could be included in the Report on the duration and timing of FMQT. This is because there may not be another opportunity for standing order changes to be made for some time thereafter.

6. The purpose of this note is therefore to bring the above to the attention of other members of the Committee. Further explanation will be given at the time the Committee is asked to consider the draft Report at its next meeting.
The meeting opened at 10.31 am.

1. Declaration of Interests: The oldest member present, Jamie McGrigor, asked members to declare any relevant interests. No such interests were declared.

2. Choice of Convener: The Committee chose Iain Smith as its Convener.

3. Choice of Deputy Convener: The Committee chose Karen Gillon as its Deputy Convener.

4. Legacy of the previous committee: The Committee considered the note by the Clerk and agreed to take further time to consider in detail the previous committee’s report on the Founding Principles of the Parliament with a view to adopting or otherwise the recommendations contained therein and seeking a debate in the Parliament.

5. First Minister’s Question Time: The Committee considered a letter from the Presiding Officer and previous correspondence between the Presiding Officer and the First Minister. Concern was expressed at the level of discussion that had already taken place or was planned to take place outwith the Procedures Committee.

The Committee agreed to write to all Members and media interests and to issue a general press release seeking views by Wednesday 18 June 2003 on the
Presiding Officer's proposals regarding the duration and timing of First Minister's Question Time. Responses would be considered at its next meeting.

The meeting closed at 11.02 am.

Andrew Mylne
Clerk to the Committee