The Committee will meet at 10 am in Committee Room 2.

1. **Oral questions in the Chamber**: The Committee will take evidence from—

   George Reid, Presiding Officer
   Hugh Flinn, Head of Chamber Desk

2. **Oral questions in the Chamber – witness expenses**: The Committee will be invited to delegate to the Convener responsibility for arranging for the SPCB to pay, under Rule 12.4.3, any expenses of witnesses in the inquiry.

3. **Non-Executive Bills**: The Committee will consider a paper by the Bureau, together with a note by the Clerk, and decide whether to conduct an inquiry on prioritisation of non-Executive Bills.

4. **Mainstreaming Equality**: The Committee will be invited to note the Implementation Notes recently agreed by the Equal Opportunities Committee.

5. **Status and confidentiality of draft Reports (in private)**: The Committee will consider the status of draft Committee reports and the confidentiality of such drafts.

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**
Paper by Chamber Desk PR/S2/03/5/1

Submissions by Donald Gorrie MSP, Mike Rumbles MSP and Dennis Canavan MSP PR/S2/03/5/2

Civic engagement proposal (note by the Clerk) PR/S2/03/5/3

**Agenda item 2**
Note by the Clerk PR/S2/03/5/4

**Agenda item 3**
Note by the Clerk PR/S2/03/5/5

Paper by the previous Bureau PR/S2/03/5/6

Extracts from *The Herald* and *Sunday Herald*

**Agenda item 4**
Mainstreaming Equal Opportunities Notes (with covering letter from the Convener of the Equal Opportunities Committee) PR/S2/03/5/7

**Agenda item 5**
Note by the Clerk (PRIVATE PAPER – MEMBERS ONLY) PR/S2/03/5/8

The following papers are attached for information:

Scottish Civic Forum Participation Summits (note by the Clerk) PR/S2/03/5/9

Minutes of the last meeting PR/S2/03/4/M
Introduction

1. This note sets out the process followed by the Chamber Desk in respect of selection of oral questions for Question Time and First Minister’s Question Time. The note draws on the Guidance on Parliamentary Questions, the 3rd edition of which was published in May 2003.

Question Time

2. Oral questions to the Executive for answer at Question Time may be lodged at any time from the end of the Question Time (3.10 pm) that is two Question Times before the one for which they are being lodged until 2.00 pm on the Wednesday of the week before the Question Time for which the question is being lodged (between 14 and eight days before). For example, if a member wished a question to be answered at Question Time on Thursday 29 May 2003, he/she could lodge the question at any time between Thursday 15 May and Wednesday 21 May. A member may lodge only one oral question for answer at any one Question Time (Rule 13.6.4).

3. As soon as possible after 2.00 pm on the Wednesday of the week before the Question Time for which the questions have been lodged, all admissible oral questions will be collated by the Chamber Desk. Questions are selected electronically on a random basis to determine their order. If there are 30 or fewer questions, they will all be listed for answer at Question Time in the order determined by random selection. Questions that are not selected electronically will not appear in the Business Bulletin and will not be answered. As soon as possible after this selection, the Chamber Desk will prepare a list of those that will be taken at that Question Time. The list is published in the Business Bulletin the next day although members may contact the Chamber Desk after the random selection to find out if their question is amongst the top 30. It is normal for 50 to 60 questions to be lodged each week so a member has approximately a 50% chance of selection.

4. The Technology and Facilities Management Directorate has provided the following explanation as to how the computerised random selection operates:

“In order to generate a sequence of random numbers to select oral questions on any given day, the template contains a code that sorts the current day’s oral questions into a random order. (The code is date-specific, so that any particular set of questions sorted in this way on a particular day will always come out in the same order.) It is worth noting that due to the nature of the number generating process being purely
deterministic, the numbers generated, by definition, cannot be random. Instead a list of what are more properly referred to as pseudorandom numbers, and pseudorandom sequences of such numbers, is generated. However, the algorithms developed by Software Vendors to generate random number sequences are very complex and generate a sequence of numbers that will be virtually indistinguishable from a genuine sequence of random numbers, and for the purposes of this note the numbers will be referred to as “random”.

“The template processes the list of oral questions in the following way:

(i) Create a list of all the current oral questions.
(ii) Sort them into alphanumeric order of question number.
(iii) Go through each question in turn, assigning each a random number using the pseudorandom numbers generated by the template.
(iv) Re-sort the list into order of each question’s attached random number (smallest to largest).
(v) If any questions have exactly the same random number then ensure that the lower numbered question is the higher of the two.”

First Minister’s Question Time

5. Oral questions for answer at First Minister’s Question Time may be lodged at any time from the end of the preceding First Minister’s Question Time until 2.00 pm on the third day before the First Minister’s Question Time for which the question is being submitted i.e. normally the Monday of the same week. Where the Monday is a day when the office of the Clerk is closed or where First Minister’s Question Time is on a day other than a Thursday, an announcement on the arrangements for lodging First Minister’s Questions will be made in the Business Bulletin. A member may lodge only one oral question for answer at any one First Minister’s Question Time.

6. As soon as possible after 2.00 pm on the Monday, all admissible questions for answer are passed to the Presiding Officer’s office. That afternoon, the Presiding Officer will select up to six questions for answer at First Minister’s Question Time. Once the Presiding Officer has selected the six questions, the Presiding Officer’s office will notify the Chamber Desk of the questions selected and these will appear in the Business Bulletin the next day, normally the Tuesday before the First Minister’s Question Time.

7. The criteria applied by the Presiding Officer in Session 1, as announced in the Business Bulletin on 19 June 2000, when selecting these questions were:

- preference is given to topical questions and questions suitable for supplementary questions
- reasonable political balance between the parties in their share of questions is maintained over time
• questions from the opposition party leaders are taken first and second but otherwise "diary" questions on the lines of “To ask the First Minister when he last met X" are avoided

• unnecessary duplication with questions already randomly selected for Question Time is avoided

• subject to the above, account is taken of individual members’ previous record of selection for First Minister’s Question Time.

8. With the new political balance in the Parliament since the May elections it has become necessary to refine the application of the criterion of political balance. Political balance is monitored in two distinct ways. First, questions are now selected for question 3 from the leaders of the Greens and the Scottish Socialist Party. Proportionality of questions from opposition party leaders is monitored in relation to opposition parties’ share of all opposition party seats. The Presiding Officer has concluded that selecting two questions each from the leader of the Scottish Socialist party and the Greens over a five week period will achieve as close to proportionality as is practicable. Second, parties’ share of the remaining backbencher questions is monitored in relation to parties’ share of all seats in the chamber.

9. The Chamber Desk prepares factual briefing material for the Presiding Officer on Monday afternoon each week to assist him in taking all the criteria listed in paragraph 8 into account.

Emergency Questions

10. Emergency questions can only be lodged before 10.00 am on a day when there is a meeting of the Parliament, normally Wednesday or Thursday. It is for the Presiding Officer to decide whether an emergency question is sufficiently urgent to allow the question to be put and answered during that day’s meeting of the Parliament.

11. In the first session of the parliament 47 emergency questions were lodged and four selected by the Presiding Officer. So far, in the second session, no emergency questions have been lodged.
PROCEDURES COMMITTEE

INQUIRY INTO ORAL QUESTIONS IN THE CHAMBER

Submission by individual MSPs

Note by the Clerk: I wrote to three members who spoke in the debate on the Committee’s 1st Report (First Minister’s Question Time and minor standing order changes). Each member had made points that, while not directly relevant to the issues covered in that Report, were relevant to the wider inquiry on oral questions in the Chamber, and I therefore drew their attention to the Committee’s call for evidence in that wider inquiry. The submissions reproduced here were received in response to those letters.

LETTER FROM MIKE RUMBLES MSP

I write with reference to the Procedures Committee’s call for written evidence for its inquiry into oral questions, and in particular with reference to First Minister’s Questions.

As I stated when we discussed this issue in Parliament recently, I have concerns about the practicalities of how we organise First Minister’s Question Time, and in particular, the fact that the first two questions seem to be treated separately from the others. Each week the first two questions come from the SNP and the Conservatives. I accept that this is correct and as it should be. However, the Presiding Officers seem to regard those questions as separate from the other four questions that are taken. This usually leads to the Conservatives and the SNP being allocated other questions later in the session. For example, at FMQT on 4 September, the SNP and the Conservatives each had two questions selected. I feel that this is wrong. All other things being equal, the first question should come from the largest Opposition party, the second question should come from the next-largest party and so on.

Mike Rumbles MSP
9 September 2003

LETTER FROM DONALD GORRIE MSP

Thank you for your letter of 5 September. My two suggestions were:

First, that Party leaders should not have to table and ask a daft initial question which gets an uninformative reply from the First Minister. This is a complete waste of time and makes our proceedings look ridiculous. At Westminster the previous system whereby MPs had to ask about the PM’s engagements and then ask their real question has been abandoned and MPs crack straightaway into their substantive question.
So I suggest that in the Business Bulletin it should say:
1 John Swinney
2 David McLetchie
3 Tommy Sheridan or Robin Harper,
and they should go straight into their first substantive question and have their
normal quota of real questions.

Second, that the Presiding Officer should be specifically authorised by
Standing Orders to cut short questions or ministers who are waffling
unhelpfully.

Response to Questions in Call for Evidence:

First Minister’s Question Time (FMQT)
Should questions by the main opposition party leaders continue routinely to
be selected for every First Minister’s Question Time – and should this be
extended to include the leaders of the smaller parties on some proportional
basis? Yes

Alternatively, should only backbench questions be selected, on the
understanding that party leaders would then be called to ask
supplementary? No

At FMQT, should the main opposition party leaders continue to be able to ask
“open questions” (i.e. very general questions about the First Minister’s diary
commitments, which enable almost anything to be raised in a supplementary
question and which represent an element of surprise)? If so, should other
party leaders or backbenchers also be able to ask open questions? See my
suggestion

Question Time
Should Question Time continue to cover all areas of Executive activity each
week, or should a thematic element be introduced, with some or all of the
allotted time reserved for questions on particular subjects, or to particular
Ministers? A trial should be made of using the Westminster system to
devote a Question Time to asking questions of a particular group of
minister, either from one department or from related departments. This
would encourage questions to ministers who are currently questioned
less frequently than others. Either all questions could be on this
brigaded basis or alternate weeks could be brigaded and free-for-all as
at present. An equitable allocation of time to each department could be
worked out.

Should questions for Question Time (whether it remains general or becomes
thematic) continue to be selected on a purely random basis? Yes

General
Should the member asking a question always be able to ask the first (and
perhaps also the last) supplementary? Yes
What are the ways in which an appropriate balance can be struck between the benefits of having advance notice of what questions are to be asked and spontaneity and topicality? Present arrangements seem to me to be acceptable.

Should Ministers be under an obligation to keep their answers brief and relevant to the question asked? Yes (see above)

New Opportunities for Questioning
Would there be merit in providing a regular (perhaps twice-yearly) opportunity for committee conveners to question the First Minister at a public meeting of the Conveners’ Group? Yes

Should there be more regular opportunities for oral questions addressed to the Presiding Officer and other members of the Parliamentary corporation (SPCB)? Yes

Donald Gorrie MSP
18 September 2003

LETTER FROM DENNIS CANAVAN MSP

Thank you for your letter of 5 September giving me the opportunity to submit my views on Question Time in the form of evidence to the Procedures Committee’s inquiry into oral questioning.

Para 3 of Rule 3.1 of the Standing Orders states that, in exercising any functions, the Presiding Officer and Deputy Presiding Officer shall act impartially, taking account of the interests of all members equally. The present arrangements for First Minister’s Question Time appear to be a breach of that Standing Order. Party leaders almost invariably take up more than half of the time allocated for First Minister’s Question Time. The Presiding Officer always selects the leader of the SNP for Question No 1, the leader of the Conservative Party for Question No 2 and the leader of either the Scottish Green Party or the Scottish Socialist Party for Question No 3. As I said during the recent debate, that is even more unfair than the system at Westminster, where the most humble backbencher can get Question No 1 to the Prime Minister.

I therefore suggest that the order of questions be decided by random selection and the (Deputy) Presiding Officer can use his/her discretion as to who gets the opportunity to ask supplementary questions.

It also appears to me to be a breach of Para 3 of Rule 3.1 of the Standing Orders to allow party leaders to ask open questions while denying that opportunity to backbenchers. You cannot have one rule for party leaders and another one for backbenchers. I therefore suggest that backbenchers should
be able to lodge open questions and, if a Member wishes to lodge such a question, then it is simply marked “open question” on the Business Bulletin and, when it is reached, the Member stands up and puts the question immediately without any preliminaries.

I would be grateful if you would arrange for my views to be considered by the Procedures Committee.

Thank you for your attention.

Dennis Canavan MSP
24 September 2003
PROCEDURES COMMITTEE

ORAL QUESTIONS IN THE CHAMBER – CIVIC ENGAGEMENT

Note by the Clerk

1. At its last meeting on 9 September, the Committee agreed to seek views on oral questioning procedures from beyond the “usual suspects”. The Committee made clear that it wanted to engage with civic society as fully as possible. See Procedures Committee Official Report, cols 47-9.

2. In response to these ideas, the clerks have worked with colleagues in Participation Services to develop the following proposal. The starting point is a recognition that, although oral questioning is a relatively high-profile aspect of Parliamentary proceedings, most members of the public either haven’t had direct experience of oral questioning, or would need to have the Parliamentary context explained before they would be in a position to offer useful opinions on it. The challenge therefore is to identify people whose views would be useful to the Committee and then to find appropriate ways of enabling them to consider and communicate those views.

3. The proposal, separated into three parts, is described below. Each part is intended to complement the others and all three will be taken forward during October and early November.

Public engagement project

4. This project is to seek the considered views of targeted groups of people. Care has been taken to identify groups with some existing awareness of the Parliament, or previous involvement with it, but who are not part of established consultation networks. These are groups, in other words, whose views are unlikely to have reached the Committee without some specific effort being made to engage with them. Six groups of approximately 12 people have been identified, ranging from poverty action groups to education groups for disabled people. Each group comprises people who are keen to get involved in the workings of governance in Scotland and who are active in their community.

5. Each group will travel to Edinburgh with their facilitator and, after an initial briefing session from Parliamentary staff about how the oral questioning process works, will watch both FMQT and Question Time from the public gallery. Their initial reactions will be recorded immediately afterwards. They will then meet again within a week or so, to draw up a short report of their considered view of the proceedings. They will be provided with guidance about the issues likely to be of interest to the Committee, but they will also be encouraged to offer their own ideas and suggestions. These reports will be sent to the clerks for circulation to the Committee.

6. Trained and experienced community education staff will be commissioned to facilitate each group. This will ensure the groups are able to
provide succinct and relevant information in the required timescale to the committee.

7. A bid has been made to the Conveners' Group for assistance to be provided through the civic participation fund.

**Public gallery questionnaire**

8. The second element of this project is the preparation of a questionnaire which will be handed out to members of the public visiting the public gallery during either FMQT or Question Time over a period of two or three weeks.

9. The questionnaire will seek views on the same main issues as those outlined in the guidance to the public engagement groups, but in a more structured format to encourage a high response-rate and to facilitate quantitative analysis of the results. Respondents will also be given an opportunity to make general comments about the proceedings and how they might be improved. Responses will remain anonymous.

10. The plan is for Parliament staff to distribute and encourage people to complete the questionnaire. This may yield a response of 400 - 600. The bid to the Conveners’ Group includes an amount to cover the cost of the technical requirements and staff capacity needed for entering and processing the data from the questionnaires and outputting the data tables for analysis by the clerks.

**Targeted calls for written evidence**

11. Finally, following the disappointing initial response to the call for evidence, further copies are being sent to a number of “umbrella organisations” in the hope of soliciting a wider range of views. The organisations targeted are:

- the Federation of Small Businesses
- the Scottish Trades Union Congress
- the Scottish Workers’ Educational Association
- the Women’s Rural Institute
- Article 12 in Scotland

12. In addition, the Scottish Civic Forum is reminding its members about the inquiry, and will prompt comments on oral questions at its regional participation summits in October. The Scottish Council for Voluntary Organisations (SCVO) will also invite comments from the members of its Policy Officers Network at a meeting to be held on 28 October.
Further work by Members

13. Although the above three-part proposal is intended to give the Committee a useful insight into the views and opinions of the public, Members may also wish to take forward their own work on these issues within their constituencies or regions. Members may wish, for example, to distribute the questionnaire (perhaps with a few minor alterations) to people attending surgeries or to local community groups. Any feedback could inform the Committee’s analysis at a later stage in the inquiry.
PROCEDURES COMMITTEE

ORAL QUESTIONS IN THE CHAMBER-WITNESS EXPENSES

NOTE BY THE CLERK

1. Under Rule 12.4.3 of the standing orders, the Committee may arrange for payment of expenses incurred by any witness invited to give evidence at a Committee meeting. Reimbursement is entirely at the discretion of the Committee.

2. The witness expenses scheme was established by the Parliament on 6 July 2000 (motion S1M-1086) and sets out the categories of claim that may be considered.

3. At this stage it is not known whether any claims for reimbursement of expenses will arise as a result of this inquiry. However, in line with usual good practice at the beginning of an inquiry, the Committee is invited to delegate to the Convener responsibility for considering and making a decision on any claims received.

Procedures Committee Clerks
PROCEDURES COMMITTEE

Prioritisation of Non-Executive Bills

Note by the Clerk

Background

1. The Non-Executive Bills Unit (NEBU) was set up early last session to provide support for backbench MSPs and committees seeking to introduce Bills. It assists in policy development and has a budget for instructing the drafting of Bills with outside draftsmen. To manage the demand for NEBU’s services, a number of criteria to determine which proposals would take priority were agreed by the SPCB. These criteria include whether a public consultation exercise has been conducted and whether the proposal appears to be within the legislative competence of the Parliament.

2. As demand on NEBU grew, however, the SPCB became concerned that its involvement in setting these priorities involved it in political decision-making that was not properly its role. For that reason, it initiated a dialogue with the Bureau about the need for a direct political mechanism for prioritising non-Executive Bills.

3. After some discussion, the Bureau and SPCB agreed to recommend to the previous Procedures Committee a proposal that can be summarised as follows:

   - any backbench MSP would be able to lodge a proposal for a Member’s Bill as at present and seek preliminary NEBU assistance from NEBU;
   - the Bureau would periodically consider all proposals that had satisfied certain further conditions, including public consultation;
   - once a year, the Bureau would recommend a limited number of such proposals to the Parliament in a motion (subject to amendment);
   - only those MSPs whose proposals were approved by the Parliament in this way would secure the right to introduce Members’ Bills (and also secure access to further NEBU support, including drafting resources).

4. The full Bureau proposal, together with background papers, is circulated separately. Clearly, this proposal would affect all Members’ Bills, not just those supported by NEBU. (In Session 1, about half of the Members’ Bills introduced after NEBU was created were developed and drafted with NEBU assistance – see Annex.)

5. The previous Procedures Committee was not able to consider this proposal before dissolution. It was listed as one of the options for the new Committee when it considered its work programme at its 2nd meeting (24 June 2003 – option 5 in the paper), but was not at that stage chosen as an immediate priority.

6. The Presiding Officer wrote to the Convener on 2 July outlining the pressures being imposed on the Non-Executive Bills Unit by a Member’s Bill proposal with significant resource implications. The letter concluded: “It would be most helpful to
the Parliament as a whole were your committee to reach an early conclusion on [the Bureau/SPCB proposal] and I hope that you will be able to find time to take this work forward."

7. In reply, the Convener said that the Committee was aware of the importance of the issue and would be reviewing its work priorities in the autumn. He asked whether the new SPCB and Bureau had endorsed the approach taken by their predecessors, saying that “this may be an important consideration in relation to the Bureau in particular, given that it now includes representation from two of the smaller parties”.

8. Both the above letters were circulated to the Committee with the papers for the 3rd Meeting.

9. The Presiding Officer wrote again to the Convener on 16 September, confirming that the new session’s Bureau had not been invited to endorse its predecessor’s proposal, but offering to re-circulate the paper to the Bureau to invite comments. Accordingly, the Bureau considered the paper on 23 September but reached no conclusion; the issue will be further considered on 7 October. The SSP and Green parties have expressed opposition to what is proposed – see press cuttings circulated separately.

Current Rules and practices

10. All Bills must satisfy certain conditions before they can be introduced. They must all be accompanied by a statement by the Presiding Officer on legislative competence and a Financial Memorandum. Executive Bills and Private Bills require a number of other accompanying documents (such as Explanatory Notes) – but can be introduced on any sitting day without the need for any preliminary Parliamentary proceedings.

11. Committee and Members’ Bills can only be introduced after an initial proposal has secured a degree of support. For a Members’ Bill, the proposal is a short description published in the Business Bulletin, and the “threshold” for success is that at least 11 other members must support the proposal within a month. For a Committee Bill, the proposal is a more detailed document contained in a report, and the threshold for success is that the Parliament must endorse the proposal after a debate on a motion. (The Executive also has the right to prevent the Committee introducing the Bill, by committing itself to address the issue raised in the proposal.) Committee Bills, once introduced, are not subject to a Stage 1 committee inquiry; in other respects, the 3-stage process for Committee and Members’ Bills is the same as for Executive Bills. (Private Bills are subject to significantly different procedures.)

12. The Rules that govern the various Stages operate on a general presumption that each step in the process follows directly from the previous one, and therefore that a Bill continues to make steady progress towards enactment unless it is rejected (at Stage 1 or Stage 3) or withdrawn. The Rules, in other words, give little room to either a committee or the Parliament to manage the demands the Bill makes on its time. To that extent, the process is “demand-led”, driven more by the members who introduce Bills than by those who are then required to scrutinise them.
Case for inquiry

13. The question for the Committee is whether it wishes to treat the issue of prioritisation of non-Executive Bills as a priority, as the Presiding Officer has requested, and if so how much to focus on the specific proposal made by the previous session’s Bureau.

14. So far 22 proposals have been lodged this session, all of which have secured the 11 supporters necessary to enable a Bill to be introduced. Only one Member’s Bill has been introduced: the Prostitution Tolerance Zones (Scotland) Bill, re-introduced from last session and prepared without NEBU support. To comply with NEBU’s existing criteria for supporting proposals, most of the remaining proposals are currently subject to consultation. It is therefore expected that the pressure on NEBU to make decisions as to prioritisation will come to a head towards the end of this year or early next year.

15. Any inquiry would need to be undertaken in parallel with the ongoing inquiry into oral questioning. The Committee will also want to consider what scale of inquiry might be required, which in turn will depend on how controversial members see the Bureau proposal as being, how far it wishes to open up the wider issues that arise in this context, and what evidence it would wish to take.

16. Statistics about non-Executive Bills and proposals for Members’ Bills to date are attached as an Annex.

Main issues

17. As an indication of the wider issues that arise in the context of non-Executive Bills and their possible prioritisation, the following suggestions might be helpful:

Underlying principles

- What is the appropriate balance between the Executive, with its electoral mandate, on the one hand, and backbench members and committees, on the other, in relation to the right to introduce Bills? Put another way, if the Parliament is succeeding in “sharing the power”, what proportion of Acts can be expected to originate from non-Executive Bills?

- To what extent can procedures be amended to make the overall management of Parliamentary business more efficient, making best use of Parliamentary time and resources, without compromising the basic rights of all MSPs to promote their legislative ideas and have them given serious consideration?

- Should the procedures for non-Executive Bills be structured in favour of relatively uncontroversial proposals that have cross-party support and outside backing, or should they be equally open to members pursuing controversial minority issues or seeking a high-profile way of advancing an opposition party agenda?

- Should the Parliament continue to be demand-led in relation to Bills, or is it entitled to establish quotas for the amount of legislative activity that can be
undertaken at any particular time? If so, should the quota apply only to Members' Bills; to Members’ and Committee Bills; to all Public Bills (including Executive Bills); or to all Bills (including Private Bills)?

Members’ Bills

- What is the appropriate mechanism by which a backbench MSP can obtain the right to introduce a Bill? If the current “entry threshold” (i.e. 11 supporters to a proposal) is too low, what would be the appropriate threshold? Options might include:
  - raising the minimum number of supporters to, say, 20;
  - imposing additional criteria – for example, that the supporters include MSPs from at least three of the main parties;
  - requiring more detail in the proposal – for example, explanation of how the Bill would work, outline of the policy behind it, an analysis of cost implications and a preliminary assessment of legislative competence;
  - requiring proposals to be subject to public consultation.

- Should a procedure be introduced to require Members’ Bill proposals to be subject to committee or Chamber scrutiny? If so, should the MSP only have the right to introduce the Bill if the proposal obtains committee or Chamber approval (on a simple majority)? Alternatively, should there be a mechanism to enable a committee or the Parliament to reject a Member’s Bill after introduction without the need for a full-scale Stage 1 inquiry (i.e. if a majority oppose it on principle)?

- Should the current maximum of two Members’ Bills per MSP per session be changed?

Committee Bills

- How, if at all, should the competing claims of Members’ Bills and Committee Bills be resolved? Should there be, in particular, some systematic preference given to Committee Bills over Members' Bills for the allocation of NEBU resources and/or committee and Chamber time?

- Is the current “entry threshold” for Committee Bills (i.e. seeking Parliamentary approval for a proposal set out in a Committee Report) the right one? Should the Executive retain a formal right of pre-emption (i.e. a right to prevent a Committee introducing a Bill based on a proposal approved by the Parliament, by announcing its own intention to introduce similar legislation)?

Allocation of Chamber and Committee time

- Should the Parliament be required to consider, periodically, the overall allocation of Chamber and committee time to competing Bills, with only a
limited number of Bills being given the opportunity to make further progress during that period?

- Should it continue to be for the Bureau to set timescales for the committee stages of Bills, or should committees themselves have more power to manage their own workloads and decide which competing priorities (including Bills) to spend time on?
Members’ Bill proposals lodged (Session 1)

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<th>Proposals lodged</th>
<th>Proposals successful*</th>
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<tr>
<td>45 Members’ Bills</td>
<td>42</td>
<td>16</td>
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<tr>
<td>3 Committee Bills</td>
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*Members’ Bills = 11 supporters; Committee Bills = Parliamentary approval

Party breakdown for Members’ Bills proposals lodged

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<td>SNP</td>
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<tr>
<td>Conservative</td>
<td>7 (16%)</td>
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<tr>
<td>Lib Dem</td>
<td>6 (13%)</td>
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<tr>
<td>Green</td>
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<tr>
<td>SSP</td>
<td>3 (7%)</td>
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Members’ Bills introduced (Session 1)

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<th>Bill No.</th>
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<td>Abolition of Poindings and Warrant Sales</td>
<td>Tommy Sheridan</td>
<td>2001 asp 1</td>
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<tr>
<td>10</td>
<td>Protection of Wild Mammals (Scotland)</td>
<td>Mike Watson</td>
<td>2002 asp 6</td>
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<td>Sea Fisheries (Shellfish) Amendment (Scotland)</td>
<td>Tavish Scott</td>
<td>2000 asp 12</td>
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<td>Family Homes and Homelessness (Scotland)</td>
<td>Robert Brown</td>
<td>Withdrew</td>
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<td>Leasehold Casualties (Scotland)</td>
<td>Adam Ingram</td>
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<tr>
<td>40</td>
<td>Tobacco Advertising and Promotion (Scotland)</td>
<td>Nicola Sturgeon</td>
<td>Withdrew</td>
</tr>
<tr>
<td>42</td>
<td>School Meals (Scotland)</td>
<td>Tommy Sheridan</td>
<td>Fell (Stage 1 vote)</td>
</tr>
<tr>
<td>48</td>
<td>Scottish Parliamentary Standards Commissioner</td>
<td>Standards Committee</td>
<td>2002 asp 16</td>
</tr>
<tr>
<td>51</td>
<td>University of St. Andrews (Postgraduate Medical Degrees)</td>
<td>Iain Smith</td>
<td>2002 asp 15</td>
</tr>
<tr>
<td>55</td>
<td>Dog Fouling (Scotland)</td>
<td>Keith Harding</td>
<td>2003 asp 12</td>
</tr>
<tr>
<td>58</td>
<td>Proportional Representation (Local Government Elections) (Scotland)</td>
<td>Tricia Marwick</td>
<td>Fell (Stage 1 vote)</td>
</tr>
<tr>
<td>60</td>
<td>Council of the Law Society of Scotland</td>
<td>David McLetchie</td>
<td>2003 asp 14</td>
</tr>
<tr>
<td>66</td>
<td>Organic Farming Targets (Scotland)</td>
<td>Robin Harper</td>
<td>Fell (Stage 1 vote)</td>
</tr>
<tr>
<td>67</td>
<td>Prostitution Tolerance Zones (Scotland)</td>
<td>Margo MacDonald</td>
<td>Fell (Stage 1 vote)</td>
</tr>
<tr>
<td>69</td>
<td>Gaelic Language (Scotland) Bill</td>
<td>Alex Neil</td>
<td>Fell (Dissolution)</td>
</tr>
<tr>
<td>71</td>
<td>Commissioner for Children and Young People (Scotland) Bill</td>
<td>Education, Culture and Sport Committee</td>
<td>2003 asp 17</td>
</tr>
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Party breakdown for Members’ Bills introduced

<table>
<thead>
<tr>
<th>Party</th>
<th>Proposals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Labour</td>
<td>2 (13%)</td>
</tr>
<tr>
<td>SNP</td>
<td>6 (38%)</td>
</tr>
<tr>
<td>Conservative</td>
<td>2 (13%)</td>
</tr>
<tr>
<td>Lib Dem</td>
<td>3 (19%)</td>
</tr>
<tr>
<td>Green</td>
<td>1 (6%)</td>
</tr>
<tr>
<td>SSP</td>
<td>2 (13%)</td>
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</table>
Members’ Bill proposals lodged (Session 2)

<table>
<thead>
<tr>
<th>Proposals lodged</th>
<th>Proposals successful*</th>
<th>Introduced as Bills</th>
</tr>
</thead>
<tbody>
<tr>
<td>22 (Members’ Bills)</td>
<td>22</td>
<td>1</td>
</tr>
</tbody>
</table>

*Members’ Bills = 11 supporters

Party breakdown for Members’ Bill proposals
- Labour: 7 (32%)
- SNP: 7 (32%)
- Conservative: 0 (0%)
- Lib Dem: 2 (9%)
- Green: 3 (14%)
- SSP: 3 (14%)

Members’ Bills introduced (Session 2)

<table>
<thead>
<tr>
<th>Bill No.</th>
<th>Short Title</th>
<th>Member</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>Prostitution Tolerance Zones (Scotland)</td>
<td>Margo MacDonald</td>
<td>In progress</td>
</tr>
</tbody>
</table>
NON-EXECUTIVE BUSINESS IN THE SCOTTISH PARLIAMENT

Purpose

This paper provides the Procedures Committee with details of proposals agreed by the Parliamentary Bureau and the SPCB in Session 1 on a revised method of determining the non-Executive legislation included in the business of the Parliament.

The Bureau wish to invite the Procedures Committee to consider their proposal and whether changes to Standing Orders are required to implement it. Both the Bureau and the SPCB were in agreement that the status quo is not an option because of the workload of the Non-Executive Bills Unit and the implications for Parliamentary time with an increasing amount of non-Executive business.

Background

The SPCB were invited to consider possible options for handling non-Executive Bills in the light of increased numbers coming forward. The SPCB consulted the Bureau and on 25 February 2003 the Bureau agreed paper PB/202/02 (Annex A), the Business Managers’ proposals for a Parliamentary mechanism for handling non-Executive legislation. The Business Managers support the introduction of a mechanism for the prioritisation of Members’ Bills proposals on an annual basis.

The Bureau agreed that non-Executive Bills should be prioritised on an annual basis to ensure Parliamentary time and resources are allocated in a clear, transparent and fair manner.

The paper considered by the SPCB and the Bureau is attached at Annex B.

Conclusion

Views are sought from the Procedures Committee on the system for prioritisation of non-Executive legislation in the Parliament, in particular:

- the threshold that should be in place that entitles a member to Parliamentary support to prepare, issue and analyse a consultation document;
- the method of annual prioritisation of proposals that have completed consultation; and
- the method of agreeing the proposals to be allocated resources including the allocation of Parliamentary and Committee time.

Directorate of Clerking and Reporting
May 2003
PARLIAMENTARY BUREAU

MEMBERS AND COMMITTEE BILLS: PARLIAMENTARY BUREAU PAPER
PB/202/02

NOTE FROM BUSINESS MANAGERS

Business Managers recognised the benefits that can be accrued from Members’ Bill proposals and Committee Bills and the importance they have in the Standing Orders of the Parliament. They view them as proper Parliamentary mechanisms to allow minority views and specific policy agendas to be discussed and have the prospect of leading to legislation that might not otherwise have been pursued.

1. Business Managers discussed the Parliamentary Bureau Paper on the handling of Non-Executive Bills (PB/202/02) and have agreed proposals that could either be submitted to the Procedures Committee on behalf of the Bureau, or form the basis of another paper to be discussed by the Bureau before being submitted to the Procedures Committee. It was agreed that Members’ proposals for Bills would need to be prioritised on an annual basis to ensure Parliamentary time and resources are allocated in a clear, transparent and fair manner. In advance of them being considered a threshold should be established which the proposal would have to meet to enable it to progress to the next stage and be allocated resources for drafting as legislation.

2. Business Managers wished to emphasise their regret that there is a need to prioritise Members’ Bills proposals in the first place, but recognised that in order to ensure proper scrutiny of legislation it is important that sufficient resources (including Parliamentary time) are available for consideration of all Bills. Prioritisation should also assist Committees in planning their workloads as there will be greater clarity about the number of Members’ Bills expected to be introduced and which Committees will be expected to consider them. Business Managers were also of the view that Parliament as a whole should take the final decision on prioritisation, based on recommendations from the Bureau. The Bureau’s recommendations would be open to amendment by any Member and decisions requiring a vote would be based on a simple majority of members present. The Bureau would as part of its recommendation produce an accompanying report supporting the recommendation.

3. It was recognised that not all Members’ Bill proposals will proceed beyond Stage 1, but it was considered important that such proposals should be given the opportunity to be drafted as Bills and introduced. This will allow Members the opportunity to express a view on the suitability of legislation or otherwise and may press the Executive and others into taking action sooner than might otherwise have been the case.

4. The threshold to be established should ensure that proper consultation must have been carried out on the proposal. It is supposed that assistance on the consultation process should be made available to Members from the Clerking Directorate and SPICE. Assistance should also be offered by the Parliament to look at legislative action being undertaken by the Executive and, if appropriate, the UK Government. It will be important that sufficient resources are available within the
Parliament to provide assistance to Members in preparing the consultation, assessing the responses and preparing a summary of conclusions for consideration by the Bureau and the Parliament.

5. Business Managers agreed that in order to avoid a last session rush to consider legislation there should be a presumption against introduction of Bills after a certain time in the last year of the 4 year session. To enable time for full Committee and Parliamentary consideration it was suggested that the cut-off point should be the beginning of September in year 4 which should still allow 6 months to pass the Bill taking into account recesses in October and December/January.

6. A summary of the Business Managers views on which a referral to the Procedures Committee should be made are attached.

Business Managers
February 2003

1. The Parliament as a whole should be asked on an annual basis (September in year 1 of a session and May in subsequent years) to prioritise Members’ proposals, based on recommendations from the Parliamentary Bureau.

2. A threshold should be established for proposals to progress and Members allocated resources to assist them in ensuring their proposal for a Bill meets this threshold. The threshold should include proper consultation and other matters to be determined.

3. Responsibility will rest with Members to ensure that the proposal has been properly consulted upon. Parliamentary resources will be made available to Members to assist with the consultation process including summarising responses.

4. The Parliamentary Bureau will consider the proposals after completion of the consultation process and make recommendations to the Parliament. The Parliamentary Bureau’s recommendations will be subject to amendment. Recommendations will include a recommended number of proposals to be converted into Bills for introduction each year. The Parliamentary Bureau’s recommendations will take into account the expected pressures on Committees and the Chamber.

5. Only proposals that have the support of a simple majority of Members will be allocated resources including Parliamentary and Committee time.

6. There should be a presumption against introduction of Member’s and Committee Bills at a point in the final year of the Parliamentary session, probably around September.
THRESHOLD

- ‘X’ number of signatures should be attached to a Member’s proposal for it to qualify for assistance with consultation etc.

- Consultation should be carried in accordance with the same criteria established by the Executive/Parliament for legislative proposals.

- Bureau recommendation to the Parliament with accompanying explanatory report following the consultation.

- Parliamentary approval will be required for the Member’s Bill proposal to progress and gain access to Parliamentary time and resources.

- Once Bill is drafted and introduced it will be subject to the same timetabling considerations as other legislation and Parliamentary business.

- Initial consultation work would be expected to form part of the Stage 1 considerations.
NON-EXECUTIVE BILLS

Purpose

1. This paper seeks the further views of the SPCB on the handling of Members’ Bills in the Parliament in light of the views expressed by the Bureau in relation to the paper SPCB (2002) 119. It asks whether the SPCB are content with those views and whether they wish to make a joint approach to the Procedures Committee requesting they look at the handling of non-Executive business.

Background

2. This paper follows on from Paper 119 (2002), attached as Appendix A, which was discussed by the SPCB on 26 November and 3 December 2002. At the meeting in December it was agreed to seek the views of the Parliamentary Bureau on the paper.

3. The Bureau considered the paper on 14 January and 25 February 2003 and attached at Annex A (prior to this paper) is a copy of the note from the Business Managers containing specific proposals.

Timing

4. It would be helpful to have an early steer to allow further work to proceed.

Discussion

5. Both the SPCB and the Bureau agree that retaining the current system of handling and prioritising non-Executive Bills is not an option and therefore a change, possibly including change to the Standing Orders, is required.

6. The paper considered by the SPCB in November and December set out a range of possible options and covered the various factors affecting the preparation and consideration of each type of non-Executive Bill. The Bureau having considered those options and factors have made proposals for change in relation to Members’ Bills.

7. The Bureau suggest that there should continue to be an individual level of support from other members to a proposal and that would bring with it an entitlement for assistance with consultation but nothing more, in particular it would not entitle a member to introduce a Bill. The Business Managers consider that the assistance with consultation should be available from Parliamentary resources.

8. The Business Managers propose that there should be a planned programme of members’ Bills agreed by the Parliament on an annual basis.

9. The option suggesting the establishment of a Committee to consider or prioritise Members’ Bills does not find favour with the Business Managers. Rather, they suggest the Bureau should provide annually a recommendation to the Parliament
on which Members’ Bills should be authorised. Only following authorisation would a member be allowed to introduce their Bill. Parliament would decide in plenary, by simple majority vote on a motion from the Bureau. Such a motion would be open to amendments being proposed.

10. The number of Members’ Bills permitted would depend on the level of Parliamentary business for that year and the workload of the committees.

11. The Business Managers also propose that during the final year of a session a cut-off date should be introduced after which no Members’ Bill can be introduced. This is suggested as September to allow adequate scrutiny of the Bill prior to Parliament’s dissolution.

12. The Business Managers agree with the SPCB that once introduced non-Executive Bills will be subject to the same timetabling considerations as other legislation.

13. The Bureau consider that all Members’ should continue to be able to call upon assistance from the NEBU in preparing proposals, consulting and if approved by the Parliament the drafting of Bills. Members’ would continue to be free to utilise their own resources on each of these functions if they preferred.

14. The Bureau and the SPCB both agree that consideration of the handling and prioritisation of Non-Executive Bills should be referred to the Procedures Committee.

Conclusion

15. In order to inform the Procedures Committee views are initially sought from the SPCB on the approach preferred by the Bureau, namely:
   • reaching the threshold of support for a proposal entitles the member to assistance with preparing, issuing and analysing a consultation;
   • the Bureau should recommend annually a list of proposals which Parliament would vote on to support and prioritise;
   • a member would be entitled to introduce a Members’ Bill only for proposals already agreed by the Parliament

16. Subject to views on the previous paragraph, the SPCB is invited to indicate whether they would be content to agree that the proposal as set out by the Bureau should be referred jointly to the Procedures Committee

Clerking and Reporting Directorate
March 2003
NON-EXECUTIVE BILLS

Purpose

1. This paper sets out possible options for handling non-Executive Bills in the next Parliament. It seeks SPCB’s and the Parliamentary Bureau’s views on which options are worth pursuing, with a view to drawing up more detailed proposals.

Timing

2. It would be helpful to have an early steer, to allow further work to proceed.

Discussion

3. There are two issues for consideration in relation to the handling of non-Executive Bills. These are the provision of Parliamentary resources in support of such Bills, and the availability of Parliamentary time. Until now, the former has been the focus of consideration, although with the steady increase of such Bills, the latter looks likely to become an issue.

4. In the absence of any build-up of empirical data, the approach to managing the workload of the Non-Executive Bills Unit has so far been based on maintaining a watching brief on the demands placed on the Unit. The SPCB has considered those demands on a few occasions, and has sanctioned an informal prioritisation system which recognises that Committee Bills should be given (limited) priority over Members’ Bills; provides that all Members should continue to be supported up until the lodging of the proposal; and that in relation to the further development and drafting work on proposals the following criteria should be met for assistance continuing to be available:

   • only proposals appearing to be broadly within the legislative competence of the Scottish Parliament should have drafting assistance provided;

   • external consultation with all interest groups and affected bodies should have been undertaken by the Member in relation to the proposal or by others in a similar area;

   • there should be no likelihood of legislative action in the reasonable future either in the Scottish Parliament or at Westminster in the same area of law.

   The Corporate Body also agreed that other factors which need to be taken into account where demand exceeds capacity are:

   • the breadth of support that a proposal has attracted; and

   • the potential size and scope of a Bill.

5. The prioritisation criteria agreed by the Corporate Body are now being used to cover the majority of the Bills being considered by the Non-Executive Bills Unit.
6. More recent evidence now suggests that a more formal and robust system to manage non-Executive Bills will be required. Recent tensions created by the Education Committee over the Children’s Commissioner Bill and the pressure applied by some Members in the valid pursuit of their own proposals have only served to confirmed that requirement. The NEBU also provides the main parliamentary support for Private Bills. Now that they are coming on stream that also has an impact.

7. On an ad hoc basis as a result of the demands of the Children’s Commissioner Bill, the Non-Executive Bills Unit has temporarily been doubled in staff, and an additional lawyer has been employed in the Directorate of Legal Services, to create what in effect a Children’s Commissioner Bill Team for the preparation of, and then for the duration of, the Bill.

8. We have also seen the introduction of the first Private Bill. This is in relation to a wind farm in the Solway Firth. As with other non-Executive Bills, the bulk of the work of the Non-Executive Bills Unit on private legislation occurs before the Bill is actually introduced. In contrast to Members’ Bills and Committee Bills where the work of the unit is focussed on helping with policy development and the actual preparation of the Bill, the work on Private Bills is front-loaded in terms of advising the promoters of the legislation on our rules and on ensuring that all the relevant consultation (prescribed under our rules) has been undertaken and accompanying documents etc are in a format that is acceptable to the Parliament.

9. There are a number of Private Bills at the pre-introduction stage and NEBU is working with promoters on making them ready for introduction. We are also looking at engaging ‘experts’ on a short-term consultancy basis to help NEBU in this work, in advance of the Bills being introduced and Committee advisers subsequently being appointed.

10. The introduction of a Private Bill also requires the establishment of an ad hoc Committee to consider that Bill. The Committee will be clerked by staff from NEBU.

11. Clearly the Parliament’s capacity to consider Private Bills will be influenced not only by the competing demands on the Non-Executive Bills Unit, but also on demands for Members’ time in terms of Committee work and in terms of our ability to support such ad hoc Committees. It is also affected by the substance of the Bill itself. A works Bill be more resource intensive than something lesser.

12. Committee Bills, of course, once they have passed Stage 1, may also be referred to an ad hoc Committee.

13. In terms of Members’ Bills, the Non-Executive Bills Unit has had to keep some Members waiting and there is no doubt that with greater resources, or fewer pressures, some Members’ Bills could be nearer introduction than they are at present.
Future Demands

14. We are aware of a number of Private Bills in the pipeline. We are also aware of a number of Members considering proposals or undertaking consultation on proposals for Members’ Bills although it seems to be accepted by several of these Members that such Bills would not be introduced before the next Parliament.

15. All of this seems to point to at least a continuation of the current demands on the Non-Executive Bills Unit very soon after the next election. There is no reason to expect that the demand on the Non-Executive Bills Unit will dip say for the first year. Indeed there could even be an increase in demand as members and committees become accustomed to the service available through the unit. We believe that we have reached what is likely to be a constant if not an increasing level of demand on the Non-Executive Bills Unit and that there is now a convincing case for a revisiting of the procedures in place for working up and prioritising non-Executive Bills in the Parliament.

16. While the staffing of the Non-Executive Bills Unit and Directorate of Legal Services, like the staffing of all offices, will be subject to regular review to ensure that it is running efficiently and effectively, it is not practical to respond to the problem by trying to provide resources to meet the highest possible level of demand. At the very least consideration has to be given to the impact on the balance of Parliamentary business and the number of non-Executive Bills that the Parliament might be able to handle in any one session. The issue of prioritisation will therefore require to be addressed by both the Corporate Body and the Bureau.

17. There are two possible approaches. The first is to try to manage the process by means of changing the rules. However, it is difficult to envisage how the various issues might be addressed through rule changes. For example, one might lower or reframe the entitlement for each Member to introduce two proposals per session rather than two Bills per session as at present. However while sending an appropriate signal to Members this might not have in fact any particular impact on the number of Bills being introduced as a Member with more than two ideas for Bill proposals could simply share his or her ideas with someone else in his or her party, sympathetic to the idea and willing to support and steer through the Bill. Views on whether it is worth pursuing changes to the entitlement are invited.

18. The second approach would be to bring human judgement to bear on what might be reasonable demands on SPCB resources and Parliamentary time.

19. The purpose of such a system would be to draw up what would in effect be a ‘programme’ (say annually or twice yearly) for non-Executive legislation.

20. This might be achieved by the establishment of a Committee to consider competing demands and to set priorities.

21. There is an issue as to when such consideration should be undertaken. To wait until a Bill is introduced before considering priorities for Parliamentary time
means that a great deal of time, effort and expenditure has been laid out in reaching the stage of producing a draft Bill. It does not address the issue of demands on NEBU resources.

22. An option might be for Members’ proposals to be debated before they are developed into policy instructions for a Bill. (This would be consistent with the practice for Committee Bills.) Members’ business might be a possible slot for this and could be extended say on a Wednesday afternoon to include a Members’ Bill debate on a Member’s proposals. However, there is not normally a vote after Members’ business. Views are invited on whether such a debate should be voted upon, to the effect that the Parliament gives leave for the Bill to be introduced (this would be a change in the Standing Orders which currently require only a minimum of support to confer a right to introduce a Bill) or whether it should simply be a debate with no vote, in effect allowing MSPs to give their views on a proposal with a view to either encouraging its introduction, discouraging its introduction, or simply influencing the details before introduction.

23. This leads on to another issue on which further thought would need to be given if we were to go down the route of debating individual Members’ Bill proposals. Should such debates precede or follow consultation on the proposal? On the one hand, a debate which indicated that there was little prospect of success for a proposal could deter further consultation and thus minimise unnecessary work. On the other hand, it is often the consultation stage that helps crystallise a Member’s intentions in a number of detailed areas, which could be helpful to have in advance of any debate in the Parliament. Once officials have a steer on these general questions officials can work up more detailed proposals on these matters.

24. However there would remain a need for a mechanism to prioritise among “approved” Members’ Bills, Committee Bills and Private Bills.

25. Using a Committee to consider priorities could be contentious. If it were to be an ad hoc Committee then there is raised the issue of party political balance and the influence of the Executive. Perhaps the most obvious Members to take any political decisions are the Business Managers. Currently the Bureau carries with it weighted voting which might not be appropriate for a Non-Executive Bills Committee. However the Committee might have the same membership as the Bureau with simply different voting arrangements. A further option would be to use the Corporate Body as this involves the use of Parliamentary resources. However it does go wider than Parliamentary resources to look at Parliamentary time, business management and big political decisions and this is not something that the Corporate Body has traditionally become involved with. Alternatively a Committee of backbenchers might be established.

26. If the option of a Committee were to be favoured, then further work would be undertaken on how it might work in practice. For example a Committee might put forward a list of ‘prioritised’ Bills say every six months for the Parliament to approve.
27. The timing of their passage would remain to be timetabled by the Parliamentary Bureau.

28. It is possible that one approach could be to have a certain specified maximum number of Bills say at the policy development stage and a particular number of Bills going through the Parliament at any one time (for example, instructing two Committee Bills, two Members’ Bills; going through Parliament – one Committee Bill, one Private Bill, two Members’ Bills or some similar formula). Short simple Bills going through would complete their passage quickly and would then be replaced, while proposals awaiting the policy development stage would simply take their turn in a waiting list. That waiting list could be prioritised either by a special committee or at a meeting of the whole Parliament say once or twice a year.

29. Private Bills will be clerked by the Non-Executive Bills Unit and there is an issue in particular as to how many Private Bills can be handled by the Parliament at any one time. Certainly it will have an impact on the ability of the Non-Executive Bills Unit to support its “normal” work and there may be a need to accept the case for temporary staff to assist the Non-Executive Bills Unit when Private Bills are under consideration in the Parliament.

30. The advantages of having a system in place for programming non-Executive legislation in a more planned way include a more efficient use of Parliamentary resources and a better planned use of Parliamentary time, in particularly addressing the balance of time between Executive and non-Executive legislation. Members might perceive any attempt at ‘prioritisation’ as being unfair on backbenchers. However, there would be no suggestion that Members should be constrained in coming forward with proposals and if the Committee comprised backbenchers, then some potential concerns might be addressed that way.

31. A further issue for discussion with the Bureau is where the time for non-Executive Bills should be slotted in to the Parliamentary timetable. Should additional time be made available (Wednesday mornings or evenings?) or should time be taken from current business time. Has the time now come for the Procedures Committee to be invited to consider introducing a new category of special Parliamentary business – non-Executive Bills – for which a minimum time would be provided in Standing Orders?

32. It should also be noted in addition to those Bills assisted by NEBU, that Members’ Bills continue to be drafted by external sources for introduction in the Parliament. There are arguments both for and against the continuation of this practice. On the one hand, the production of such Bills outside relieves what would otherwise be additional pressure on the Non-Executive Bills Unit. And some Members prefer to go their own way. However, experience to date has shown that such Bills may not be drafted with the same degree of rigour as those drafted by the Executive’s or by the Parliament’s draftsmen. This leads to pressure on the Legislation Team before introduction and pressures on the Committee and on Parliamentary time if a great number of amendments are required. Indeed the practice can have a more significant impact where there are serious policy
concerns raised in terms of the intentions behind the way in which a Bill has been drafted.

33. It may be worth considering whether the Procedures Committee should be invited to review the practice of allowing Bills drafted from outwith the Parliamentary complex to be introduced by Members now that the Parliament has its own panel of draftsmen. A slighter softer approach would be to accept Bills drafted only by draftsmen previously ‘accredited’ by the Parliament. On the other hand this may be seen to impinge too far on Members’ rights to introduce legislation.

34. There is no doubt that the pressures on the Non-Executive Bills Unit are increasing and may continue to increase. It is likely that there will be more Members’ Bills in the first year of the next session than there were in the early years of this first session. Private legislation is in preparation. Committees are also more geared up towards introducing legislation earlier in the next Parliament. No change is therefore not an option. The staff are under pressure, the Committees are not happy with the timetabling and Members are not happy although there is no criticism at an individual level at the support being provided by the Non-Executive Bills Unit.

Conclusion

35. Views are invited on:

- the suggestion that it is difficult to envisage how changes to the Standing Orders could be made to try to manage the programme of non-Executive Bills (paragraph 17);
- whether there should be an attempt to prepare a ‘programme’ of non-Executive legislation, say on an annual or twice yearly basis (paragraphs 18-19);
- whether a Committee should be established to consider bids for non-Executive Bills and prioritise them for introduction, for agreement by the Parliament (paragraph 20);
- if so; the make up of the Committee (paragraph 25);
- whether proposals for Members’ Bills should be debated; and if so whether they should be voted upon, and whether such debate should preceded or follow consultation on the proposal (paragraphs 22-23);
- whether the idea of setting a certain specified maximum number of non-Executive Bills being worked on at each of the various stages should be pursued (paragraph 28);
- how time should be made available for consideration of non-Executive Bills (paragraph 31);
• whether Members should continue to be able to introduce Bills drafted from any external source, or whether some form of ‘accreditation’ should be considered (paragraphs 32-33).

36. Once officials have a steer, further detailed work will be undertaken and reported back.

Directorate of Clerking and Reporting
October 2002
Letter to the Convener from Convener of Equal Opportunities Committee

Dear Convener

At its meeting on 9 September 2003 the Equal Opportunities Committee agreed the attached Mainstreaming Implementation Notes and agreed to circulate them to all parliamentary committee conveners.

These implementation notes are designed to support the application of the principles laid out in the Equality Guidelines developed by the Equal Opportunities Committee in the first session of the Parliament and to provide committees with practical steps to assist them in mainstreaming equality into their work. The Equality Guidelines were circulated to all Members at the start of the new session.

As you will be aware, I will also make a presentation on mainstreaming equality in the work of parliamentary committees at the Conveners Group away day on Friday 12 September, which will offer a further opportunity to provide information on this policy and the practical steps necessary for its implementation.

Cathy Peattie MSP
Convener, Equal Opportunities Committee
11 September 2003

Mainstreaming Implementation Notes

Introduction

1. It is widely recognised that mainstreaming involves a process of cultural change leading to the incorporation of an equalities perspective into all policies and processes at the development stage in order to ensure that an analysis is made of the effects on all equality groups before decisions are taken.

2. These implementation notes are intended to support the application of the principles laid out in the Equality Guidelines developed by the Equal Opportunities Committee and published in its 1st Report 2003: ‘Mainstreaming equality in the work of committees of the Scottish Parliament’. These notes should be read in conjunction with the guidelines (Annex A). The Committee also recommends that the SPCB provide training on mainstreaming equality for both Members and appropriate SPCB staff.
3. Whereas the Equality Guidelines lay out policy intent, the Implementation Notes lay out practical steps to assist committees mainstream equality into their work. These steps are not intended to be exhaustive and it is fully expected that Committees will further develop these processes through use and experience.

4. Further information on mainstreaming is provided in the SPICe briefing ‘Mainstreaming Equalities Issues’ which can be accessed on the Parliament's intranet: Mainstreaming Equalities Issues.

**Equality Guideline 1 – Primary Legislation**

*Introduction*

5. This guideline is intended to assist committees in checking that, in developing the relevant legislation policy, the bill sponsor has effectively taken equalities issues into account. In most cases the bill sponsor will be the Scottish Executive. The Non Executive Bills Unit has also produced its own note on equal opportunities considerations (Annex B).

6. In order to have taken account of equalities issues, the sponsor must have assessed the impact of the legislation on specific groups who can be identified in terms of the grounds or categories listed in Schedule 5 to the Scotland Act:

> … the prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions.

**Stage 1**

*Consultation*

7. Standing Orders Rule 9.3.3 (c) requires the bill sponsor to identify the extent to which it has consulted on the provisions of the proposed legislation and the impacts, if any, on equal opportunities. In the absence of clear and detailed statistics relating to all of the categories listed under equal opportunities in the Scotland Act, effective consultation will assist in identifying impact on specific groups. Committees should check:

- that consultation has taken place;
- that the consultation included all aspects of the legislation;
- if any aspects were excluded from the consultation, on what basis were they excluded;
- that the consultation period was a minimum of three months to assist smaller voluntary organisations who may not meet very often or larger organisations whose authority procedures for responding may be quite lengthy;
- that equality groups were included in the consultation; as a minimum, the following should have been given the opportunity to comment: the Commission for Racial Equality, the Disability Rights Commission, the Equal
Opportunities Commission, the Equality Network, organisations dealing with age and faith;

- that the sponsor has dealt with any equality issues raised during the consultation by accommodation or justification;
- ideally, the sponsor should publish the list of consultees with the memorandum.

8. The Scottish Executive has published good practice guidance¹ on consulting with equalities groups which is available electronically from the Scottish Executive website: http://www.scotland.gov.uk/library5/social/gpgc-00.asp

Effects on Equal Opportunities

9. Committees should check that the sponsor has laid out clearly under the heading ‘Effects on Equal Opportunities’ how it has assessed any differential impact of the provisions of the legislation, including any evidence on which it has based its assessment, such as, for example, disaggregated statistics.

10. Do disabled people have an opportunity to comply with the provisions of the legislation which is equal to that of non-disabled people? For example if the bill requires the provision of information, is there also provision for that information to be provided in alternative formats for, for example, people with a visual impairment?

11. Are women likely to be more affected by the provisions than men? In the accompanying documents to the Community Care and Health (Scotland) Bill, the Executive recognised the bill would be: “of particular benefit to women who make up 58% of the approximately 620,000 carers in Scotland.”

12. If a differential impact on a group or groups has been identified:
- have representatives of the group(s) who will be affected by the differential impact been included in any relevant consultation to ensure that the impact is clearly understood and the policy consequently effectively developed;
- has the sponsor taken steps to deal with the differential impact and if not, why not? Has a conscious policy decision been made or has there been an omission on the part of the bill sponsor?

13. If the sponsor states that there is no effect on equal opportunities, has the sponsor justified this statement with reference to, for example, disaggregated statistics or some other form of evidence?

Equalities Checklist

14. The Equal Opportunities Committee recommends that lead committees, as a useful starting point, utilise the equalities checklist during Stage 1 consideration of legislation.

15. Sending out the 6 mainstreaming questions in the Equalities Checklist (Annex C) for completion by the sponsor invites the sponsor to provide you with more

information concerning the process by which the sponsor has reached its decisions. However, committees may also wish to invite the Bill sponsor to respond to additional questions on equality issues specific to the Bill.

16. The Equal Opportunities Committee has published an analysis of routine scrutiny of primary legislation for equalities issues in its 5th Report 2002 Analysis of Routine Scrutiny of Legislation which highlights issues arising from the Executive's legislation and should serve as useful background material.

17. Paragraph 65 of the report notes:

“There appears to be a positive relationship between the provision of a greater level of relevant detail by the Scottish Executive in the specific section of the Policy Memorandum and the mainstreaming of equal opportunities in the development process.”

Stage 2

18. Committees will be aware of concerns raised in respect of equalities at Stage 1 and should assess the extent to which, if at all, amendments brought forward at Stage 2 address these concerns.

19. If an amendment at Stage 2 introduces new policy, committees will wish to ascertain if there is an impact on equalities issues.

Equality Guideline 2 – Information Base

Introduction

20. This guideline highlights the need for committees to have access to relevant sources of up-to-date information to assist in mainstreaming equality into their work. Data sources listed here may, for example, assist committees when deciding who to include in consultation exercises or in defining inquiry remits by identifying potential differential impact on specific groups of people.

Information types and sources

Disaggregated Statistics

21. There is a great deal of variation in the quality and quantity of available data which is broken down by equality strand or category, for example, by men and women, by reference to ethnic groups or disabled people etc. However there is an increased awareness of the need for this type of data and consequently an increasing availability. The Scottish Executive publishes a Guide to Data Sources on Equality in Scotland2 which can help identify where to find relevant information. The Executive statistics web page, http://www.scotland.gov.uk/stats, also provides a useful source of statistical information and is searchable.

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Equal Opportunities Consultation Database
22. The Equal Opportunities Committee recommends that the Parliament as a whole develops a database of Equal Opportunities contacts and consultees which would be accessible to all Committees.

23. In the meantime, the Equal Opportunities Committee Clerks have developed and are maintaining such a database of equal opportunities contacts who have expressed an interest in equalities and given their permission for their details to be held for consultation purposes. This database will be made available to committee clerks. For further information on accessing this data, please contact the Clerks to the Equal Opportunities Committee.

SPICe Briefings
24. SPICe has provided a number of briefings on equal opportunities issues to the Equal Opportunities Committee and these are available on SCAN (on the Parliament intranet) at the following location: http://intranet/speir/services/spice/rbeo.html.

25. All subsequent briefing papers on equal opportunities issues will also be made available in the same location. The SCAN service also provides links to articles and reports on current equalities issues as well as other relevant publications and SPICe can, of course, provide briefings on changes to equality legislation. All future SPICe briefings on bills will include reference to equalities issues.

External Groups
26. External groups with specific interests in equalities issues, such as the statutory equality groups, also produce papers on key issues covered by their remit and which can be accessed via their web sites. These can provide useful input to committees when considering what impact a specific policy can have for the various equality strands. These groups include the Disability Rights Commission (www.drc-gb.org), the Equal Opportunities Commission (for gender issues) (www.eoc.org.uk), the Commission for Racial Equality (www.cre.gov.uk), the Equality Network (for lesbian, gay, bisexual and transgender (LGBT)) issues (www.equality-network.org) and Age Concern Scotland (www.ageconcernscotland.org.uk).

27. Key contacts for these and other equality organisations are available via the equal opportunities consultation database.

Legal Advice
Where required, legal advice can be sought from the Scottish Parliament’s legal team and guidance is available to clerks to assist committees in requesting that advice.

Monitoring
28. It is important to ensure that information sources used by committees are as up-to-date as possible. For internal sources which are used regularly, there should be an agreed update procedure with the date of the latest update, if relevant, clearly indicated. For other sources, committees should, when seeking the
information, check the date on which the information was last updated, or the publication date to ensure that it is the latest version.

**Equality Guideline 3 – Consultation**

**Introduction**

29. This guideline aims to assist committees in including equality criteria into all consultation processes they employ in their work.

**Consultation**

30. ‘Consultation’ covers a range of processes and situations from formal evidence sessions to civic participation events involving a large number of people and includes both written and oral consultation.

**What**

31. Committees should assess the impact of the topic of their consultation or inquiry on equal opportunities as defined in Section L of Schedule 5 to the Scotland Act 1998 (see paragraph 4 above).

32. Is any group of people likely to be more affected by the issue(s) on which the committee wishes to consult or carry out an inquiry due to any of the grounds specified? Has the committee taken this fully into account in defining the terms of the consultation or inquiry? Committees might find it useful to assess their choice of topic in light of the policy development mainstreaming questions in the Equalities Checklist (Annex B).

**Who**

33. In selecting witnesses, consultees and groups or individuals to invite to specific events, Committees should seek to include as wide a range of people and organisations as is practicable. Has the Committee made every effort to include both men and women, members of minority ethnic communities, disabled people, a range of different age groups, members of the LGBT communities, a wide range of backgrounds and faiths/belief systems or has the event been organised in such a way as to create barriers to attendance for certain groups of people?

34. Are invitations being sent only to previous contacts of the Committee; does the Committee have a list of ‘usual suspects’; how diverse is the group invited; does it adequately represent the diversity of the target population? Has the Committee made assumptions about the groups of people it needs to invite/include, and, if so, can these assumptions be justified objectively?

35. The Equal Opportunities consultation database can assist in providing access to a range of individuals and groups Committees might wish to include to ensure a diverse range of participants.

36. The process for appointing advisers has been designed to comply with equal opportunities requirements (see relevant guidance for clerks).
37. The Scottish Executive has published good practice guidance on consulting with equalities groups which is available electronically from the Scottish Executive website: http://www.scotland.gov.uk/library/social/gpgc-00.asp

How

38. Key considerations when consulting are:

- leave enough time for consultation returns – minimum three months but longer if possible to allow as wide a range of respondents as possible to take part; where this is not possible due to time constraints over which committees have no control, committees should otherwise make every effort to include as wide a range of people and organisations as possible in the time available;
- ensure all documentation issued is fully accessible (see the guidance at http://intranet/speir/services/eo/guides.html and relevant clerking guidance) and available both electronically and in hard copy;
- ensure venue is accessible – this includes, for example, for people with mobility issues and hearing impairment (audio loop etc) and make it clear to those invited how accessible the venue is, i.e. notify them of any potential difficulty;
- always ask attendees if they have any special requirements both in terms of access and diet, if food is being provided; confirm with attendees arrangements that are put in place in response to their requests;
- consider how best to increase participation from minority groups, for example, hold more informal meetings, visit relevant groups where they work, be flexible in timing of meetings;
- always include the Scottish Parliament access statement in different community languages which is available from Public Information.

Monitoring

39. Evaluate the level of participation by:

- evaluating returns to written consultations against type of groups responding as well as total numbers or returns, for example, how many responses were received from women and women’s organisations, from ethnic minority groups and individuals, from disabled groups and individuals, from large organisations and from small voluntary organisations;
- analysing breakdown of witnesses attending Committee meetings against equal opportunities categories to assess which groups are under-represented;
- requesting feedback from individuals and organisations who did not attend to assess why they did not attend and what could be done differently to increase participation.

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ANNEX A: EQUALITY GUIDELINES

Equality Guideline 1 – Primary Legislation

Background
Equal Opportunities criteria should be considered at all stages of the legislative process, including the policy development process preceding the introduction of the bill. Equality proofing during legislation should not be seen a standalone process but rather as part of an on-going process of work which begins at the policy development stage.

The following sets out guidelines for the various types of legislative activity and the main stakeholders.

To carry out mainstreaming activities effectively and ensure that equal opportunities considerations are included in all of their work involving legislative activity, committees need to consider the following:

Primary Legislation – Stage 1

Bill Sponsor
• has the Bill sponsor assessed the implications of the Bill for all equal opportunities categories as identified in the remit of the Equal Opportunities Committee, including the impact on all key stakeholders;
• have any differential impacts on particular categories been quantified, discussed and justified;
• what consultation has been carried out with the stakeholders;
• how clearly have the intended effects of the Bill been set out in accompanying documentation;
• what additional information on the Bill is made available e.g. previous consultation exercises, draft guidance, equality impact assessments, disaggregated data etc;

Committee activity
• to what extent equal opportunities issues have been addressed in selecting witnesses and advisers and analysing evidence; and
• have the equal opportunities criteria been adequately considered at all stages of the legislative process.

Primary Legislation – Stage 2
At Stage 2 there are no formal requirements. However, equal opportunities implications may arise at this stage. The following recognises that there are amendments which are largely technical in nature, or drafted primarily to stimulate debate. Broadly, in discussion of amendments, committees would be encouraged to address:
• if amendments address concerns raised earlier at Stage 1, and how;
• if amendments introduce new policy issues; and,
• if a new policy issue, has an analysis (similar to Stage 1, i.e. impact analysis) been done.
**Equality Guideline 2 – Information Base**

Equal opportunities criteria should be considered at all stages of the legislative process. In order to carry out mainstreaming activities effectively and ensure that equal opportunities considerations are included in all of their work, committees need to have access to high quality information including:

- disaggregated statistics and other relevant information on equal opportunities categories as identified in the Scotland Act;
- develop EOC database of EO contacts and consultees, accessible to all committees;
- SPICe briefings on Bills should include reference to equal opportunities issues;
- briefing papers on changes to equality legislation;
- briefing notes from relevant external groups;
- legal advice.

**Monitoring**

Ensure that information resources are regularly updated and relevant training is carried out.

**Equality Guideline 3 - Consultation**

Committees regularly consult with a variety of individuals and organisations in the course of their work. Equal Opportunities criteria should underpin the processes and mechanisms which facilitate these consultations/inquiries. Specifically, Committees should aim to include equal opportunities criteria in:

- deciding what to consult upon
- deciding who to consult with
- deciding the format of each consultation/inquiry

Committees should include equal opportunity considerations as part of their overall criteria for choosing an inquiry topic. For example, in deciding topics of consultations and inquiries Committees may wish to identify, by impact analysis, how the proposed topic impacts upon “equal opportunities” as defined in the remit of the Equal Opportunities Committee.

Committees should include equal opportunity considerations as part of their overall criteria for selecting witnesses. For example, Committees should aim to ensure as wide a representation as possible of stakeholders.

Committees should include equal opportunity considerations in deciding the format of a consultation/inquiry. For example, equal opportunities criteria should be adopted in advertising a consultation/inquiry while sufficient time should be allowed for responses in order to allow less well resourced groups to participate.
Committees should include equal opportunity considerations in deciding who to appoint as Committee advisers.

**Monitoring**

Monitor and evaluate levels of participation, particularly in order to identify groups who are under-represented. Ensure that witness databases are regularly updated to include widespread representation of minority groups.

**ANNEX B: NEBU**

**Equal Opportunities Considerations**

As part of Equal Opportunity awareness in the work of the Non-Executive Bills Unit as a minimum the unit will ensure the following consideration takes place. It should be recognised that it is not the job of the unit to make policy; rather the unit assists in the development of the member or committee’s policy.

- It will be assumed that there is an equality impact in all of our work.

- Impact will be assessed through encouraging members and committees to utilise their consultation exercises to ensure they reach as wide a range of equality groups as possible. Our target is to encourage effective consultation with an extensive range of stakeholders. In addition consultation documents will be made available via the web site. (Covering letters would be required asking recipients to comment on equalities issues and also inviting them to pass the consultation on to others who may have an interest.)

- Policy Memorandums prepared by this unit will set out the outcomes of consideration of consultation responses and in respect of responses from the equality groups we will set out how they have been taken into account or otherwise dealt with.

- We will also prompt members to follow up the implementation of policies by asking questions in relation to evaluation and other implications of equality issues.

Non-Executive Bills Unit
July 2003

**ANNEX C: EQUALITIES CHECKLIST**

**Introduction**

The Equal Opportunities Committee of the Scottish Parliament has endorsed the following checklist it wishes to be used when considering any policy or legislative issue.
It is important to bear in mind that the definition of equal opportunities in the Scotland Act 1998 is as follows:

“The prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions.”

It is therefore expected that ALL of these areas should be considered when using this checklist.

Please note that this is not meant to be all encompassing guidance on equalities proofing, but it is recommended that this be the minimum standard to be attained.

What is Mainstreaming?4

- “Mainstreaming’ equality is essentially concerned with the integration of equal opportunities principles, strategies and practices into the every day work of Government and other public bodies from the outset, involving ‘every day’ policy actors in addition to equality specialists. In other words, it entails rethinking mainstream provision to accommodate gender, race, disability and other dimensions of discrimination and disadvantage, including class, sexuality and religion.

- It is a long-term strategy to frame policies in terms of the realities of people’s daily lives, and to change organisation cultures and structures accordingly. It puts people, and their diverse needs and experiences, at the heart of policy-making.

- It leads to better government through better informed policy-making and a greater transparency and openness in the policy process and helps to tackle democratic deficit by encouraging wider participation in the policy process through effective consultation mechanisms.

- As a process it tackles the structures in society which contribute to, or sustain, discrimination and disadvantage.

- The application of a mainstreaming approach can avoid the adoption of policies and programmes which replicate discrimination and exacerbate existing inequalities.

- Mainstreaming complements lawful positive action designed to address the historic and current impact of discriminatory structures and practices.”

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4 EOC/CRE document – Questions on Mainstreaming
Questions to Consider when equality proofing

1. **What is the policy for? Who is the policy for? What are the desired and anticipated outcomes?**

   Does the policy properly consider the needs of diverse groups of women and men? Remember that members of the same social group may have different needs; and that some people face multiple discrimination, for example, ethnic minority women.

   Have equalities dimensions been explicitly addressed?

   Keep in mind the goals and outcomes of policies can either perpetuate or overcome existing inequities between women and men and amongst different social groups.

2. **Do we have full information and analyses about the impact of the policy upon all equalities groups? If not, why not?**

   Is the data you have been provided with broken down by gender, race and disability?

   Assume that there is an equalities impact then look for information to prove or disprove that assumption.

   Who has been consulted? There is a need for both experts and ‘ordinary’ voices to be heard. Has the fact that it is harder for some groups than others to speak out been taken into account?

3. **Has the full range of options and their differential impacts on all equality groups been presented?**

   What is the impact of values, assumptions and stereotypes on the options presented and the options favoured?

   How might your own values, opinions and experiences influence your understanding of the issue?

4. **What are the outcomes and consequences of the proposals? Have the indirect, as well as the direct, effects of proposals been taken into account?**

5. **How have the policy makers demonstrated they have mainstreamed equality?**

6. **How will the policy be monitored and evaluated? How will improved awareness of equality implications be demonstrated?**
PROCEDURES COMMITTEE

SCOTTISH CIVIC FORUM PARTICIPATION SUMMIT

Note by the Clerk

The Director of the Forum, Donald Reid, has now confirmed that the preferred date for the above event is Tuesday 25 November. It is hoped to hold the event in the Scottish Parliament Chamber from 5.30 pm – 8 pm, but permission for this use of the Chamber has not yet been obtained.

Mr Reid has asked me to thank the committee for its interest in the event, and for agreeing in principle to be represented by one or two members.

It is expected that people will attend the national event from each of the regional summits being held in October. I understand that the Forum is sending Committee members (and all MSPs) details of these regional summits separately, but details are also attached below. The aim of the national summit is to crystallise key outcomes of the regional summits. This is expected to involve discussion of a number of common themes that emerge from all the regions, rather than receiving feedback from each regional summit in turn. These themes will all relate to how civic Scotland can engage with the Parliament and contribute to its business.

The members of the Committee nominated to attend will not be expected to make any formal presentation on behalf of the Committee, but nor will they be there simply as observers. The idea is that they should engage in the general discussion that takes place and then report back to the next meeting of the Committee.

Members are asked to note the above and consider whether they would be able and willing to participate. The Convener will be inviting nominations to attend at the next meeting of the Committee (4 November).

Andrew Mylne
Clerk to the Committee
Annex: Letter of invitation to regional summits

Dear Friend

I would like to invite you to attend a Scottish Civic Forum Participation Summit being held in your area next month.

The Forum is a membership organisation committed to building a new culture of active citizenship, in which the people of Scotland have a genuine opportunity to be involved in influencing the Government policies that affect their lives.

A significant and exciting development of the Forum’s work is the recent establishment of a network of regional co-ordinators. The co-ordinators have begun working throughout the length and breadth of Scotland to provide opportunities for people in all parts of the community to get involved in influencing the government policy decisions that affect them. The Participation Summit is an opportunity for you to meet your regional co-ordinator and to learn about some of the ways that you can already get involved and to discuss what else would help you to participate. We also anticipate that officials from the Scottish Executive and Scottish Parliament will be there to participate and to learn from you what they could do to make the process of participation work more smoothly and effectively. Details of the Participation Summits are given below together with the name and contact details for the regional co-ordinator. We hope that you will come to the Summit to help us explore the issues that are relevant to how you can participate in your area. If you are interested please contact the relevant co-ordinator.

Donald Reid, Director

SCOTTISH CIVIC FORUM: PARTICIPATION SUMMITS

Central Scotland
Saturday 4 October at the Volunteer Centre, Wishaw. 10.00-2.00
Co-ordinator: Angela Moohan
Email: angelamoohan@yahoo.co.uk
Tel: 01506 510 002

Glasgow
Wednesday 22 October from 10.00 –2.00, Renfield St. Stephen’s, Bath Street, Glasgow.
Co-ordinator: Vanessa Taylor
Contact the SCF office for information and bookings
Email: enquiries@civicforum.org.uk
Tel: 0131 225 6789
Highlands & Islands
Saturday 26 October from 12:30 - 16:30, Inverness Caley Stadium, East Longman, Inverness
Co-ordinator: Margaret Mulholland
Email: maggie@peewit.vispa.com
Tel: 01463 237 603

Edinburgh & Lothians
Friday 24 October at Leith Academy, Edinburgh. 10.00 – 3.30
Coordinator: Matthew Gibson
Email: gibsonm@eric-liddell.org
Tel: 0131 446 3319

Mid-Scotland and Fife
Friday 17 October, The Gateway, North Methven Street, Perth 10.30 – 3.30
Coordinator: Alan Spinks.
Email: spinksA@aol.com
Tel: 01592 748 881

North East Scotland
Friday 20 October at Dundee Chaplaincy Centre from 4.00-7.00. For more information contact: Jane Herbstritt
Email: enquiries@civicforum.org.uk
Tel: 0131 225 6789

South of Scotland
Thursday 9 October at the Council Hall, English Street, Dumfries, 1.30 - 4.45
Coordinator: John Dowson
Contact the office for further information and bookings
Email: enquiries@civicforum.org.uk
Tel: 0131 225 6789

West of Scotland
Friday 10 October in association with Renfrewshire CVS, Paisley. Venue: The Wynd Centre, School Wynd, Paisley. Time: 2:00 for a 2:30 start.

Tuesday 14 October in association with East Dumbartonshire CVS, Kirkintilloch. Venue: Park Centre, Kirkintilloch. Time: 1:00 for a 1:30 start.

Coordinator: Jane Overton
Email: janeoverton@onetel.net.uk
Tel: 01563 536 960
Present:

Mr Richard Baker  
Cathie Craigie  
Karen Gillon (Deputy Convener)

Mark Ballard  
Bruce Crawford  
Iain Smith (Convener)

Apologies were received from Jamie McGrigor.

The meeting opened at 10.02 am.

1. **Committee Awayday:** The Committee endorsed the preliminary decision taken at the awayday to seek a debate on the previous Committee’s report on the founding principles of the Parliament and agreed a form of words for the motion to be lodged in due course.

2. **Oral Questions in the Chamber:** The Committee undertook a preliminary discussion of a range of issues relating to oral questioning. It decided not to include in the inquiry consideration of whether committee conveners should be able to question the First Minister in public twice a year at meetings of the Conveners’ Group. It agreed to invite the Presiding Officer and Parliamentary officials to give oral evidence at the next meeting and to consider a paper at its next meeting on options for external research.

3. **First Minister’s Question Time – Leak Inquiry:** The Convener expressed concern about comments made in the Chamber on 3 September, during the debate on the Committee’s report on *First Minister’s Question Time and minor standing order changes*, and on 4 September, during debate on the business motion scheduling FMQT at 12 noon for the first time, concerning the content of the draft Report. The Committee agreed to defer consideration of those comments until its next meeting, and to take that item in private. The Committee agreed to report
to the Standards Commissioner the apparent unauthorised disclosure on
two earlier occasions of the content of the draft Report and the outcome of
the Committee’s consideration of that draft on 25 August.

4. **Scottish Civic Forum:** The Committee agreed in principle to participate
in a Forum meeting in November. A decision as to which members would
attend would be taken at a later date.

The meeting closed at 11.27 am.

Andrew Mylne
Clerk to the Committee
Fury over move to reduce bills from Holyrood back benchers

MURRAY RITCHIE, Scottish Political Editor

HOLYROOD'S four major parties last night were accused of planning to cut the number of bills from back benchers in a move condemned as attacking a "fundamental freedom" of the Scottish Parliament.

Smaller parties such as the Greens and Scottish Socialists, which were among the most successful at the recent elections, last night reacted angrily to the move.

Holyrood's coalition-controlled business bureau, which decides the order in which bills are discussed, will meet next week to consider "prioritising" future bills from back benchers.

The bureau will discuss a policy document from the parliament's procedures committee after talks with the four big-party business managers. The paper is marked "restricted" but has been seen by The Herald.

It argues there is an "increasing level of demand" on officials considering non-executive bills and states "there is now a convincing case for a revamping of the procedures in place for working up and prioritising non-executive bills in the parliament".

Labour appeared alarmed by the increasing support for Tommy Sheridan's bill to abolish council tax. The Scottish Socialist leader received support from two Nationalist back benchers, taking the number of signatures required to allow the proposal to make progress to above the necessary threshold.

Mr Sheridan has already fought high-profile campaigns in pursuing popular causes with privately proposed legislation. These include the abolition of warrant sales and pointings, and proposals to provide free meals to all primary school children.

Last week Jackie Baillie, the Labour back bencher campaigning for reform of charity law, was credited with forcing concessions from the executive when Margaret Curran, communities minister, announced a tightening of rules to crack down on the abuse of charitable donations.

Ms Baillie had proposed her own private bill and won significant support for it. She claimed credit for forcing the executive's hand in bringing forward tougher legislation than first proposed.

The most contentious of all the Scottish Parliament's legislation was the banning of traditional forms of fox-hunting, a law that started life as a member's bill from Mike Watson, MSP for Glasgow Cathcart.

Parliament officials are now said to be concerned at the cost of processing the increasing number of private members' bills. Some of those chosen for debate are funded by the parliament although the cost of others has reportedly been partly borne by interest groups.

After a day of behind-the-scenes manoeuvring, the Greens yesterday announced they wanted a summit to discuss the proposed changes, claiming the non-executive bills unit was "under pressure".

So far 22 bill proposals have been lodged this session, including seven from Socialists, Greens and independents. According to the Greens, the non-executive bills unit is claiming the bill can handle only one "reasonably complex" piece of legislation at a time.

Back-bench freedom to introduce bills was hailed by the late Donald Dewar as one of devolution's advantages. The consultative steering group whose cross-party report formed the basis of the parliament's workings recommended that back benchers "should be able to introduce no more than two bills in any parliamentary session".

Patricia Ferguson, minister for parliament, strongly denied the big four parties were trying to stifle back-bench bills. "It is up to the Greens and SSP to make their views known on any proposals we may have for non-executive bills and these views will be considered by the bureau in due course."

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Flurry of bills threatens to starve parliament of funds
From Douglas Fraser, Political Editor

The rising costs of a raft of bills proposed by MSPs pose a major threat to Executive spending plans in the second parliamentary session.

Although sponsors of bills do not expect all of them to be passed, they have learned that the process of tabling them can lead to significant concessions being made.

However, with plans for 18 bills already lodged and more expected soon, there are calls from backbench MSPs for a sharp increase in costly official support, as the parliamentary staff can only handle one reasonably complex piece of legislation at a time.

The Act creating a children’s commissioner earlier this year took all four members of the Non-Executive Bills Unit a year to draft and require the hiring of outside legal experts. One answer the Executive plans to the legal logjam is to have legislation published in plain English.

Bills tabled by backbenchers are among the most radical departures from Westminster, but had only a limited effect in the first four years of devolution. That is already changing, as once timid MSPs realise the effectiveness of proposing a bill in将进一步 their causes.

Each MSP is allowed to propose two pieces of legislation over a four-year session, whereas a lottery at Westminster allows only a tiny number of private members’ bills to be taken forward, which the government can block. While there is criticism of the lack of resources for members’ bills in Edinburgh, there is no unit to help MSPs at Westminster.

Some Scottish bills are devices to deliver campaign pledges. The Greens and Scottish Socialists have learned from Tommy Sheridan’s successful bill abolishing warrant sales in 2000. It gained support from backbench Labour MSPs through its early stages and sufficient momentum to inflict the only major defeat the Executive suffered in the parliament’s first term. Sheridan, the SSP leader, says the bill also ensured Executive money was put into 100 new staff in debt counselling.

Sheridan then promoted a free schools meal bill, which was defeated, but he credits it with ensuring that the Executive and councils expanded provision of free breakfasts and fruit for some children. That bill is set to return, backed by the SSP’s Rosie Kane, with the intention of gaining more concessions and extend the right to free school meals.

The other threat to the Executive posed by the new raft of bills comes from Labour backbenchers with proposals which ministers would prefer to avoid. Jackie Baillie, the former communities minister, has a bill planned which is forcing a foot-dragging Executive to speed up its reform of charities regulation. Bill Butler, the Glasgow Anniesland Labour MSP, wants direct elections to health boards, despite his party leader dropping that manifesto pledge from the coalition agreements.

Baillie says there is concern about the lack of resources to support the passage of bills. It is estimated her charities bill could tie up the bills unit full-time for more than a year.

“There is a question over whether the bills unit is adequately resourced to deal with members’ bills,” said the Dumbarton MSP. “They barely coped last year with a handful of bills. At the start, people were finding their way round the system, but that has changed, because people now realise what can be achieved with bills. After the election, they hit the ground running. There is a momentum that wasn’t there before and expectations are heightened.”

Sheridan says it is wrong that he was only able to achieve what he did with the goodwill of legal experts supportive of his policies on warrant sales and school meals. “They just don’t have the staff or resources. Compare that with the thousands of civil servants deployed on behalf of the Executive, and we are fighting with not just one hand, but almost two hands, tied behind our backs in trying to get legislation passed.”

He added: “Our strategy is to try and get issues which are important on to the agenda to get them discussed. We can’t necessarily expect we’ll get something passed, but the by-product we’re trying to get is that we’ll get significant improvements in that subject area.”

The Co/ostly Bills That Are Stacking Up In Holyrood

Among 18 members’ bills proposed so far since May, several threaten disruption to the Executive programme and spending plans. They would provide:

1. Free school meals for all. Previously a Tommy Sheridan bill, being re-tabled by Rosie Kane.

1. Free prescriptions for all. The SSP’s Colin Fox is expecting mainstream support for this bill, with health charities seeing leverage to get Executive concessions with more funding for chronic illness drugs.

http://www.sundayherald.com/print/36743
Free milk for every nursery and primary pupil. Proposed by the SNP’s Michael Matheson.

Directly elected health boards. Ministers fear this could put Nimbys in control. It is backed by Labour left-winger Bill Butler.

Civil registered partnerships. Opens a can of conservative worms, which the Executive would prefer in was left in Westminster. Proposed by Patrick Harvie, Green.

A ban on planting genetically-modified crops in Scotland (from the SNP’s Bruce Crawford) or criminal liability for companies which contaminate with GM (Mark Ruskell, Green).

Rights for a wider range of people and groups to challenge planning applications. This is a key business versus greens/communities battleground. It is backed by the SNP’s Sandra White.

Criminal liability of companies for deaths they cause. Sponsored by Labour’s Karen Gillon.

A smoking ban in public places (proposed by the SNP’s Stewart Maxwell).

The right to breast-feed in public (Elaine Smith, Labour).

Licensing of tanning salons (Labour’s Ken MacIntosh even has support from Tommy Sheridan).

Margo MacDonald’s renewed bid to create prostitution tolerance zones.