

SUBMISSION BY
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GENERAL COMMENTS

It is inevitable that politicians will utilise the system within which they operate to their advantage. This has always been the case. The rules, standing orders, and procedures set down at the commencement of the Scottish Parliament in 1999 were based on what was seen as most suitable under the devolved system. They demonstrated the aspirations of the new Parliament and took into account how other legislatures operated, most particularly the United Kingdom Parliament at Westminster.

It was intended to avoid what was considered the "worst " of Westminster and incorporate the spirit of inclusion and co-operation which many hoped would emanate from the new Chamber. These aspirations may have been pitched too high and/or they were too idealistic and did not account for the basic nature of politics which can be rough, brutal and tribal. The system of electing the Parliament was intended to always have the need for coalitions, however this was swept away with the election of first, a single party minority government, then a majority administration. Consequently in the development of the Scottish Parliament, the intended cooperation and inclusion did not materialise, and the hard lines of party divisions took root. As a result of what has evolved over the initial years of Devolution **there is an urgent need** for this Commission to review the checks and balances, increase engagement, and clarify identity.

CHAMBER

The impression conveyed by the way business is conducted and dealt with on a day-to-day basis is that of "nine to five ", or nearer the truth , "two to five" , routine. The only time when the stakes rise, a little, is at First Ministers Questions. It cannot be expected that there is constant friction, scintillating debate, and firebrand speeches, but there is a rather humdrum, downbeat, atmosphere in the Chamber for too much of the time.

The current rules and procedures contribute to this over-relaxed, hide-bound and relaxed approach. It does nothing to make it remotely interesting for the voters at large. Important matters which need intense scrutiny, and sometimes urgently, do not get the attention they deserve.

I consider that it is necessary that changes be made in the way business is conducted in the Chamber to ensure that Members can

debates matters fairly, and have adequate time and scope to hold the executive to account. I would suggest the following changes to improve the conduct of business in the Chamber.

MSP's applauding their party colleagues has become a feature of the proceedings. . The House of Commons does not tolerate clapping. Despite what some Scottish parliamentarians have to say about behaviour in the House of Commons I consider that in this case, as in some others, there is much to learn from procedures there. It stops the flow of discussion and continuity of the debate. Of course the instigators of the applause have their reasons for this tactic, e.g. to bolster a weak response by a colleague; to blunt the attack by opponents; to waste time; reduce opportunity for opponents to make their points. I consider that applauding should not be allowed. There are other ways more acceptable to support speakers which do not consume so much time and disrupt the flow of debate.

First Minister's Questions is always a feisty affair. There are aspects of the session which, in my view, require to be dealt with. Undoubtedly some of the questions from the opposition leaders are a bit lengthy. The replies by the First Minister are invariably too long. Whilst it is important that the First Minister should have his or her say and be able to account for the government, the response should not go out on tangents and end up as a mini -speech. Whilst it would be best if those involved voluntarily kept the questions and answers with agreed limits it may be necessary that a time limit be imposed on each of the speakers. Alternatively the Presiding Officer could be the judge. The best solution would in my opinion be a time limit which if observed by the participants would not require a heavy-handed approach by the Presiding Officer. This also applies to questions put to other members of the Government.

The current Presiding Officer (PO) has more or less eliminated the "congratulatory" and "patsy" questions from members to which everyone knew the answer to be given. However it is necessary that they are not allowed to re-appear.

At present the session on questions to ministers covers a variety of portfolios. This is too general, and there is not the opportunity for Members to pursue an issue with a minister in any depth or meaningful manner. There should be a specific Question Time for each portfolio/department which would be a greater test of policy and issues, be a challenge also to the efficiency of the Minister, and it would be better for the public to understand.

There are times when Ministers answering questions are on their feet and giving the answer before the PO has called them. If Members are unwilling or unable to comply with protocol then they should be reprimanded by the PO.

In urgent situation Members could request a special debate and if necessary parliament could sit outwith normal times e.g. on

a Monday or Friday; debate could extend into evening, beyond 5.00 pm - all subject to acceptance by PO

Urgent Questions may be requested on specific topic – subject to PO

When Ministers are being questioned there should be opportunity for more open questions

COMMITTEES

In my view Committees of the Parliament are a different “beast” from the Chamber. They have a very different function and this should be reflected in how they are conducted and the attitude of Members.

It appears to me that the Committees of the Parliament have not been given their due importance and position in the Scottish Parliament. There may be inbuilt factors which have not allowed them to achieve what they were intended to do. Another view may be that they have been “kept in their place”, and their function deliberately downgraded, for party political purposes.

My understanding is that they scrutinise legislation to ensure that it is robust to be implemented, that weak aspects are exposed and highlighted for amendment by the Government, but that the main thrust as decided by the Chamber is left intact. The committees also can investigate a specific topic and call expert and/or involved people to give evidence. (Presumably they can call expert witnesses in the scrutiny of legislation as well?) The aspect of the committee process which the public has access to is the evidence given by, and questioning of experts.

I have observed the committees on Parliament TV, and attended live sessions. There is a strong tendency for members to use the committee to “grandstand”, to get their pet views on record, and the questioning of the experts seems shallow – they ask questions which have been “answered” in the written submissions and in related papers to the topic under review. Surely they should be “drilling down” in the subject matter and test its relevance to get greater clarity. Party politics should be in the background not in the forefront.

It appears at present that membership of the committees is seen as a necessary chore for Members. Certainly the convenership of a committee should be seen as important, a good “career” move, in which important work can be done. Committee members should be able to challenge even government ministers of their own party, in the interests of ensuring that legislation and policy is robust for the benefit of the Scottish people

As a result of what I have seen and read I wish to suggest the following changes:

Committees are named more succinctly rather than the long convoluted titles they have at present.

Reconsider the number of committees, there appears to be too many at present

Conveners be elected by secret ballot of MSPs

A wider range of experts used. Those who are cited frequently should be supplemented with others from other bodies and institutions, and even from England!

Ad hoc committees set up for topical/urgent/specialist subjects where required

Board members and executives of public companies and public boards could be called as witnesses when required

Conveners should be more involved in directing questioning to get best results for topic under scrutiny

ENGAGEMENT WITH WIDER SOCIETY AND PUBLIC

In my view it is very much up to the Members to create the environment, atmosphere and ambience of the Parliament, both Chamber and Committees, to attract more attention from the general public. It will never be the subject of mass attention, but there is ample scope to draw the interest of more of the population and hopefully engage them in its workings and have them participate in democracy for the good of Scotland.

To achieve this wider engagement change has to take place and I feel that my suggestions above can assist in that vision.

Either the existing set up or a new unit within parliament, independent of the political parties and government, could help promote Parliament further. The profile of proceedings of Parliament, as opposed to the work of the government, could be raised with media outlets, and also likely, interested, civic organisations, which would lead to greater involvement and engagement.

CLARIFICATION OF IDENTITY

As I stated in my opening comments some of the initial aspirations of the Parliament have not been achieved, probably for a number of reasons, not least the Members, but more so the government of the day, using the procedures to achieve their particular objectives.

Changing some of the rules and procedures will help, particularly if they lead to an injection of greater intensity and importance of the matters being discussed and also make it more interesting to watch.

By procedural changes the current balance in favour of the government of the day could be altered to give members in general and particularly the opposition a fairer opportunity to hold the executive to account. Where there is "more to play for" as in the House of Commons, then the public is more likely to pay attention

and take a greater interest. Also the parliament itself is more likely to achieve a higher profile with the public.

14th February 2017