

ANGUS COUNCIL**POLICY AND RESOURCES COMMITTEE****“YOUR VIEWS ON HOW THE SCOTTISH PARLIAMENT SHOULD WORK”****Report by the Chief Executive****ABSTRACT**

This report recommends the content of a response to the consultative paper “Your Views on How the Scottish Parliament Should Work.”

1. RECOMMENDATION

Subject to any views expressed at the meeting, it is recommended that the Committee agree to confirm the contents of the Chief Executive’s submission to the Scottish Office on the consultative paper, “Your Views on How the Scottish Parliament Should Work.”

2. BACKGROUND

In a letter dated 2 April 1998, the Scottish Office sought comments by 31 May 1998 on the above consultative paper (Appendix 1). The Chief Executive and a number of Chief Officers have drafted a response which has been submitted by 31 May 1998 as requested (Appendix 2), on the understanding that its contents had still to receive elected member consideration.

3. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

4. CONSULTATION

The Director of Finance and Director of Law & Administration have been consulted on, and have contributed to the content of this report.

A B Watson
Chief Executive
June 1998



To Consultees on the operation of
the Scottish Parliament (See list at Annex C)

2 April 1998

Dear Consultee,

YOUR VIEWS ON HOW THE SCOTTISH PARLIAMENT SHOULD WORK

An all-party Consultative Steering Group (CSG) on the Scottish Parliament has been established by the Secretary of State for Scotland to take forward consideration of how the Scottish Parliament might operate. It is chaired by Mr Henry McLeish MP, Minister for Devolution, and its members cover the four main political parties, as well as members representing a broad range of Scottish society. Annex A provides some information about the Group.

As part of its remit, the Group has been charged with bringing together views on the operational needs and working methods of the Scottish Parliament. It would like to gather views from throughout Scotland. The Group is keen to hear as wide a range of opinions as possible and it has asked me to write to you to give your organisation the opportunity to submit views. To focus the debate, the Group has prepared the enclosed list of topics to stimulate discussion (Annex B). They are not intended to be exhaustive, nor are you expected to have views on all the issues raised. If you have views on other matters to do with the operation of the Parliament we would be interested in hearing from you.

The Group hopes this paper will promote debate on the operating methods of the Scottish Parliament and has sent the paper to a number of representative organisations. It would be helpful if you could pass copies of this paper to your members, other groups or individuals who you feel would be interested in contributing. A list of those bodies being consulted directly is attached (Annex C).

To ensure that your views can be taken into account, could you please send them to me at the Consultative Steering Group Secretariat, Area 1-F, Victoria Quay, Edinburgh, EH6 6QQ. We intend to make the responses publicly available. If you want your response to be kept confidential, you should make this clear.

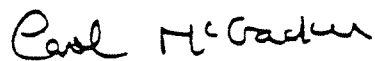
These topics will also appear on the Scottish Office devolution web site where you will be able to find copies of the White Paper, the Bill and other information including background

papers relating to the CSG. The address of the site is www.scottish-devolution.org.uk. The web-site also provides details of how you can submit your responses by electronic mail.

It would be helpful to have responses by 31 May 1998.

The Consultative Steering Group looks forward to hearing from you.

Yours faithfully,



MRS C A McCracken
Secretary to the Consultative Steering Group on the Scottish Parliament



MEMBERSHIP OF ALL PARTY STEERING GROUP ON
SCOTTISH PARLIAMENT ANNOUNCED

The twelve people charged with the task of considering the operational needs and rules for the Scottish Parliament were announced today by Scottish Devolution Minister, Henry McLeish MP.

Mr McLeish, who will chair the all party Consultative Steering Group, also revealed the full remit of the group.

In answer to a Parliamentary Question from Ernie Ross MP, Mr McLeish said:

"My right hon Friend the Secretary of State for Scotland announced on November 14 his intention to establish an all party Consultative Steering Group, to take forward consideration of how the Scottish Parliament might operate.

"I am delighted to report that all the main political parties have agreed to participate in the Group. Their agreement to come together to contribute to the development of ideas at this early stage augers well for the future of the Parliament and the political process in Scotland.

"The Group, which I will chair, will comprise the honourable Members for Orkney and Shetland (Mr Jim Wallace MP) and Banff and Buchan (Mr Alex Salmond MP), or their representatives, representing the Liberal Democrats and the Scottish National Party, Mr Paul Cullen QC, representing the Scottish Conservative party, Mr Keith Geddes CBE from the Convention of Scottish Local Authorities, Canon Kenyon Wright, from the Scottish Constitutional Convention, Professor Alice Brown, from the Department of Politics, University of Edinburgh, Dr Joan Stringer, Principal of Queen Margaret's College, Ms Joyce McMillan, a writer and journalist who chaired the Constitutional Commission, Ms Esther Robertson of the Scottish Constitutional Convention, Mrs Deirdre Hutton, Scottish Consumer Council, Mr Andrew Cubie, a lawyer and former chair of the CBI in Scotland, and Mr Campbell Christie, General Secretary of the STUC.

"These individuals, who cover a wide range of relevant Scottish interests, have been chosen for the personal contributions they can make to the work of the Group. I am confident that this Group will work effectively to develop proposals for how the Scottish Parliament should operate and how it will relate to the Scottish public.

"The Group will be supported by Scottish Office officials who will be able to draw in advice from a number of expert panels in the relevant fields in preparing proposals for further consideration by the Consultative Steering Group. These will include expert panels on Parliamentary procedures, on the scrutiny of financial matters, on how the Parliament might make best use of IT and telematics and on broadcasting and related media arrangements.

The Group will meet for the first time on Monday, January 19, when members will be asked to approve the following draft remit:

"To bring together views on and consider the operational needs and working methods of the Scottish Parliament.

"To develop proposals for the rules of procedure and Standing Orders which the Parliament might be invited to adopt.

"To prepare a report to the Secretary of State for Scotland by the end of 1998, to inform the preparation of draft Standing Orders."

NOTES TO NEWS EDITORS

1. The Secretary of State for Scotland announced on Friday, November 14, 1997 his intention to establish an all-party Consultative Steering Group to take forward the thinking on the operation of the Scottish Parliament.

Contact: Paul Geoghan: 0171 270 6760

News Release: 0056/98

January 13, 1998

YOUR VIEWS ON HOW THE SCOTTISH PARLIAMENT SHOULD WORK

Background

The Consultative Steering Group on the Scottish Parliament has agreed a number of key principles against which the Group will consider issues relating to the operation of the Scottish Parliament. These are:

- the Parliament should embody and reflect the sharing of power between the people of Scotland, the legislators and the Scottish Executive;
- the Executive should be accountable to the Parliament and the Parliament and Executive should be accountable to the people of Scotland;
- the Parliament should be accessible, open responsive, and develop procedures which make possible a participative approach to the consideration of legislation and the scrutiny of policy;
- the Parliament in its operation should recognise, as far as possible, the need to allow equal opportunities for all.

The Consultative Steering Group (CSG) invites you to consider the following questions which arise from these key principles in responding to this consultation exercise. However, your views on any other aspect of the working arrangements of the Parliament would be welcome.

SHARING THE POWER

- How can the Parliament best organise its work to take the views of the public into account, both in its initial organisation and its ongoing work?
- What arrangements should there be for involving civic society, women's groups, people from ethnic minority communities, people with disabilities, business and the general public (taking account of resource implications)?
- How might the Parliament reach those groups not normally involved in the political process?
- What sort of ethos should Parliament develop?
- How might Parliament's ethos be reflected in the Parliament's traditions and ceremonies?

ACCOUNTABILITY

MSPs

- How might MSPs be made accountable to the electorate other than through the election process?
- Should the MSP provide regular feedback to the electorate on the work of the Parliament and what form could this take?
- Should there be a code of conduct for MSPs and if so what should it cover?
- How might equal opportunities be addressed in such a code of conduct?

- What arrangements should be made for the registration of MSPs' interests? Should there be regulation of the process of lobbying of MSPs?

Scottish Executive

- Taking the current Westminster arrangements as a starting point, would you like to see the Scottish Ministers accounting to the Parliament in different ways?

ACCESSIBLE, OPEN, RESPONSIVE

The Design Brief is intended to make the Parliament physically accessible. The culture of the Parliament should also be accessible.

- What steps might the Parliament take to develop an accessible culture?
- How can it make its working practices transparent and understandable?
- How should it ensure that people have information about the Parliament?
- Should there be special arrangements put in place for schools?
- Should there be special arrangements for other sectors of Scottish society?

Committees are an important part of most Parliaments including Westminster - there specific Select Committees investigate the work of particular Government Departments and separate Standing Committees scrutinise legislation. The White Paper said that the Government expected committees to play an important part in carrying out the Scottish Parliament's business.

- What committee structure should the Parliament create?
- Should there be separate select and standing committees or should there be single committees investigating the work of government departments and scrutinising legislation?
- Should there be committees reflecting the structure of The Scottish Office or should they cut across the work of Departments?
- How might equal opportunities issues be addressed in the work of committees?
- How should membership of committees be decided?
- How should committees initiate legislation?
- What role might non-MSPs play in committees?

The Parliament will be responsible for making laws for Scotland on subjects which are within its legislative competence. At present, Bills are not formally scrutinised until they are introduced into the Westminster Parliament (although the policy may have been the subject of a Government consultative paper). CSG believes that proposals for the Scottish parliament legislation should be the subject of consultation, discussion and scrutiny before formal introduction.

- How might such pre-legislative scrutiny be undertaken?
- How might the views of interest groups and the impact of new policies on them be taken into account before and during the legislative process?
- What information should the Parliament take into account when considering proposals (eg financial implications, equal opportunities implications, environmental impact, implications for business)?

- How can the Parliament ensure that legislation is properly considered?
- Should existing legislation be reviewed and if so how? What factors might be taken into account (eg financial implications, equal opportunities implications, environmental impact, implications for business)?

The Parliament should operate as efficiently as possible, and the working practices it adopts should help achieve this:

- Should there be electronic voting?
- How can it make the best use of Information Technology, the Internet, electronic mail?
- What other Best Practice could the Parliament draw on?

EQUAL OPPORTUNITIES

The Scottish Parliament is likely to keep normal business hours and take Scottish school holidays:

- What else should it take into account to ensure that the Parliament is open to all?
- What other practices could be adopted to promote equal opportunities?
- How might the language and other practices of the Parliament be inclusive/non-discriminatory?

ABW/JW 01/01/03

28 May 1998



Mrs C A McCracken
Secretary
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**CHIEF EXECUTIVE'S
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Dear Mrs McCracken

YOUR VIEWS ON HOW THE SCOTTISH PARLIAMENT SHOULD WORK

I refer to your letter of 2 April 1998 and am pleased to enclose a response from Angus Council to the above consultative document.

I would stress that at this stage the paper is an officer paper and has still to receive elected member consideration.

I will be back in touch with you at a later date should members require any alterations to the submission.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A B Watson'.

A B Watson
Chief Executive

YOUR VIEWS ON HOW THE SCOTTISH PARLIAMENT SHOULD WORK

SHARING THE POWER

The Council strongly supports the key principle agreed by the Consultative Steering Group on the Scottish Parliament that the parliament should embody and reflect the sharing of power between the people of Scotland, the legislators and the Scottish Executive and would wish to support parliament organising itself to take the views of the public into account.

It is, however, considered somewhat strange that local government is not mentioned in terms of this power sharing, particularly given the current emphasis on the local government role of community leadership. The current move to modernise democratic processes includes proposals to re-establish local government as the pre-eminent focus for servicing its community, not only in relation to local government functions but also with an overall responsibility relating to the co-ordination of other important public services such as health, welfare, enterprise development, transportation infrastructure etc. and in providing a leadership role for its community. It is therefore considered essential that the organisation of the parliament should include a right for local government to be heard in relation, not only to local government functions, but also to this wider role.

It is considered important that the new parliament should be clear from the outset on the role of local government in this new partnership. Parliament should share with local government the role of policy development and the structures which are put in place should reflect the role and responsibility of local government in the overall system of governance of the country.

With regard to the actual organisation of the work of parliament and arrangements for involving different interest groups, it is suggested that a two-stage process would be appropriate:

- The opportunity for stakeholders to be involved in pre-legislative discussions - possibly by means of the issue of "green papers" setting out preliminary views and options on which the widest possible consultation could be held.
- It is suggested that, to take account of the proper role and responsibility of local government, this pre-legislative consultation should involve a public meeting involving local Councillors and MSPs. Each Council could set up a Consultative Committee which would be responsible for liaison with MSPs. This Council would suggest that an appropriate procedure for public consultation on pre-legislative issues would be that no Bill should be discussed in parliament until MSPs have met with their Local Government Consultative Committee in a public meeting to which all affected groups are invited, to discuss the issues covered in the Bill.
- The right of individuals/organisations to be heard on proposed legislation which would directly affect them.

In seeking to put in place arrangements for involving the list of interested bodies detailed in the second bullet point, it is essential that the rural voice should also be taken into account.

Consideration must also be given to the role of quangos in the new parliament. Is it intended that quangos should be democratised by being directly elected? An alternative would be for quangos to be comprised of a majority of MSPs and Councillors, who would have the power to co-opt a small number of other "experts".

ACCOUNTABILITY

The type of Local Government Consultative Committee referred to above, where MSPs meet with local Councillors in a public forum to find out the local views on issues covered in proposed legislation and to report back on the work of parliament, would provide an accountability to the electorate.

The code of conduct for MSPs should be based on the New Ethical Framework document recently produced by the Scottish Office for local government. It is not considered that local Councillors should be subject to a more stringent code of conduct than MSPs. With regard to registration of interests, again the views of the Nolan Committee, the New Ethical Framework document and the work of the Parliamentary Commissioner for Standards should be taken into account.

THE OPERATION OF THE COMMITTEE STRUCTURE IN THE NEW PARLIAMENT

Scotland needs the new parliament to deliver effective democracy.

The Parliament's committee system will be an important part in the delivery of effective democracy. It is important to challenge the structure and process of the Westminster parliamentary committee system as there are reservations that the traditional parliamentary committee structure is an effective way of doing business. Whilst the Council do not feel qualified to comment on the detailed mechanisms which should be put in place to investigate the work of particular government departments or scrutinise legislation, it does feel that it can offer the following helpful advice.

Firstly, the Committee system should be based on a partnership approach with the community embracing the ethos of shared policy development and shared scrutiny.

Secondly, it is important that Committee should operate in an environment which encourages topics to be looked at in an integrated way rather than reflecting the structure of the Scottish Office. There is certainly a case to be put for the Scottish Office examining itself with a view to becoming more corporate in its dealings.

Thirdly, it is important that Parliamentary Committees should ensure that there is a commitment to mainstreaming equal opportunities in respect of their work.

Lastly, membership of Committees should of course be based on party representation in the Parliament. However Committees sitting on specific issues should also have regard to such matters as geographic balance.

The role which Committees play in the initiation of legislation is likely to be crucial to the success of the Parliament. Certainly it is the Council's belief that shared innovation in democratic practice will help to convince the people that the Parliament can make a difference. Accordingly it is suggested that a number of options might be explored including:

- The Committees working in an inclusive way - for example local government membership of such committees.
- Pre-legislative hearings which could give interest parties the right to give evidence and thus help to develop a partnership approach to the invitation of legislation.

Similarly it is felt that there may be a role for expert advisers in committee work and there should certainly be a facility built into the system to allow the co-option of experts into relevant Committees.

It is important that whatever mechanisms are agreed at the outset regarding the structure and operation of Committees these should be subject to a review procedure. The Committee system must build in sufficient flexibility to monitor progress and adjust as necessary.

ACCESSIBLE, OPEN, RESPONSIVE

The legislative process of the Westminster Parliament is to a very large extent a mystery to anybody but the most well-informed. There is much to be said in favour of both streamlining the legislative process and attempting to inform the general public of the various procedures.

- The Scotland Bill provides for a single chamber parliament and gives the opportunity to the parliament to delegate much of its work to committees. The difficulty with delegating to a number of committees is that a certain degree of public scrutiny is lost and it may be helpful to increase the level of notice with regard to publication of meetings to ensure that interested members of the public are fully aware of the business being dealt with by the various committees.
- Further consideration should also be given to ensuring that wider availability of White Papers, Bills, and Acts of Parliament is achieved. At present any interested member of the public requires to pay a fee in order to obtain copies of this country's Acts of Parliament. The Council questions whether this is appropriate and in this modern age of technology suggests that all statutes of the Scottish Parliament should be freely available on a widely accessible computerised databank.
- One further point in connection with the legislative process and one which it is felt is widely held by members of the public, is the perceived influence of lobbyists. It is extremely difficult to weight the level of lobbying on certain issues but pressurised lobbying obviously does have a strong impact on government policy, e.g. the road hauliers' influence on motorway construction and the resultant reduction of subsidy to railways; the tobacco industry's lobby in direct conflict with health issues; and the breweries' lobby to extend significantly the drinking hours and availability of alcohol. For the Scottish Parliament to be successful in representing the views of the Scottish people it must in some way guard against being perceived as open to undue influence from lobbyists with a vested interest.
- Much has been made of the role being given to civic organisations e.g. trade unions, churches and voluntary organisations which are expectant of being granted an influential position. However, the exact framework of meeting with those institutions requires to be set by Parliament itself and the role which the civic organisations play will depend very much on the framework of the procedures laid down by the new Parliament.

- Many of the procedures of the new Parliament have been left to the new Parliament to establish. However, the Steering Committee may set the framework for consultation. Local authorities have wide knowledge of the actual workings of Standing Orders and the benefits which good Standing Orders can bring to fluid debate and discussion at meetings and it is hoped that this experience will be welcomed by the Steering Committee.
- **Increase in Citizen Involvement** - local government initiatives such as decentralisation, best value etc. are increasingly involving the citizen and customer by means of such mechanisms as area forums, citizens juries, local committees etc. The further development of ways in which citizens and customers can become increasingly involved in policy formulation and consultation on Scottish-wide issues would stimulate interest in the democratic process, both nationally and locally.
- **Better Civic Education** - many emerging democracies, which do not have a history of democratic elections, undertake a process of civic education. It has been assumed that this is not necessary in the United Kingdom but in fact many electors here do not understand the voting process. Better civic education would assist the electorate to understand the election system and hopefully increase voter turnout. Given a new democratic body in Scotland, it would be appropriate for the Scottish Parliament to take the opportunity to lead a programme of civic education on constitutional/democratic issues, through enlisting the various forms of media available.

EQUAL OPPORTUNITIES

The intention that the Scottish Parliament will keep normal business hours and take Scottish school holidays may open up membership of the Parliament. It would cause problems of access for people in employment.

In respect of equal opportunities issues there requires to be detailed consultation with the Equal Opportunities Commission, the Commission for Racial Equality, Disability Scotland the representatives of minority groups. It is these representatives who are best placed to highlight how the Parliament can be accessible to all those which they represent. The principles of equality of opportunity should underpin all aspects of the work of the Parliament.

Access to Information

All citizens should have access to information regarding all appropriate aspects of the work of the Parliament. They should be provided with information on the structure, processes and policies developed through the widest range of media including terrestrial television access to Parliamentary debates.

Access to Facilities

In order to enable all citizens to attend meetings, it is important that all the parliamentary facilities from the outset allow access to those with a disability.

Education on Parliamentary Processes

As part of the school curriculum, children should be educated on the parliamentary structure and processes. Prior to and following the opening of the first parliament, such education could be made available to citizens through adult education programmes. This should encourage citizens to take an interest in the Parliament.

Policy Making

All policy documents should be published, and where appropriate translated into languages other than English. Citizens should be able to present questions and views to the Parliament. Attention should be given to possible mechanisms which would allow citizens to present questions and trigger a parliamentary debate. There

should be consultation with the groups affected by any policies which are being developed, and an up to date database of such groups should be retained. There should be an evaluation of all consultation processes on policies to ensure the involvement of citizens.

Legislation

The most fundamental issue that requires consideration with regard to the promotion of equal opportunities is in relation to legislation and policy making. The Scottish Parliament will require to operate within the framework of European Legislation on gender, race and disability.

Any arrangements agreed should not dilute the commitment to mainstreaming equal opportunities implications for the formulation of legislation and policy should be kept at the foremost of the minds of all members of the Scottish Parliament.

Relationship with Other Bodies

Consideration also requires to be given to the relationship between the Scottish Parliament and those institutions which currently promote equality of opportunity i.e. the Commission for Racial Equality, the Equal Opportunities Commission and Disability Scotland. These bodies should be established as independent Scottish organisations though retaining links with their English and Welsh counterparts, with powers to promote equal opportunities issues and to monitor progress.

Languages and Other Practices

Consideration should be given in appropriate circumstances to the use of translators in the languages of ethnic minority groups. Translation facilities should be made available with key documents translated into languages of ethnic minority groups and into Braille for accessing by citizens.

Conclusion

Equal opportunity issues should be mainstreamed into the work of the Scottish Parliament. Effort should be made to ensure that all the citizens of Scotland regardless of gender, race, or disability have ready access to the facilities of the Scottish Parliament, information on the Scottish Parliament, input into legislative and policy formulation and an ownership of the parliamentary processes. To ensure this there should be full consultation with representative groups throughout Scotland who can identify specific mechanisms for ensuring that the approach taken by the Scottish Parliament is an inclusive one.

ABW.Misc.How Scottish Parliament Should Work

