



The Scottish Parliament
Pàrlamaid na h-Alba

Conveners Group

Agenda

2nd Meeting, 2022 (Session 6) Wednesday 23 February 2022

The group will meet at 12.30pm in Committee Room 2.

1. Minutes
 - a. Matters arising – gender balance on committees
2. Post-EU devolution issues (oral update)
3. Committee substitutes

Next meeting – Wednesday 2 March (Session with the First Minister)

The papers for this meeting are as follows –

- | | | |
|----|-------------------------------------|--------------|
| 1. | Minutes of last meeting | CG/S6/22/2/M |
| 2. | Committee substitutes | CG/S6/22/2/1 |
| 3. | Committee debates (for information) | CG/S6/22/2/2 |

Contact details for the clerk

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The Scottish Parliament
Pàrlamaid na h-Alba

Conveners group

Minutes

1st Meeting, 2022 (Session 6) Wednesday 26 January 2022

Present:

Liam McArthur MSP, Convener

Clare Adamson MSP, Constitution, Europe, External Affairs and Culture Committee

Claire Baker MSP, Economy and Fair Work Committee

Siobhan Brown MSP, COVID-19 Recovery Committee (virtual)

Ariane Burgess MSP, Local Government, Housing & Planning Committee

Jackson Carlaw MSP, Citizen Participation and Public Petitions Committee

Finlay Carson MSP, Rural Affairs, Islands and Natural Environment Committee

Richard Leonard MSP, Public Audit Committee (virtual)

Dean Lockhart MSP, Net Zero, Energy and Transport Committee

Gillian Martin MSP, Health, Social Care and Sport Committee

Stuart McMillan MSP, Delegated Powers and Law Reform Committee

Audrey Nicoll MSP, Criminal Justice Committee (virtual)

Martin Whitfield MSP, Standards and Procedures and Public Appointments Committee (virtual)

- 1. Committee business:** The Conveners Group agreed the minutes of the last meeting. The Group also agreed to return to the issue of gender balance on Committees on a regular basis in order to monitor progress being made in addressing this issue.
- 2. Diversity, inclusion and participation (presentation from Participation and Communities Team):** The Group received a presentation from the head of the Participation and Communities Team (PACT) on the ongoing and future public engagement work. Further work in this area will be brought forward to a future meeting.
- 3. Post-legislative scrutiny:** The Group noted a clerk's paper on post legislative scrutiny and endorsed the new approach. An update will be provided at a future meeting.

4. Work programme: The Group noted the following:

- The arrangements for the re-arranged meeting with the First Minister that will take place on 2 March.
- The Group's role in cross-cutting matters such as EU issues, net zero and the National Care Service Bill. Future proposals in these areas will be brought forward to future meetings.
- The schedule of future committee debates.

It was agreed that Conveners should be encouraged to bring forward issues of interest to the Group. In order to facilitate an informed discussion, advance notice of any issues should be provided in advance as far as possible.

Date of Next Meeting: 23 February 2022

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Conveners Group

2nd Meeting, 2022 (Session 6), Wednesday 23 February 2022

Committee substitutes

Purpose of paper

1. The purpose of this paper is to invite Conveners to consider the temporary relaxation of the committee substitutes rule which has been in place during the pandemic. This temporary provision allows for more flexibility in the participation of committee substitutes at meetings.

Background

2. The rules governing committee substitutes provide that a political party represented by 2 or more Members on a committee is entitled to nominate a Member of that party to be a substitute. In addition—

- a member may only be a substitute on a maximum of two committees
- a party may have only one substitute per committee
- substitutes have all the rights and privileges that a member has (attend and participate in public and private proceedings, vote).

3. The rule is drafted in this relatively restrictive way to preserve consistency of membership of committees to enable committee members to build up expertise in the subject area of the committee.

4. While Members are expected to attend all committee meetings as far as possible, it is also recognised that there will be times that committee members will be unavailable to attend particular committee meetings. Allowing nominated substitutes to attend on behalf of committee members helps to maintain this consistency of membership as well as ensuring party balance is preserved.

Temporary variation of the rules

5. The rules were varied at the beginning of the pandemic to allow them to be applied more flexibly, allowing any Member of a party to attend a meeting in the event that a committee Member and the substitute became unavailable. This ensured that the number of Members who can participate in a meeting for a party accorded with the number Members of that party on a particular committee.

6. This provision was made in response to the likelihood that there would be some instances where Members would at short notice become unable to attend committee meetings, for example, through the need to self-isolate.

7. The temporary relaxation of the rule elapsed at the end of Session 5. It was reinstated prior to Christmas up until 11 February 2022 in response to the Omicron

variant. The Parliament, on the recommendation of the Bureau, has recently agreed to extend this temporary relaxation of the rules until Easter recess.

8. Looking ahead, the Parliament will need to consider whether it wishes the temporary changes to be made permanent or whether they should revert to how things operated pre-pandemic.

9. This is a matter for the Standards, Procedures and Public Appointments Committee but clearly Conveners, as well as Business Managers, have an interest in this matter.

Next steps

10. There does not appear to have been any detrimental impact to the principle of consistency of membership following this temporary relaxation of the rule. On the rare occasions where it was used, the attendance of an alternative member did not appear to have created any particular issues.

11. In practice, the rule was rarely used as committee members generally attended all committee meetings as normal, or the named substitute attended in their place. Meeting in virtual format made it easier for members to attend all meetings, particularly as those self-isolating could still attend.

12. The exception to this was the DPLRC which met in person to allow it to continue to meet during the early days of the pandemic. As this is a small committee, achieving a quorum could be an issue and so on some occasions having this flexibility avoided the committee meeting becoming inquorate.

13. Going forward, it is anticipated that committees will have more in person meetings and so Conveners may consider that maintaining this flexibility on a more permanent basis would be a helpful provision.

14. As noted, experience has shown that the principle of consistency of membership continued to apply as it did pre-pandemic with committee members (or named substitutes as necessary) attending meetings as a matter of course. This relaxation of the rules therefore appears to have provided the necessary flexibility but only as a backup.

15. Given that it appears that no issues have arisen as a consequence of the temporary relaxation of the rules, the Conveners Group may wish to consider seeking a revision to the rules to allow for this flexibility to be retained.

16. Such an approach would involve a rule change which would require a referral to the SPPA Committee.

Recommendation

17. Conveners are invited to share their views and experiences of this relaxation of the rules and to consider whether the Group should seek a revision to the rules to retain this current temporary relaxation of the Committee substitution rules on a more permanent basis.

**Clerk to the Conveners Group
February 2022**

Coanveners Group

2nd Meeting, 2022 (Session 6), Wednesday 23 February 2022

Committee debates

1. The table below shows the allocation of committee debates up until the end of the Parliamentary year on 12 May.
2. Requests have now been received to fill the 12 chamber slots allocated for committee debates throughout the year.
3. Members are invited to note the information set out in the table.

	Date	Committee	Title	Official Report
1	Thursday 2 December	COVID-19 Recovery	Covid-19: Preparing for Winter and Priorities for Recovery	Official report
2	Thursday 16 December	Standards, Procedures and Public Appointments	Shaping parliamentary procedures and practices for the future	Official report
3	Tuesday 18 January	Local Government, Housing and Planning	Retrofitting of properties for net-zero	Official report
4	Tuesday 22nd February	Delegated Powers and Law Reform	Debate on the Delegated Powers and Law Reform Committee's inquiry into the use of the made affirmative procedure during the coronavirus pandemic	
5	Thursday 24 February	Net Zero, Energy and Transport	The road to COP27 and beyond: Tackling the climate emergency in the aftermath of COP26	
6	Wednesday 2 March	Constitution, Europe, External Affairs and Culture Committee	Internal market inquiry	
7	Tuesday 15 March	Equalities, Human Rights and Civil Justice	Ending conversion practices	
8	Tuesday 29th March	Health, Social Care and Sport	Perinatal mental health	
9	Tuesday 19 April	Local Government, Housing and Planning	National Planning Framework	

Still to be allocated a date				
10	Requested - March/early April	Constitution, Europe, External Affairs and Culture Committee	Inquiry into the Scottish Government's international work	
11	Requested – Late April/early May	Health, Social Care and Sport	Inquiry into Health and Wellbeing of Children and Young People	
12	Requested April/May	Three committees - Justice, Health and Social Justice	Reducing Scotland's drugs deaths and drugs harm – joint committee debate	

**Conveners Group Clerking Team
February 2022**