The Association for Scottish Public Affairs (ASPA) is the representative body for the public affairs sector in Scotland. It was established in 1998 by public affairs and policy practitioners in Scotland. It has 54 members, and has a diverse membership, drawn from businesses, charities, consultancies, membership organisations, and trade associations.

Question 1: What do you understand the role of CPGs in the Scottish Parliament to be?

CPGs play an important role in the work of the Scottish Parliament by helping MSPs to gather information and learn about policy issues, offering MSPs the opportunity to engage directly with the public and policy community, raises the profile of the Parliament as an institution which is genuinely accessible. The volume and nature of Committee business limits their capacity as a route to engage with the Parliament and MSPs. CPGs provide an important forum for MSPs and the policy community to meet and debate which is not easily replicated outside of the Parliament.

Question 2: What benefits does the existence of CPGs bring to non-MSPs in terms of engagement with MSPs and the work of the Scottish Parliament?

CPGs provide the policy community with a structure to engage with and inform MSPs that is now established but sufficiently flexible to adapt to different requirements. Non-MSPs who participate in CPGs get first-hand experience and understanding of how Parliament works, policy is developed and Parliamentary business is taken forward. They are then able to explain to colleagues, service-users, friends and family how and why the Scottish Parliament makes a difference to life in Scotland. Non-MSPs who attend CPGs are active stakeholders in the Parliament and can develop a strong sense of shared ownership in and responsibility for the Parliament. Participation in CPGs also develops in and illustrates the potential of the Parliament and its Members to deliver change.

Question 3: Do you consider that the Code could be clearer on the process for establishing and registering a Cross-Party Group? If so, please provide comments as to any specific elements of the process that, in your experience, could be improved.

The process is clear and does not appear to impede the establishing of groups.
Question 4: The Code of Conduct requires that a Group’s overall membership profile must be “parliamentary in character”. What do you understand the term “parliamentary in character” to mean in the context of Cross-Party Groups and is the minimum requirement of 5 MSP members sufficient to meet this requirement?

It is important for CPGs to be parliamentary in character. ASPA understand this to mean that the overall membership profile includes MSPs, their staff, Parliamentary staff from departments such as SPICe. Previous CPGs have also included members who were MPs or Peers and the participation by members from other Parliaments is welcome. The minimum requirement of 5 MSP members is sufficient, but the small number of MSPs from the Scottish Liberal Democrats and Scottish Greens means it is unreasonable to expect that MSPs from those parties can take part in all CPGs. A minimum of 5 MSP members from at least 3 different parties would be a sufficient requirement. Some past CPGs had in excess of 150 members with few meetings and little credibility as a result. Attendance at a CPG meeting should not be confused with membership and office bearers should take responsibility for establishing whether or not attendees wish to become members.

Question 5: When applying for recognition, CPG conveners must submit two forms, one of which must be submitted in hard copy. Would it benefit CPGs if the forms were combined and electronic submission was accepted for this single form?

The submission of two forms does not seem onerous or unreasonable, but ASPA has no objection to the introduction of a single form.

Question 6: CPGs are required to register any financial or material support received from a single source in a calendar year which has a total value of more than £500. This £500 threshold is close to the threshold above which individual MSPs are required to register gifts in their Register of Interests. Do you consider that the £500 threshold is appropriate and should be retained?

A threshold in line with MSPs obligations under the code of conduct is reasonable.

Question 7: The Rules on All-Party Groups at Westminster require that, where secretariat services are provided by a consultancy or by a charity/not-for-profit organisation, the relevant organisation must agree to make certain information available on request. The information for a consultancy firm is its full client list and for a charity/not-for-profit organisation is a list of any commercial company which has made a donation or donations of more than £5,000 in the twelve months prior to the request being made. Should a similar requirement be introduced for CPGs?

The ASPA code of conduct requires members to state the interest or interests they represent when in contact with members of the Scottish Parliament, their staff or officials of Parliament. This applies to all members whether consultants, charities, NGOs, public bodies or private companies.
Details of directly-relevant interests should be declared to the office bearers of a CPG when any person not employed in or by the Scottish Parliament provides secretariat services.

Consultancies should state any direct client interests they have in a CPG where a consultant provides secretariat services, but ASPA does not believe there is any grounds to compel them to provide a full client list, as consultants also have a duty of confidentiality to their clients and a right of commercial confidentiality. The requirement for a charity/not for profit organisation is reasonable.

The Scottish Parliament and its Members have a responsibility to the secretariat when handling this commercial or financial information, and ASPA believes the information provided should not be made public. The Committee may wish to consider how this information is held and under what circumstances it may be accessed in order to strike the right balance between genuine public interest and commercial or financial confidentiality.

**Question 8:** Following a general election, CPGs have 90 days within which they can re-register, provided that there is no significant change to the information registered in the previous Session. Due to the changes in MSPs that arise following an election, the process that must be followed for re-registration is largely similar to that for the initial registration of a Group. The Parliamentary timetable also means that the re-registration period carries into the summer recess, during which the election of office bearers cannot be carried out, meaning that CPGs wishing to re-register must arrange and hold their first meetings before the start of the recess.

What are your views on whether—

- the re-registration provision should be retained, and if so
- the re-registration period should exclude days when the Parliament is in recess?

The re-registration provision should be retained and the period should exclude days when the Parliament is in recess.

**Question 9:** The Code states that “to maintain and guarantee the Parliamentary nature of CPG meetings, at least 2 MSP members of a Group must be present at every meeting”. Is the 2 MSP quorum sufficient to ensure the Parliamentary nature of CPG meetings? Should there be a requirement that the MSPs present should represent more than one of the political parties represented on the Group?

In line with our answer to Question 4, a quorum of 3 MSPs is reasonable as is a requirement that they represent more than one of the parties, or are Independent MSPs.

**Question 10:** Should CPGs be required to hold a minimum number of meetings per year? If so, what should the minimum number be?
Yes – CPGs should meet at least four times in a Parliamentary year. However, it would not be necessary to require CPGs to meet every term in the year.

Question 11: All Groups are required to hold an annual general meeting and to elect office bearers every twelve months. As Groups must elect office bearers for the purpose of both initial registration and re-registration, do you consider that there would be any benefits to introducing a single date by which all Groups must hold their AGM? For example, if the Parliament’s first meeting of a Session was on 11 May, would the 11 May in each successive year be a suitable date by which an AGM must be held?

Yes, a single date would be beneficial.

Question 12: The Code currently provides that there are limitations on the use of Parliamentary resources to support CPG meetings. What are your views on these limitations? (Note: this does not apply to CPG events which are subject to the same terms and conditions as any other MSP-sponsored event held under the SPCB events policy.)

These limitations are reasonable. However, there is an enormous variation in the level of information provided on CPGs’ web pages on the Parliament site. The promotion of a central resource to post information provided by CPGs would be useful in order to ensure that all CPG secretariats are aware of this service and their responsibilities (see answer to Question 14).

Question 13: The Convener of a Group is held primarily responsible for ensuring that the Group operates in compliance with the Code of Conduct and has to sign a declaration to that effect. Do you have any views on whether this should continue or if the provisions should be changed to extend the responsibility to all MSP office bearers of a Group?

Some previous CPGs appointed co-convener and this would be a sensible option to share responsibility and maintain balance in Groups. It is reasonable for the above responsibility to be extended to all MSP office bearers.

Question 14: Groups are required to provide an annual report (submitted within 30 days of their AGM) which includes current membership and membership changes, a financial statement, the number of meetings held and any additional information that the Group wishes to provide. Should Groups be required to include additional information, such as the topics discussed at each meeting, number of MSP and non-MSP attendees and details of any reports or papers published by the Group?

Yes – CPG secretariats should provide a minute of each meeting within 30 days of the meeting that is published on that CPG’s page of the Parliament website. The minute should cover the information proposed in your question. It would be helpful for the Parliament to set a minimum requirement for the level of information to be displayed as there is currently an enormous variation between CPGs.
Question 15: At present, the SPPA Committee has not delegated to the Standards clerks any role in ensuring that CPGs are aware of and comply with the key rules relating to the administration of CPGs. What are your views on whether it would be of assistance to CPGs if the Standards clerks were to perform such a role in relation to matters such as the notification of CPG meetings, updates to registration details and deadlines for submission of documentation?

This would be of assistance. CPGs should be responsible for their meetings, minutes and annual returns but guidance from the clerking team would be useful.

Question 16: Do you have any other comments on the operation of the CPG system in the Scottish Parliament?

Clerks should also provide clarity and guidance on the regulation and operation of CPGs. There have been cases when CPGs in previous Parliaments have been accused of preventing public access to their meetings. There should be a mechanism for complaints to be made regarding the administration of CPGs. Complaints could be lodged with the Standards Procedures and Public Appointments Committee clerks for consideration and adjudication by the Committee Convener and Deputy Convener, with the capacity to refer a complaint to the Committee where appropriate for example on a major issue relevant to all CPGs.

Admission to the Parliament in order to attend CPGs remains a poor introduction to those visiting Parliament. The number of CPGS and visitors attending them surely means that a process can be developed to improve their entry to the building and relevant meeting room so that it is more efficient for visitors and Parliamentary staff. Many meetings are delayed by the system required to escort visitors to meeting rooms and there can be problems admitting late arrivals.

There is a lack of transparency in the notification of some CPG meetings. They are not always advertised in advance on the relevant pages of the Parliament website. The recent changes to the calendar of events on the Parliament website significantly restrict the amount of information publicly available and that is no longer a reliable source to check for CPG meeting details. There has been no explanation or obvious reason given for this reduction in the Parliament's public information which conflicts with Parliament's value of transparency. The calendar of events should be reinstated to its previous format.

ASPA
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