Thank you for inviting the Committee on Standards and Privileges to contribute its view to the Standards, Procedures and Public Appointments Committee’s review of Cross-Party Groups in the Scottish Parliament. The Committee on Standards and Privileges considered your call for views paper at its meeting today and agreed that I should respond to you.

The Northern Ireland Assembly has in place arrangements to allow its Members to establish All-Party Groups (APGs). I understand that APGs are broadly equivalent to Cross-Party Groups. The purpose of APGs is to provide a forum for MLAs from different parties to meet in order to consider and discuss shared interests in particular subjects. APGs are not, however, formal Assembly groups. They do not have any of the powers of an Assembly Committee (e.g. they cannot summon witnesses to attend meetings or to provide documentation), nor do they have any formal role in policy development or the passage of a bill. The views of an APG are not recognised by the Assembly in the way that business conducted through Committees or through plenary is recognised. Any views expressed by an APG are therefore simply the collective views of the members of the group.

The rules on APGs were reviewed by the Committee on Standards and Privileges during the previous mandate. Further to this review the Committee agreed to amend the rules. The revised rules were set out in a Committee report which was published on 10 June 2010 and which covered the following areas: membership of APGs; establishment of APGs; the Register of APGs, the operation of APGs, the services and resources provided to APGs, and duties to comply. As these issues are raised in your call for views paper I have enclosed for your information a copy of the Committee’s report and the most recent update to rules on APGs.

The Committee has noted that a significant difference between the rules for APGs at the Assembly and the rules for Cross-Party Groups at the Scottish Parliament is in the issue of whether non-Members (i.e. those who aren’t MLAs or MSPs) can join the respective groups. Prior to the introduction of the amended rules in June 2010 membership of APGs at the Northern Ireland Assembly was also open to outside individuals and organisations. Since the introduction of the new rules, however, membership of APGs has been limited to MLAs. The Committee’s report said the following (paragraphs 12 to 15) on why it was ceasing to allow non-MLAs to be members of APGs:

“The Committee recognises the benefits that engagement with outside organisations and individuals can deliver. For these reasons, the
Committee has agreed that it is right that groups can choose to be supported by outside individuals and organisations who may wish to organise, attend and participate in meetings. Furthermore, outside individuals and organisations can advise and support groups through the provision of permanent secretarial support and even the provision of financial support or other material benefits, provided of course that this is entirely transparent and properly registered.

However, allowing for all of this does not make the case for why outside organisations and individuals should be able to become formal members of such groups. There are two principal reasons why the Committee believes that outside organisations and individuals should not be able to become members. Firstly, it is the Committee’s view that while outside individuals and organisations can be members of an All-Party Group the possibility remains that an All-Party Group could reach a decision or view that does not reflect the views of the majority of MLA members. The Committee considers that should this situation arise it would undermine the legitimacy of an All-Party Group.

Secondly, while it is possible to have policies and mechanisms to ensure that MLAs on All-Party Groups do not seek to use the All-Party Group to advocate or initiate a cause on behalf of any person in return for a payment or benefit (i.e. through the Advocacy Rule), it is not possible to implement these policies and mechanisms in respect of outside organisations and individuals on All-Party Groups. It is the Committee’s view that the legitimacy of All-Party Groups would be seriously undermined if an outside organisation or individual member sought to advocate or initiate a cause in order to secure a personal benefit.

Preventing outside organisations and individuals from becoming members of All-Party Groups would not have the effect of limiting their ability to continue their ongoing engagement with these groups. Nor would it appear to impact upon the membership of any existing All-Party Group at the Assembly. However, it would give the Committee greater confidence that All-Party Groups could not be used by outside parties in a way that would be either inappropriate or undemocratic. In addition it would remove a source of unnecessary confusion. The Committee has therefore agreed that there is no longer a need to have distinct All-Party Groups and All-Party Assembly Groups; that from now on all existing and future groups should be known as All-Party Groups; and that their membership shall only be open to Members of the Assembly.”

I can confirm that the introduction of the policy of only allowing membership of APGs to be open to MLAs has had no adverse impact - APGs continue to operate effectively and the Committee has greater confidence that APGs cannot be used by outside parties in a way that would be either inappropriate or undemocratic.

I hope this information is useful to your committee as it carries out its review. If you require any clarification or any further information on the position at the
Northern Ireland Assembly please contact the clerk to the Committee on Standards and Privileges.

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