CONSULTATION QUESTIONS

General

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

Answer 1: CPGs are (dynamic and interactive) links between the Parliament and the people it serves.

Although Paragraph 6.1.1 of the Code of Conduct for MSPs - Volume 3 gives a broad description of CPGs as ‘essentially discussion groups’, to avoid their simply being talking shops they need to have clear objectives (with related outcomes) in order to be of any use.

As CPGs are ‘formed by MSPs for MSPs’ and one of the main roles of MSPs being to represent their constituents, CPGs, represent a segment of the public with an interest in a particular issue. This is an opportunity MSPs to directly interact with the public (in needs assessment for instance) and to gain factual (hopefully unbiased) information from experts.

CPGs enable MSPs to learn what is really happening at ‘ground level’, allowing ideas from people working at ‘ground level’ to reach MSPs and potentially affect Government legislation and policy.

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?

Answer 2: CPGs give non-MSPs access to MSPs (other than those in their constituencies) who have common interest and who can advise and take issues directly to the Scottish Government (at General Question Times, for instance)

Registration of Cross-Party Groups

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.
Answer 3: The registration process seems clear enough – but it would be good practice to make all registration details (such as purpose of the group and other information) available to all CPG members and, if possible, publish them on the CPG’s Parliament website page. This would help focus the work of the group and would make the process clearer for non-MSP members.

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?

Answer 4: “Parliamentary in character” to me means to have a Parliamentary focus, for instance, supporting the Parliament’s Government’s scrutiny role or avoiding direct support and lobbying to benefit private organisations. CPGs are also parliamentary in character as they have MSPs as intermediaries between the public and the Government.

The minimum requirement of 5 MSP members is sufficient but, in reality, the number of MSPs would not readily matter (as long as they are truly cross-party) as it is the focus on the CPG ‘parliamentary character’ I mentioned above that is important.

On a practical level, a minimum of 5 MSP members are more likely to guarantee the minimum MSP quorum to allow meetings to go ahead, it makes it possible for CPGs to have the benefit of a wider range of MSP experience, is a good number to provide a more effective mechanism of shared responsibility (eg making sure that the parliamentary character of the group is adhered to, for instance). A greater minimum number of MSPs would make the creation of CPGs more difficult.

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?

Answer 5: Definitely yes, it would benefit CPGs if forms were combined and submitted electronically.

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?

Answer 6: Yes, and this should always be kept at the same level as those for MSP disclosure (as CPGs are parliamentary in character and “are formed by MSPs for MSPs”)
**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?

**Answer 7:** Yes, for the sake of transparency and to maintain the integrity of CPGs.

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

**Answer 8:**
1. It should not be necessary to follow the process of initial registration when re-registering a CPG. If there is no significant change to the information, all that should be required would be notifying the clerks if MSPs have to leave the CPG when they are not re-elected. In the unlikely case that all MSP members are not re-elected, a CPG could continue to exist (in dormancy) until the required number of MSPs were found and normal protocol resumes. Office bearers can be elected at the first meeting. If re-registration cannot be done within the 90-day period, then the CPG would cease to exist.
2. The re-registration process should exclude days when the Parliament is in recess. The 90 days should be 90 (Parliament)-working days.

**Operation of Cross-Party Groups**

**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”.

1. Is the 2 MSP quorum sufficient to ensure the Parliamentary nature of CPG meetings?
2. Should there be a requirement that the MSPs present should represent more than one of the political parties represented on the Group?

**Answer 9:**

1. The 2 MSP quorum is sufficient to ensure the Parliament nature of CPG meetings for the reasons I’ve given answering ‘Question 4’ above as long as the 2 MSPs present represent more than one political party (this will also keep the cross party nature of the group)

2. Yes, there should be a requirement that the MSPs present should represent more than one of the political parties represented on the Group for the reasons I’ve already mentioned above.

**Question 10:** Should CPGs be required to hold a minimum number of meetings per year? If so, what should the minimum number be?

**Answer 10:** Yes, CPGs should be required to hold a minimum number of ‘face to face’ meetings per year and there should be a minim of 4 meetings (quarterly meetings) but, ideally, more.

The issue with having more than 4 ‘face-to-face’ meetings in a year is that, very often, expert non-MSP members have to travel considerable distances and disrupt busy schedules in order to attend. This might make it less likely that key members would be able to attend all meetings. The negative side of having such a long gap between meetings is that important work is often delayed until the following meeting.

One solution for that is to encourage members to continue communicating with each other and having (un-official) meetings electronically so that discussions can continue and relevant documents can be distributed making it possible for solutions to issues to be brought to the following ‘face-to-face’ meeting at the Parliament. This can be discussed further. I have given the idea (and have received permission from co-convenors), to open a Facebook group to facilitate communication between group members and allow more involvement with the public in general (subject to certain conditions being met such as making clear that posts do not necessary reflect the views of the CPG, and other conditions.)

**Question 11:** All Groups are required to hold an annual general meeting and to elect office bearers every twelve months. As Groups must elect officer 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?

**Answer 11:** This could be done for homogeneity but I can’t think of any benefits. There could be a downside if this put unnecessary pressure on the clerks.
**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.)

**Answer 12:** The limitations are too one-sided and should be a little more flexible as far as it is practical. The tone of the rules about the use of Parliament resources (Rules 12 and 13) imply that the Parliament is doing a favour allowing CPGs to exist, seeming to dismiss the contributions CPGs make helping the Parliament meet its obligations and aiding the democratic process. Often, individuals or voluntary organisations who are CPG members (mainly office bearers) use their own funds and/or time in order to help with their group’s requirements. I am myself, at this moment, dedicating an enormous amount of my (quite valuable) time in order to give you feedback on CPG regulations. In my view, there should be ‘perks’ and encouragement — not necessarily valuable — in recognition of the citizenship of non-MSP members (it is always a good policy to acknowledge people’s contributions).

**Regulation of Cross-Party Groups**

**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?

**Answer 13:** Yes. Sometimes (perhaps most of the time), the convener is the only MSP office-bearer in a CPG so changing this rule wouldn’t make much difference. But, in what I think is the spirit of the question, all member MSPs should be responsible for ensuring that the Group operates in compliance with the Code of Conduct. If that happened, those rules should be expanded and be more specific incorporating details such as ‘MSP members are exempt from the responsibility of ensuring that the Group operates in compliance with some rules in the Code of Conduct during meetings which they are not present’. As CPGs are “formed by MSPs for MSPs”, all MSPs should be responsible whether they are office bearers or not.

**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?

**Answer 14:** No
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?

Answer 15: In my view, this is not necessary

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

Answer 16: Yes

1. I think the SPPA Committee should keep in mind that non-MSPs are usually not acquainted with Parliament protocols and, most importantly, not acquainted with CPGs (at least not when they initially join as members). It would be useful and good practice if every CPG member was either issued with a document with the CPG regulations or explicitly made aware of their publication on line or elsewhere. This would give members a context of their function within a CPG.

2. I also think that there should be a document detailing the functions of office bearers (possibly within the CPG regulations and possibly published as guidelines) as well as some regulation/guidelines for non-MSP members clarifying points such as what CPGs are allowed to do or not, meetings protocol and other simple practical details.

3. Re Cross-Party Group Meetings - Rule 5: Seven calendar days in advance is too short a time to announce when meetings are taking place. That just doesn't give enough time for some people with an interest in attending meetings to allocate time.

I am happy for my views to be made public, including publication on the Parliament’s website.

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