STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE

REVIEW OF CROSS-PARTY GROUPS

WRITTEN SUBMISSION RECEIVED FROM SCOTTISH LAND AND ESTATES

Introduction

Scottish Land & Estates represents the interests of around 2500 landowners and land based businesses in Scotland. On our members’ behalf the organisation engages with the Scottish Parliament in a number of ways, including through membership of a number of Cross-Party Groups that are relevant to our members’ interests. We therefore take an interest in the SPPA Committee’s review of these groups.

General

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

In our view CPGs are one of the ways in which individuals or their representatives bodies can engage with MSPs and others with similar interests, to share views and engage in debate on relevant matters in a relatively informal setting within 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 offer a means of directly accessing MSPs who have an interest in a particular subject matter and can also offer an access route to government officials via the MSPs or directly through government officials' involvement in the group.

Not all CPGs appear to be relevant to the work of the Scottish Parliament as there is no restriction on the purpose of a CPG other than “the public interest” so they can, and do, cover subject areas outwith devolved matters. Consideration should be given to providing guidance on appropriate purposes for which CPGs can be formed, which should, not only serve the public interest, but have a clear purpose which is linked to the work of the Scottish Parliament.

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.

The Code is relatively clear on the process involved in applying for and registering a Cross Party Group but it could be improved. It is not entirely clear whether there are two separate steps involved namely application for recognition and then registration, or whether these steps can be amalgamated.

The Code refers to registration statements contained on a form which is obtainable from the SPPA Committee clerks. It would be useful to have the relevant form available online along with accompanying guidance.

As indicated above, some criteria on the purposes for which CPGs can be formed and when the SPPA will recognise a proposed CPG would be useful to provide transparency to the process.

**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?

This term is not defined and it is not clear what it means. We think it should mean that the group’s purpose should reflect some aspect of the work of the Parliament and include a cross section of MSPs from all parties in its membership.

The implication of Rule 3 is that the group should be made up predominately of members of the Parliament but then Rule 8 goes on to require just 2 MSPs to be present at each meeting. In practice some groups have very large non-MSP memberships and just 2 MSPs present at a meeting is not enough, particularly as both may not stay for the entire duration of the meeting. It is one of the weaknesses of the CPG system that often very few MSPs attend meetings. This is not a negative reflection on individual MSPs because we recognise their time is limited and they each have many commitments but a concern about the CPG system itself.

We agree that, at the very least, there should be 5 MSP members on each CPG. Ideally this number should be increased but given there is no cap on the number of CPGs which each need 5 MSPs, it could become an impossible commitment for just 129 MSPs. As it stands, every MSP would on average need to be a member of 2 to 3 CPGs. We suggest that more thought is given to the criteria for recognising CPGs to provide some control on the number of CPGs which exist at any one time so that it does not become unmanageable. The value of CPGs to non-MSPs is diluted considerably if few MSPs have time to attend or contribute meaningfully. Attendance by MSPs at CPGs which the organisation is involved in has decreased recently, perhaps due to the large number of receptions and events held in the Scottish Parliament.
**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?

Yes.

**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?

Yes.

**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?

This requirement has value in terms of transparency. It would need to be clarified what it meant by donation so that for example subscriptions to membership organisations are not deemed to be donations for these purposes.

**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 reregistration 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?

Yes, it should be necessary to re-register;
To exclude days when the Parliament is in recess seems unnecessary given that there is usually sufficient time the first meeting of the new Parliament and the summer recess beginning to hold a meeting.

**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”. 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 our view, a quorum of 2 MSPs is not usually sufficient, particularly if one of these only has time to drop into the meeting for a short time rather than be present for the whole meeting.

As indicated above, one of the primary benefits of CPGs to non-MSPs is the opportunity to “have the ear” of MSPs from across the political spectrum so it would be valuable if more than one of the political parties was represented. In particular, at least one MSP from the same political party (or parties) as the government should attend.

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

CPGs should be required to hold an AGM plus at the very least one other meeting during the year. Ideally, meetings should be at least quarterly. On the other hand, it can become a problem if meetings are held too frequently as it could become too much of a burden on those attending as well as the secretariat.

*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?

Yes

*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.)
The Rules appear to restrict non-MSPs use of Parliamentary facilities such as IT facilities and Parliamentary stationary. This does not seem unreasonable. Any such facilities that are required can presumably be provided by the MSP members.

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?

We do not have any strong views on this. It seems reasonable that the convenor holds the responsibility for the group.

**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?

A record of the number of MSP and non-MSP attendees would be useful in order to assess the performance of the group.

From a transparency point of view, a list of reports or papers published by the group would also be useful.

**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?

A role for the clerks along these lines would be useful but it would be unnecessary in our view for clerks to get involved in notification of CPG meetings unless the individual or group providing secretariat was not performing this role properly.

The secretariat role is very important and should only be undertaken by an individual or organisation with the time and expertise to facilitate the group properly. The contribution and value of a CPG can often depend on the efficiency of the secretariat in producing minutes and papers accurately and on time.
Secretariat is often provided by one of the organisations represented on the group, but it must be stressed that this role should be performed impartially. Our experience is that this is not always the case. The secretariat role has on occasion been used as a lobbying mechanism to further the interests of a particular group based on a false assumption that the whole group is in agreement with its views, which is unlikely given the diverse nature of the membership of many groups. CPGs should in our view be a form for debating the issues rather than a lobbying mechanism for one group.

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

CPGs can be very valuable in allowing two way flow of information and advice between non-MSPs and MSPs. However, their value could be diluted if the subject matter is too removed from the work of the Parliament or if there is little involvement by members of the Parliament. Groups focussing on more spurious subject matter could become an unnecessary distraction for MSPs who have many demands on their time.

We would also stress again the need for a well organised, impartial secretariat. In addition the quality of chairmanship of the group is variable. Poor chairing can often result in unnecessarily long meetings which achieve very little.

CPGs can be particularly useful if they bring together Ministers, government officials, opposition MSPs and interested groups/individuals on a particular subject matter, such as a Bill. All encouragement should therefore be given to government officials as well as MSPs to take part in CPGs.

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**HEAD OF POLICY**  
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