



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE

Thursday 18 June 2015



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**STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE**  
**11<sup>th</sup> Meeting 2015, Session 4**

**CONVENER**

\*Stewart Stevenson (Banffshire and Buchan Coast) (SNP)

**DEPUTY CONVENER**

\*Margaret McDougall (West Scotland) (Lab)

**COMMITTEE MEMBERS**

\*George Adam (Paisley) (SNP)

\*Cameron Buchanan (Lothian) (Con)

\*Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab)

\*Gil Paterson (Clydebank and Milngavie) (SNP)

\*Dave Thompson (Skye, Lochaber and Badenoch) (SNP)

\*attended

**CLERK TO THE COMMITTEE**

Gillian Baxendine

Alison Walker

**LOCATION**

The David Livingstone Room (CR6)



## Scottish Parliament

### Standards, Procedures and Public Appointments Committee

*Thursday 18 June 2015*

*[The Convener opened the meeting at 09:32]*

### Decision on Taking Business in Private

**The Convener (Stewart Stevenson):** I welcome members to the 11th meeting in 2015 of the Standards, Procedures and Public Appointments Committee. I remind everybody to switch off their mobile phones, as they may affect the broadcasting system.

Agenda item 1 is for members to agree to take agenda item 3, which is for the committee to consider its approach to the scrutiny of the Scotland Bill, in private. Do members agree to take that item in private?

**Members** *indicated agreement.*

## Lobbying

09:33

**The Convener:** We come to agenda item 2, under which members will consider correspondence received from the Scottish Parliamentary Corporate Body and from the Scottish Government in response to the committee's inquiry into lobbying. The cover note that has been provided highlights the extent to which the Government has based its consultation on the committee's model for a lobbying register. It also highlights where the Government has chosen to go in a different direction from the committee. I invite members to make whatever comments they wish to make. Does anyone wish to say anything in particular at this stage? I can if you are not going to.

**Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab):** I just wondered whether we had any idea why the Government has chosen to deviate from our proposals. There does not seem to be much in the way of explanation for the Government's rationale.

**The Convener:** I suspect that the Government lawyers may have had some hand in this, and that they may have taken a more legalistic view, whereas we have sought to take a more practical view.

I think that we might want to make comments to steer the Government back closer to our original proposals. That is the position that I suggest we take—speaking as an individual, rather than as your convener.

**Gil Paterson (Clydebank and Milngavie) (SNP):** Except for this—the Government is talking about having individuals registered, and I wondered whether that would be possible if one person happened to be a consultant and everyone else was registered under a company name. The proposal might not be as bad and resource driven as it first seems.

**The Convener:** Our proposals were focused around two things. The first thing that is missing from what the Government has said is a *de minimis*—a level of lobbying below which it is not necessary to register. Perhaps we need to think about that and question why the Government has chosen not to follow the committee on that.

Secondly, if we take that approach, any organisation—be it of one person or 1 million people—that exceeds the *de minimis* level will have to register. I have not thought through the full implications of that, but there is a danger that we will end up with such diffuse lobbying by large numbers of people from a single organisation that

we will lose the focus and aggregation that would come from that lobbying being consolidated in one place in the register. I suspect that that might make it more difficult to see what is going on, and there is probably further debate to be had on that issue.

**Patricia Ferguson:** I suppose that I have two concerns. First, the whole tenor of our report, which was based on the information that we were given and the evidence that we took, was that it was about the activity and not the person, and it bothers me slightly that any future legislation would deviate from that.

It seems to me—this is where the corporate body is right—that there would also be a huge resource implication. If an organisation consisted of one person, that person or organisation would have to be registered, but if an organisation employed 100 people, 75 of whom might at some point have some involvement in lobbying—that is not beyond the realms of possibility—then all 75 of them would have to register. The Parliament would also have to ensure that those entries in the register were appropriate, correct, up to date and so on. That would create almost a sort of industry in the Parliament and it would be quite resource intensive. As you said, that could dilute focus on the fact that it is supposed to be about the activity and not the individual.

**The Convener:** The other thing that adds weight to that is the fact that a grace period is not allowed. In other words, someone may not lobby until they have registered, and it would therefore be necessary to put everybody's name forward. We have suggested that someone should have 30 days to register once it becomes apparent that they have lobbied.

**Cameron Buchanan (Lothian) (Con):** I want to add to Patricia Ferguson's point. What happens if those big organisations with 60 or 70 people change personnel all the time? They will be stuck and will have to register and reregister. I am concerned about that, as I do not think that it is the right way to proceed. We would never know who was in those big organisations, and the clerks would spend their whole time registering and deregistering people.

**Margaret McDougall (West Scotland) (Lab):** The other point is about having to register in advance of a meeting. People do not always know when they go to meet someone that they are going to be lobbied. In some circumstances, they will know, but there is an issue of practicality.

On the consultation, I noticed a glaring error regarding what happens next—mention is made of summer 2014. I just thought that I would point that out.

**The Convener:** The Higgs boson has a backward reference in time, as you will know if you have read the Copenhagen interpretation of the basic theory, but mostly you cannae go backwards.

**Margaret McDougall:** Will we have a chance to speak to the Government about its proposals?

**Dave Thompson (Skye, Lochaber and Badenoch) (SNP):** I have been listening to everything that has been said, and I share a lot of the concerns. Obviously, we will have a chance to drill down into the issue and get the reasoning behind why the Government feels that its proposals are necessary. However, as Margaret McDougall suggested, it might be useful if you had a word with the Government to discuss our concerns and to ask whether this is really the direction that it wants to go in, given that we will want to tease out the issues in some detail. You could say to the Government that it might want to think further about its proposals before it finalises them.

**The Convener:** The Government has launched a formal consultation, so there is a range of options. The committee can respond to the consultation, but that would put us in a slightly odd position, as we are likely to be the committee that considers the bill, so that might not be the way in which we would wish to proceed, in formal terms. We might, as individuals or members of political parties, find ourselves party to responses to the consultation. If anyone who is a member of the committee is party to a response, it might be helpful to ensure that we are aware of that, although responses will be public anyway, unless something unusual is going on.

I think that we should certainly draw together the comments that have been made. We appear to be broadly on the same page. We can perhaps get the clerk, Roz Thomson, to write a note and send it to the minister, and I will go to see the minister. I think that that sounds like a good way forward, in the first instance.

**Patricia Ferguson:** I think that it is important that we put our comments in writing to the minister, now that the consultation, which is a public process, is under way.

**The Convener:** Just as a matter of process, I suggest that we do that in a way that is not a formal response to the consultation.

**Patricia Ferguson:** Absolutely—we should put our comments in a letter from the committee, not in a formal response.

**The Convener:** I just wanted us to be clear that we are of one mind on that.

**Gil Paterson:** The Government will have the benefit of what we are saying now, as it is all on the public record.

I smell lawyer-speak. The situation might not be as bad as we think. The committee discussed who would pay for registration and so on, and we took a decision. I am not sure that the proposal is as resource driven as it is being suggested that it is but, if it is, I point out that we considered that the costs should not be borne by those who register. Therefore, the issue might need to be thought through again, because the issue of resources that are provided by the Parliament is a different one from the issue of those who benefit from doing this work.

I want to put that on the record so that the Government can see what we were thinking and can consider the thought process behind the model that we prepared.

**The Convener:** Do we agree to write to the Scottish Government?

**Members** *indicated agreement.*

**The Convener:** As I said, our writing to the Government in no way prohibits any individual or the party of which any individual is a member from making their own arrangements with regard to responding to the consultation.

That brings us to the end of agenda item 2 and the public part of the meeting.

09:43

*Meeting continued in private until 10:52.*





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e-format first available  
ISBN 978-1-78568-894-2

Revised e-format available  
ISBN 978-1-78568-908-6