



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE

Thursday 1 October 2015



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

**CONVENER**

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

**DEPUTY CONVENER**

\*Mary Fee (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 James Clerk Maxwell Room (CR4)



## Scottish Parliament

### Standards, Procedures and Public Appointments Committee

Thursday 1 October 2015

*[The Convener opened the meeting at 09:30]*

### Decision on Taking Business in Private

**The Convener (Stewart Stevenson):** I welcome members to the 15th meeting in 2015 of the Standards, Procedures and Public Appointments Committee. As usual, I remind everyone present to switch off mobile phones as they may affect the broadcasting system.

We have received apologies from Cameron Buchanan.

Agenda item 1 is to ask the committee to agree to take in private item 4, which is about a complaint against a cross-party group. Do members agree to take item 4 in private?

**Members** *indicated agreement.*

## Cross-party Group

09:31

**The Convener:** Item 2 is for the committee to take evidence from Dave Thompson on the proposed cross-party group on religious freedom. Dave Thompson is sitting in one of the witness chairs, and I invite him to make a brief opening statement about the purpose of the group.

**Dave Thompson (Skye, Lochaber and Badenoch) (SNP):** Thank you, convener, and good morning, members. The proposal for the group came about initially after a meeting on 25 February that was held in the Parliament and sponsored by me and chaired by the then Moderator of the General Assembly of the Church of Scotland, the Rev John Chalmers. About 50 people from a wide range of different faith groups attended the meeting. Following that meeting, I had hoped to move things on more quickly, but various things intervened, including the general election, a change of moderator at the Church of Scotland and the summer recess. It therefore took me a wee while to get to the point where I could submit my application to the committee.

One of the main things that were discussed in February was the general issue of intolerance, mainly intolerance towards people of religious faith but also intolerance towards others. We had a very wide range of speakers at the meeting, including people from the American and Canadian embassies, and people from different faith groups, who told us about their particular experiences of intolerance towards faith.

I think that the refugee crisis has highlighted the issue of religious intolerance, and we all know what has been happening in places such as Syria. I believe that it is very important that we promote tolerance among people of all faiths and none. Indeed, anyone is welcome to join the proposed cross-party group, whether they have a faith or not. What we hope to do is foster discussion among everyone to ensure that there is tolerance in future.

The committee will see the list of proposed members, but it is not finite, because we would welcome people of other faiths and none, as I said. Members might have noticed that although a couple of the organisations on the list are linked with the Roman Catholic Church, it is not down as a member. However, I have a statement from the Rev Thomas Boyle, who is the assistant general secretary of the Bishops Conference of Scotland, in which he says:

"In addressing the Congress of the United States of America Pope Francis said: 'A delicate balance is required to combat violence perpetrated in the name of a religion, an

ideology or an economic system, while also safeguarding religious freedom, intellectual freedom and individual freedoms.' Dialogue helps to overcome any form of extremism and inspired by Pope Francis' words we welcome the establishment of the Cross Party Group on Religious Freedom. We look forward to co-operating with the Group and supporting it in its work."

The groups linked with the Catholic Church will be formal members.

As I say, I hope that the group will encompass many more people as it moves forward, if you approve it. I have one final point. I am a member of the committee, but on this occasion I will not take part in the discussion on formal approval of the group and I will leave it in the hands of my committee colleagues to make that decision.

**The Convener:** Thank you. That is very helpful. I will say a couple of things in my role as convener before opening up the discussion. On 9 September 1999, there was an interesting debate about how the Parliament would deal with time for reflection. At that time, Tom McCabe suggested that we should reflect the views of those of religious belief and those of none. That is particularly apposite this week because our time for reflection leader this week was a secularist rather than someone of faith.

It is perfectly clear that, in considering whether to approve a cross-party group, we neither endorse nor reject the purposes of a group. The purposes can be very narrow and indeed we can have groups that take conflicting views on different sides of important arguments, so that is not really a matter that we are likely to give much weight to in coming to a conclusion.

It is also worth saying that the committee has previously expressed concerns about whether, at this late stage in the parliamentary session, we should be approving new CPGs. Without pre-empting in any way what position the committee might take on this, I will invite the committee, at the end of our discussion on whether to approve the group, to put on the record that it would be our plan not to approve any further groups. That is without prejudice to what any suggested groups might cover. On that basis, I open up the discussion.

**Gil Paterson (Clydebank and Milngavie) (SNP):** We are not here to judge whether a thing is good or bad, to be honest. I believe that anything that fights intolerance is worthy of support in itself, but our purpose is to decide whether a group should be formed.

We have a particular problem with intolerance within religious groups in Scotland. One benefit might come from the holistic view that the proposed CPG is taking in having people involved in it whether or not they have a religion. That would be a good thing in itself.

For my part, although it is late in the parliamentary session, I would find it difficult to say no when we are talking about people's rights. This is a rights issue in my view—it is about a religious right. Although it is late in the day and we are looking at restrictions around the timing rather than around what applications are coming in, I would be minded to say yes. It would seem a bit strange, when folk are asking for a CPG so that they can get together to fight intolerance, if we restricted it because of a time bar.

**Mary Fee (West Scotland) (Lab):** I have similar concerns about the timescales. How many meetings do you intend to have? Given how late we are in the parliamentary session and when Parliament will dissolve next year for the election, we do not have a great deal of time for planning meetings. Have you considered any other ways to raise the profile of the issue?

**Dave Thompson:** Thank you for the question. As a committee member, I am well aware of the issues around registration being proposed late in a session. We would propose to have a couple of meetings before the dissolution of Parliament in March. We would probably plan to have one near the end of November and one in February. That would be valuable in allowing us to decide exactly what subjects we will follow through, discuss and deal with. It would allow us to lay the foundation for what I hope will be a reconstituted group after the election in May next year.

**Mary Fee:** What about the question whether you considered any other methods of raising the profile of this issue instead of setting up a cross-party group?

**Dave Thompson:** Yes. Over the past eight years that I have been a member, there have been various things in the Parliament relating to religious issues. Some have related to straight praise issues, including the Scotland united and prayer for the Parliament events, which take place twice a year in the members' restaurant and are very well attended by more than 100 people.

Our first formal meeting took place last February, and we held it to gauge interest. As I have said, more than 50 people turned up—I have the complete list with me; I will not read it out just now, but it is available if members wish to see it—and we had a very full discussion involving a panel of, I think, five people on a variety of issues.

The advantage of establishing a cross-party group is that it gives things a certain formality. It also becomes associated with the Parliament, although it is nothing to do with Government. It will allow us to discuss issues in a way that an informal, ad hoc group is just not be able to, and without it, I do not think that the issues will get dealt with in such a thorough way.

**Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab):** Good morning. As I understand it, rule 6.2.2 of the “Code of Conduct for Members of the Scottish Parliament” requires 10 days’ notice to be given to the Standards, Procedures and Public Appointments Committee clerks of the intention to hold the initial meeting of a cross-party group. I believe that your own group held a meeting on 15 September, but the clerks were not notified. What happened there?

**Dave Thompson:** I have been made aware of that. I thought that that had been done, but a mistake was made. I know the rules; indeed, I put an application for a cross-party group on consumer affairs before the committee just a couple of meetings ago, and it complied fully with the notification rule. I am not sure what happened with this group. There was an error.

However, I think that the purpose of that rule is to ensure that there is transparency and that people know what is happening and what is being proposed. I say this perhaps in mitigation more than anything else, but on 2 September I asked the Minister for Local Government and Community Empowerment, Marco Biagi, a question in Parliament on whether he would support the creation of my proposed cross-party group on religious freedom. He answered to the effect that the Government would support any such group. After that, I put out a press release that was sent out widely—I should say that, although the release was covered in some areas, it was not covered widely. If part of the rule’s purpose is to ensure wide knowledge of what is proposed, I think that we, in a sense, complied with it in that respect. However, I accept that the strict formality of notification in writing to the clerks did not take place. I know that my assistant has spoken to the clerks and indeed spoke to them before the meeting on 15 September, but a mistake was made for which I apologise.

**The Convener:** Just before Patricia Ferguson comes back in, I should say that neither I nor, I think, the Parliament is interested in whether there were press releases or questions about the matter in the chamber. The effect of that is that we know that we did not know—and we did not know, because the matter was not subject to the formal process relating to cross-party groups. Whatever the outcome of today’s deliberations, I ask you and your colleagues to take very serious account of that. The rules are there for a purpose, and we have all agreed to them. I do not want to minimise the importance of that at the outset of the consideration of this group.

**Patricia Ferguson:** You have just pre-empted what I was going to say next, convener. I mean no detriment to Mr Biagi, but he is not concerned with the application of these rules. However, we are.

Given your exchange with Mr Biagi and the fact that you released information to the press, how did you notify members of this?

**Dave Thompson:** An email was sent to all members, inviting them to show an interest; every member got the opportunity to do that. I do not have the dates off the top of my head, but it was done more than once.

**Patricia Ferguson:** That is very interesting. Thank you.

**The Convener:** If members have no further questions for Dave Thompson, I move to item 3. I invite Dave Thompson to remain at the other end of the table; this discussion is also in public, so he is entitled to be here and listen to what is said. I note, however, his previous intention to resile from the discussion that we are about to have.

We will now consider whether to accord recognition to the cross-party group on religious freedom. Gil Paterson has indicated that he is willing to support that—I am getting a nod from him—but does anyone wish to put anything on the record before we take a formal decision? If not, I propose that we agree to accord recognition to the cross-party group on religious freedom. Are we agreed?

*Members indicated agreement.*

**The Convener:** Before we leave this item, I seek, as I said I would, the committee’s agreement on our not being minded to accept any further applications for new cross-party groups in this parliamentary session, purely on the basis that there is now insufficient time for them to operate effectively. We hope that our successors to this committee and the Parliament to be elected next year take note of that when they look at such groups. Are we agreed?

*Members indicated agreement.*

**The Convener:** Thank you. That was helpful.

We will now move into private session, but we will come back into public for item 6.

09:46

*Meeting continued in private.*

10:19

*Meeting continued in public.*

## Complaint

**The Convener:** On behalf of the committee, I would like to make the following statement in relation to a complaint against an MSP. In accordance with the rules, I will first cover whether the committee agrees with the Commissioner for Ethical Standards in Public Life in Scotland's findings in fact and conclusions on the complaint and then move on to cover the committee's decision on sanctions.

The committee has considered a complaint from Alex Salmond MSP about James Kelly MSP. The complaint is that James Kelly released a press statement on 22 March 2015 setting out details of an allegation that was referred by Mr Kelly to the commissioner to the effect that Mr Salmond was in breach of the "Code of Conduct for Members of the Scottish Parliament" by virtue of his supposed failure to register details of earnings from publications.

The Commissioner for Ethical Standards in Public Life in Scotland investigated the complaint and found that, in disclosing to the press his intention to make a complaint, James Kelly was in breach of the relevant provisions of the code of conduct, and the member acknowledged that that was the case.

The committee is unanimous in the decisions that were reached on the complaint. First, it agrees with the findings in fact and conclusions of the commissioner. Secondly, it does not consider that the breach in question justifies any sanctions being imposed on James Kelly. In reaching the decision on sanctions, the committee was mindful of the fact that James Kelly acknowledged that he had breached the code and stated that the breach was inadvertent. Furthermore, he took personal responsibility for the breach and apologised for it.

The committee takes all breaches of the code seriously. The rule covering disclosure is important because it allows investigations by the commissioner and the committee to be concluded in the absence of external partisan comment. The committee condemns, in particular, any breaches that risk causing reputational damage to another member in advance of a proper investigation.

It is the responsibility of every member to understand and conform to the code. The committee reminds James Kelly, and all other members, that members must not disclose or communicate any complaints or intention to make a complaint to members of the press or other media, or discuss the matter with them, prior to the lodging of the complaint or during stages 1 and 2 of the procedure for dealing with complaints. Members of the Scottish Parliament will be reminded of that section of the code.

Full details of the complaint, and the commissioner's investigation of it, will be included in the committee's report, which will be published later this afternoon.

10:22

*Meeting continued in private until 10:33.*



This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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