



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Standards, Procedures and Public Appointments Committee

**Thursday 9 February 2017**

**Session 5**



The Scottish Parliament  
Pàrlamaid na h-Alba



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**STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE**  
**3<sup>rd</sup> Meeting 2017, Session 5**

**CONVENER**

\*Clare Adamson (Motherwell and Wishaw) (SNP)

**DEPUTY CONVENER**

\*Patrick Harvie (Glasgow) (Green)

**COMMITTEE MEMBERS**

\*Tom Arthur (Renfrewshire South) (SNP)

\*Clare Haughey (Rutherglen) (SNP)

\*Daniel Johnson (Edinburgh Southern) (Lab)

\*John Scott (Ayr) (Con)

\*Alexander Stewart (Mid Scotland and Fife) (Con)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

George Adam (Paisley) (SNP)

Ash Denham (Edinburgh Eastern) (SNP)

Maree Todd (Highlands and Islands) (SNP)

**CLERK TO THE COMMITTEE**

Joanna Hardy

Douglas Wands

**LOCATION**

The James Clerk Maxwell Room (CR4)



# Scottish Parliament

## Standards, Procedures and Public Appointments Committee

Thursday 9 February 2017

*[The Convener opened the meeting at 10:00]*

### Cross-party Groups

**The Convener (Clare Adamson):** Good morning and welcome to the third meeting in 2017 of the Standards, Procedures and Public Appointments Committee. I remind everyone present to switch mobile phones and other devices to silent.

Agenda item 1 is evidence on three proposed cross-party groups. The first is the proposed CPG on commercial sexual exploitation. I welcome Ash Denham, who is to be a co-convener of the group. I invite her to make an opening statement.

**Ash Denham (Edinburgh Eastern) (SNP):** Thank you, convener, and good morning. Rhoda Grant was expected to be here this morning but, unfortunately, a member of her family has been taken ill, so I agreed to step in.

The intention of the proposed group is to provide a forum in which those who are concerned about commercial sexual exploitation—CSE—can meet, discuss the issue and work together to raise awareness of it. CSE is recognised as violence against women under “Equally Safe—Scotland’s strategy for preventing and eradicating violence against women and girls” but, although progress has been made in raising awareness of domestic abuse and sexual assault, we have not had the same focus on CSE. We need to tackle violence against women in order to achieve a truly equal society.

I realise that there are already a large number of cross-party groups, but it is important that we are able to explore the issue further. Our application, of which I assume members have a copy, gives a list of organisations that are interested and individuals who wish to be members. It also gives a list of members of the Scottish Parliament who have supported us. I have another few MSPs to add to that list. Does the list that the committee has include Johann Lamont?

**Members:** Yes.

**Ash Denham:** Okay—you have that version. The list should also include Kate Forbes MSP and Joan McAlpine MSP, both of whom are Scottish National Party members.

**The Convener:** Thank you. I invite questions from members.

**Alexander Stewart (Mid Scotland and Fife) (Con):** You have identified that there might be some overlap with other groups. It is important that you have done that, because you will learn from what they have done and the experiences that they have had. What connection will you have with Police Scotland? Will it be part of the team, so that it can give you information on what it is doing across Scotland to try to manage the situation and what is happening across the United Kingdom?

**Ash Denham:** I have had only informal contact with the police. We have not thought about whether we will involve them, but that is certainly a good suggestion.

Other groups that we are aware of that cover similar ground are the cross-party group on men’s violence against women and children and the cross-party group on human trafficking. I am a co-convener of the cross-party group on human trafficking and I have spoken to members of the cross-party group on men’s violence against women and children. I believe that, at the most recent meeting of that group, it was agreed that both of those groups would work together. Not all the stakeholders in that group agree with the aims of the proposed group on CSE, but they wish us well.

**Patrick Harvie (Glasgow) (Green):** From the terms of reference, it seems clear that the group explicitly intends to support a particular model of legislation—that of criminalising demand. How will that work if members who do not support that proposal choose to become involved? Obviously, all MSPs have the right to join any cross-party group. Proposed legislation on criminalising demand was considered in a previous parliamentary session and was not supported by the Parliament. Is it intended that the group will be open to people who have an interest in the subject and who wish to discuss it from a range of perspectives, or is it only a space for discussion from one particular viewpoint?

**Ash Denham:** I am not entirely sure what the rules are on CPGs. Do they need to be open to—

**Patrick Harvie:** All members are entitled to join any CPG.

**Ash Denham:** If that is the rule, that is how it will have to be. I assume that people who support the aims would be more interested in joining the group, but obviously we could not exclude people who held opposite views.

**The Convener:** As there are no further questions, I thank the member for attending. The decision on the application will be taken under

agenda item 2 and you will be informed of the results as quickly as possible.

I suspend the meeting briefly to allow the witnesses to change over.

10:04

*Meeting suspended.*

10:05

*On resuming—*

**The Convener:** The second cross-party group for the committee's consideration is the proposed CPG on end of life choices. I welcome to the meeting George Adam MSP, who is the proposed convener of the group. I invite Mr Adam to make an opening statement.

**George Adam (Paisley) (SNP):** The whole idea of the end of life choices CPG is that it will provide a forum. We have had two bills on the issue before the Parliament that were not supported; both came from Margo MacDonald and the second was taken on by Patrick Harvie after Margo passed away. We had open debates on the bills but they did not get past stage 1.

Part of the reason why we need the CPG is to let the politicians have robust discussions on a subject about which we are passionate. We are told time and again that the public support the idea; so, in order to get the politicians in line with the public, we need the CPG as a forum for the debate. That would include people being involved who were not for the idea, because we would be fooling ourselves if we just talked to the converted every quarter.

The idea is that, if another bill is introduced, we will have the opportunity to get beyond stage 1 and people will not hide behind various issues. The last time, one of the problems at stage 1 was that people kept saying that there were legal problems. However, we would not get any bills past stage 1 if we used that as a reference every time. We must look at this as an opportunity for everybody to have an open and frank discussion on the subject.

It is a very personal subject for me, because my wife, Stacey, has multiple sclerosis and, if she goes from secondary progressive MS to primary progressive MS, she might have to look at this. I have a very personal need for it, and that is part of the reason why I am trying to take the sting out of the tail of the debate by holding discussions in a cross-party group. From there, who knows what could happen in the future?

**Clare Haughey (Rutherglen) (SNP):** Thank you, George, for coming along to speak to us about the CPG.

I am looking at the membership list, which names one individual and two organisations. What proposals do you have for broadening the membership of the proposed group?

**George Adam:** As I stated, the whole idea of the CPG is to ensure that we have other organisations involved. We are probably looking to get more religious groups involved, because some religious groups were passionately against the ideas that were set out in the bills. As I said, it would be stupid of me to sit there every quarter and talk to the converted. This is about taking an idea, running with it, taking a lot of the scare stories out of it and having an open and frank discussion about it, so we are looking at getting others involved. We have already had some individuals who are vehemently against the idea turn up at meetings. It would be more difficult for me to chair the meetings, but we cannot change people's way of thinking without their getting involved and getting a bit passionate.

**Clare Haughey:** Absolutely. Some countries have legalised assisted dying. What plans do you have for reaching out to organisations in those countries or in other jurisdictions to find out how they managed those difficult arguments some time ago?

**George Adam:** We have been in touch with people from Catalonia who have been going down that route, and we had a meeting with some of those individuals. We are talking about going to a conference abroad—in Italy, I think. Stacey is in the public gallery and she will keep me right on that—she is nodding: it is in Italy. We are going to discuss that issue, and we are looking at other places where the process has been worked out. We have also had a few speakers from abroad at meetings.

**Alexander Stewart:** I very much welcome the dialogue that you are trying to embrace, because I believe that the right way to tackle the issue is to embrace both sides of the debate and see how things progress.

However, when it comes to the legal and medical matters, sometimes there is a fear in the community. We understand that the community wants the process—there is a sea of opinion out there that that is the right way to go—but how are you going to manage that fear? The legal and medical issues seem to be the blocks that have stopped us, so far, from progressing. There is, potentially, a fear about that in the political setting, too. How can you bridge that gap?

**George Adam:** Ironically, the fear is on the part of the politicians and not so much among the members of the public, whose attitude is, more or less, that we should do the right thing and get on with it. At our most recent meeting, we had a

discussion along those lines—we had someone coming at it from the legal aspect—because we know that, if we were to lodge another bill, we would have to make sure that it was robust enough to deal with that issue at stage 1. That is one of the major hurdles we have to jump. However, as I have said, if we used the need to deal with that at stage 1 as a rule of thumb for every piece of legislation, not much would be passed. It is normally at stages 2 and 3 that we iron out such issues, and we have that system for a reason.

We need to take the sting out of the issue and have that discussion. That is why we have made sure that we have had, and will continue to have, representations from people about the legal aspects, including people who have no opinion on the issue but who are just coming at it from a legal perspective. That is important. Do not get me wrong—the MSPs who are part of the CPG might feel that that is not what they want to hear, but we have to take on everyone else's views as well. It is the fear among the politicians that is the issue.

**Daniel Johnson (Edinburgh Southern) (Lab):** I commend George Adam for his intent. Using the CPG to carry out the debate and discussion and to build consensus makes a lot of sense. There are an awful lot of CPGs, and the point about the usefulness of that approach is well made.

However, it is pretty clear that this CPG is being founded from a particular standpoint. You said that you are keen to take evidence from people on both legal and clinical aspects. What steps will you take to bring in members for the CPG from those perspectives? I would also like to understand your approach to exploring issues around palliative care and quality of life at the end of life. That is a critical wider issue around the topic.

**George Adam:** That is a very important point. Part of what we are talking about is the idea of palliative care and end of life choices. Not everyone will choose assisted death in any shape or form; the choice could be to ensure good palliative care. Probably at the end of this quarter, I will speak at an event about palliative care and end of life choices. It is about having everyone involved in the debate.

I see our group doing a bit of work with the CPG on palliative care, and some members of that CPG attended one of our preliminary meetings. There will be a lot of crossover, which goes back to what I said about building consensus. I used to be a member of this committee, and I am aware that there are a lot of CPGs. A CPG has to be focused and want an outcome so that, at the end of the year, its members have not just sat around the table saying how nice they are and what a wonderful job they are doing but have actually

done something. I think that ours will be one of those groups.

Yes, I have emotional baggage with this group. The issue means a lot to me, but that is the reason why everybody is so passionate about it on both sides. We have to get everybody around the table to discuss the matter openly and frankly. In that way, we will get to a stage at which the politicians are not quite so scared, because they will have had the debate before we get to stage 1. For me, it is a case of looking at other parts of the world and seeing what they have done, and it is about equality and respect for people's wishes.

**The Convener:** As there are no further questions, I thank Mr Adam for his attendance. We will deliberate on the proposal at agenda item 2 and you will be informed of our decision as quickly as possible.

**George Adam:** Thank you very much.

**The Convener:** I suspend the meeting briefly to allow the witnesses to change over.

10:14

*Meeting suspended.*

10:15

*On resuming—*

**The Convener:** The final group for the committee to consider is the proposed cross-party group on heart disease and stroke. I welcome Maree Todd MSP to the meeting. Maree is the proposed convener of the group. I invite her to make an opening statement.

**Maree Todd (Highlands and Islands) (SNP):** Thank you, convener. This CPG existed in the previous parliamentary session and I was first asked to convene it during the summer. However, I suggested that we hang back, pause and look at the other CPGs for this session to see whether the issues that we wanted to cover were already being covered.

When we met in the autumn, we found that there was sufficient interest to start the group again and sufficient room for a CPG specifically on heart disease. Despite a huge decline in mortality rates due to massive advances in the treatment of acute cardiac disease, a real burden of morbidity is still associated with it. An increasing number of people who have strokes are now surviving them.

Much of our focus would be on the changes that are happening in healthcare, from acute care to health and social care integration and the issues across Scotland of inequity of access to things such as cardiac rehabilitation. There are also specific cardiac conditions that we felt warranted

being looked at; there was a lot of interest in atrial fibrillation and screening for that particular condition.

Although massive progress has been made, there is room for improvement and that warrants getting people together in a room to discuss what we can do about it.

**The Convener:** Thank you very much. As members have no questions, I thank you for coming along to the committee this morning and for your comprehensive outline of where you want to go with the CPG. We will deliberate under agenda item 2 and you will be informed of our decision as quickly as possible. Thank you for your attendance.

**Maree Todd:** Thank you.

**The Convener:** We move now to agenda item 2, which is consideration of the proposed CPGs, starting with the CPG on commercial sexual exploitation. Do members have any comments?

**Patrick Harvie:** There are a number of groups that have existed for a long time in the Parliament that, rather than being about the general exploration of a topic, have a particular political stance on issues such as nuclear disarmament, civil nuclear power and so on. There is perhaps a need to remind members who are setting up a group with that kind of purpose that all members, regardless of their political viewpoint on the issues, are entitled to join any CPG that they want. Clearly that was not the expectation of the member who proposed this CPG. I do not think that there is any barrier to having groups that do not have an impartial viewpoint, but it should be understood that they cannot restrict their membership to members who subscribe to that viewpoint.

**John Scott (Ayr) (Con):** Patrick Harvie has touched on an interesting point. Perhaps you could advise me, convener: are we seeing a slight change in the intention of CPGs? Are they becoming campaigning groups for legislation? Trojan horses would be an unfair description, but are we seeing more groups that are campaigning for a legislative end point? Would we welcome that? I merely pose the question—I am not implying a judgment.

**The Convener:** Some legislation has come about largely as a result of a lot of CPG work. Examples include the smoking ban and the Human Trafficking and Exploitation (Scotland) Bill. I do not think that it is an unusual situation, but I ask the clerks whether they have any indication that campaigning for legislation is a trend in CPGs.

**Joanna Hardy (Clerk):** It is not possible for me to say. We have not done any analysis of that sort. British Sign Language is another—

**John Scott:** It is perhaps an unfair question; it is perhaps more of an impression. However, it might be interesting to go back just a little and see. It is only of interest; I am not, in any way, being critical of that group being established. It would just be interesting to notice whether that was a trend.

**The Convener:** To my mind, it is probably an indication of the success of the CPGs that they are influential on issues such as BSL—that has been hugely important.

**Alexander Stewart:** I will follow on from John Scott's comments and say that many of the groups see their meetings as an opportunity for dialogue and for promoting a view or an opinion. It is important that they have that platform and that they take on both sides of the debate, if there are options for that. If its members believe that the group wants to progress towards a position, they should be encouraged, at some stage, to have that opportunity for debate. I am sympathetic to what is being suggested, but, at the same time, I think that we need to be watchful that the groups do not become just a vehicle and an opportunity to try to effect something—they should have a much wider base. Of the many CPGs that we have—and there are many, as you know—some might fall into that category and others might not. We should monitor that as a committee, just to make sure that that does not become a trend as we progress through the session.

**The Convener:** Okay. That is a point well made, and it is noted.

**Daniel Johnson:** I want to echo and expand on Patrick Harvie's point. If CPGs are to be meaningful and useful, they will always come with some sort of perspective. I am sure that we could find some people in Parliament to disagree with or object to even those groups that we think are uncontroversial, such as those concerning health. However, reminding CPGs that their membership should be open is important.

The other element is that, as CPGs are constructing their agendas and work programmes, those meetings will always have a point of view embedded within them, but there is a way to do that such that meetings are open and welcoming to a broad range of points of view—even if those are perhaps in disagreement with the thrust. We should perhaps think about reminding CPGs of that. It may be that, as we look at our work on regulating and guiding CPGs, we might want to bear that in mind.

**The Convener:** We have asked for particular guidance to be given on certain CPGs going through. Would the committee like the clerks to come up with a form of wording that reflects the guidance on CPGs, to be included in the letters of



approval from the committee? Are members content to let the clerks come up with the wording and to delegate approval of the letters to me?

**Members indicated agreement.**

**The Convener:** Thank you very much.

**Clare Haughey:** Convener, I seek clarification from the clerks. When someone proposes registering a CPG, is guidance sent to them or is it available to them, as regards how inclusive they have to be, and so on?

**Joanna Hardy:** There are rules in the "Code of Conduct for Members of the Scottish Parliament" and there is some guidance on the web page.

**Clare Haughey:** In this particular circumstance, the co-convener, who came to the committee this morning, explained that she was here in place of the person who was going to be here. It may well be that she is simply not as familiar with the situation. I know that she had less than 24 hours' notice that she was coming along to the committee. I would not want the committee to take it that that particular CPG had planned on being exclusive in its membership.

**The Convener:** I had intended that any wording would be included in the approval of all CPGs, not just this one.

**Patrick Harvie:** I absolutely take the point that the member had short notice that she was to propose the group.

The reason why I raised the issue is that, in contrast with the CPG on end of life choices, which we will consider next, the remit that the group on commercial sexual exploitation has constructed is very specifically saying that the group is there to promote one particular point of view, which is a point of view that polarises opinion. Such a remit seems to me to be qualitatively different from that of a CPG on, for example, housing or on a particular health condition that does not give rise to such polarised opinions.

In that context, it is helpful to remind all the members who are involved in that kind of group that CPGs are open to all members, regardless of their political viewpoint.

**The Convener:** If we are content to move forward, I ask the committee to approve the CPG on commercial sexual exploitation.

**Members indicated agreement.**

**The Convener:** Thank you. The next proposed CPG is that on end of life choices. As members have no comments, I ask whether the committee is content to approve the CPG?

**Members indicated agreement.**

**The Convener:** Thank you very much. Finally, we come to the proposed CPG on heart disease and stroke. As members have no comments, I ask whether the committee is content to approve the CPG?

**Members indicated agreement.**

**The Convener:** Thank you very much. I move the meeting into private session.

10:26

*Meeting continued in private until 11:02.*



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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