



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Standards, Procedures and Public Appointments Committee

**Thursday 24 September 2020**

**Session 5**



The Scottish Parliament  
Pàrlamaid na h-Alba

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**STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE**  
**16<sup>th</sup> Meeting 2020, Session 5**

**CONVENER**

\*Bill Kidd (Glasgow Anniesland) (SNP)

**COMMITTEE MEMBERS**

\*Neil Findlay (Lothian) (Lab)

\*Jamie Halcro Johnston (Highlands and Islands) (Con)

\*Patrick Harvie (Glasgow) (Green)

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

\*John Scott (Ayr) (Con)

\*Maureen Watt (Aberdeen South and North Kincardine) (SNP)

\*attended

**CLERK TO THE COMMITTEE**

Katy Orr

**LOCATION**

The David Livingstone Room (CR6)



## Scottish Parliament

### Standards, Procedures and Public Appointments Committee

Thursday 24 September 2020

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

11:00

*Meeting continued in public.*

#### Deputy Convener

**The Convener (Bill Kidd):** This is the 16th meeting in 2020 of the Standards, Procedures and Public Appointments Committee. We need to choose a new deputy convener of the committee. I welcome Patrick Harvie back to the committee. He joins us to replace Mark Ruskell, who I would like to thank very much for his time on the committee over the past year or so. I ask Patrick Harvie to declare any relevant interests.

**Patrick Harvie (Glasgow) (Green):** Thank you, convener. I do not think that I have any relevant interests that need to be declared.

**The Convener:** Thank you. The Parliament has agreed that only members of the Scottish Green Party are eligible for nomination as deputy convener of this committee. I understand that Patrick Harvie is the party's nominee for this post. Does the committee agree to choose Patrick Harvie as our deputy convener?

*Patrick Harvie was chosen as deputy convener.*

**The Convener:** Thank you all very much. I congratulate Patrick Harvie on his appointment.

**Patrick Harvie:** Thank you.

## Complaint

11:01

**The Convener:** We move to item 3. The committee has been considering a complaint about a member of the Scottish Parliament and I will now read out a statement that sets out the committee's findings.

On behalf of the committee, I would like to make the following statement in relation to a complaint against an MSP. The committee has considered a complaint from Finlay McFarlane about Sarah Boyack MSP. There are two parts to the complaint: first, that Sarah Boyack did not include remuneration from her previous employment as the head of public affairs at the Scottish Federation of Housing Associations in her registered interests; and, secondly, that she did not declare that remuneration as an interest at a meeting of the Local Government and Communities Committee on 11 September 2019.

The committee is unanimous in the decisions reached on the complaint. The committee agrees with the Commissioner for Ethical Standards in Public Life in Scotland's findings in fact. The committee also agrees with the commissioner's conclusions that the conduct that is set out in the first part of the complaint was a breach of the "Code of Conduct for Members of the Scottish Parliament" and the Interests of Members of the Scottish Parliament Act 2006 and that the conduct that is set out in the second part of the complaint was not a breach of the code or the act.

The committee has considered carefully the circumstances of the breach that is identified in the commissioner's report. The committee notes that it was a minor and inadvertent breach. The complaint against Sarah Boyack was not related to a matter from which she could have gained any financial benefit and there was no attempt to conceal the information, which Ms Boyack made available on the Parliament's website. Furthermore, she took steps to update her entry in the register of members' interests when the commissioner informed her that she had concluded that a breach had occurred.

In addition, there are not many examples of members having registered remuneration that was received prior to their return as an MSP. That meant that there was limited precedent to draw on that might have informed how the relevant rules should be applied in practice. Taking into account those considerations, the committee has decided not to recommend a sanction on this occasion.

However, I would like to remind members that the committee will always treat seriously any failure by a member to register interests in

accordance with the code of conduct and the 2006 act. It is the responsibility of each member to ensure that they understand the requirements of the code and the act and comply with them. That is particularly important when members complete their written statement of interests for the first time following their return as an MSP.

Full details of the complaint, and the commissioner's investigation, will be included in the committee's report, which will be published later this afternoon. Thank you. That ends the public part of the meeting.

11:04

*Meeting continued in private until 11:05.*

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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