

AD HOC STANDARDS COMMITTEE

Thursday 16 June 2005

Session 2

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AD HOC STANDARDS COMMITTEE

2nd Meeting 2005, Session 2

CONVENER

*Trish Godman (West Renfrewshire) (Lab)

DEPUTY CONVENER

Alasdair Morgan (South of Scotland) (SNP)

COMMITTEE MEMBERS

*Scott Barrie (Dunfermline West) (Lab)

*Lord James Douglas-Hamilton (Lothians) (Con)

*George Lyon (Argyll and Bute) (LD)

*attended

CLERK TO THE COMMITTEE

Jennifer Smart

LOCATION

Committee Room 3

Scottish Parliament

Ad Hoc Standards Committee

Thursday 16 June 2005

[THE CONVENER *opened the meeting at 12:38*]

Item in Private

Trish Godman (The Convener): I welcome everyone to the second meeting of the Ad Hoc Standards Committee and remind members to switch off their mobile phones. We have received no apologies.

Under item 1, I seek members' agreement to take in private item 3, which is consideration of our draft report on the complaint referred to the committee at stage 3 of the complaints process. Members will probably agree with my position that it would be best to consider such a draft report in private. Are we agreed?

Members *indicated agreement.*

Complaint

12:39

The Convener: Item 2 is consideration of a complaint against members of the Standards Committee as at March 2004 and David Davidson MSP. I will read out the committee's deliberations from its previous meeting.

In October 2003, a complaint against David Davidson MSP was lodged with the Scottish parliamentary standards commissioner. For legal reasons, the complainer is referred to as Mr A. The standards commissioner then carried out an investigation. In February 2004, at the conclusion of that investigation, he sent a draft copy of his report, which included the complainer's name, to David Davidson MSP before sending a final, anonymised report to the Standards Committee. In his report, the commissioner concluded that David Davidson had not breached provisions of the code of conduct for MSPs.

On 9 March, while meeting in private, the Standards Committee agreed to uphold the commissioner's findings that there had been no breach of the code and agreed to announce its decision in public at its next meeting. The decisions made at that meeting were confidential and were communicated neither to the complainer nor to Mr Davidson.

The following day, Mr Davidson was asked by a reporter for the Scottish edition of *The Sun* to comment on the complaint. The reporter indicated that *The Sun* had in its possession a document dated February 2004 that related to the case. Mr Davidson declined to comment.

On 11 March 2004, Mr Davidson was contacted twice by *The Sun*. Both times he declined to comment on the complaint but, on the second occasion, he made general comments on other matters when questioned directly by the reporter.

On 12 March 2004, *The Sun* ran a news item about Mr A that mentioned his on-going legal case and the complaint that he had made about David Davidson and stated that Mr Davidson had been "cleared" by the "Standards watchdog".

At its meeting on 23 March, the Standards Committee announced that it agreed not to uphold the complaint against Mr Davidson.

In a letter dated 31 May 2004, Mr A subsequently lodged a complaint with the standards commissioner about the

"leak of information regarding my complaint about David Davidson".

The standards commissioner carried out an investigation to determine whether there was a

breach of the relevant provisions of the code of conduct for MSPs in relation to the members of the Standards Committee as at March 2004 and David Davidson MSP.

When the commissioner interviewed the relevant members of the Standards Committee, he was unable to find any evidence that pointed to a committee member as the source of the leak. The commissioner has concluded that the complaint that a member of the Standards Committee as at March 2004 was responsible for passing information to *The Sun* cannot be substantiated and that there is not enough evidence to support a claim of any breach of the relevant provisions by any member.

The standards commissioner also interviewed Mr Davidson. He stated that he had had two conversations with reporters from *The Sun* on 10 and 11 March during which the reporters had claimed to have a document or documents, dated February 2004, relating to the complaint. Mr Davidson said that he later spoke to *The Sun's* Scottish political reporter but had done so in general terms and had not discussed the complaint and associated investigation. The political reporter had previously confirmed to the standards commissioner that he had already been told of the story by others and that Mr Davidson was not his source.

The standards commissioner has concluded that Mr Davidson has not breached any of the relevant provisions of the code of conduct.

The Ad Hoc Standards Committee has accepted the commissioner's findings on the facts of the complaint and agrees with his conclusions. The complaint is not upheld.

That completes our public business. I ask members of the public, the media and the official report to leave the meeting.

12:44

Meeting continued in private until 12:47.

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Friday 24 June 2005

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