

LOCAL GOVERNMENT AND TRANSPORT COMMITTEE

Tuesday 25 January 2005

Session 2

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LOCAL GOVERNMENT AND TRANSPORT COMMITTEE

4th Meeting 2005, Session 2

CONVENER

*Bristow Muldoon (Livingston) (Lab)

DEPUTY CONVENER

Bruce Crawford (Mid Scotland and Fife) (SNP)

COMMITTEE MEMBERS

*Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP)

*Dr Sylvia Jackson (Stirling) (Lab)

*Michael McMahon (Hamilton North and Bellshill) (Lab)

*Paul Martin (Glasgow Springburn) (Lab)

*David Mundell (South of Scotland) (Con)

*Tommy Sheridan (Glasgow) (SSP)

*Iain Smith (North East Fife) (LD)

COMMITTEE SUBSTITUTES

Bill Butler (Glasgow Anniesland) (Lab)

Colin Fox (Lothians) (SSP)

Mr Bruce McFee (West of Scotland) (SNP)

Mr Brian Monteith (Mid Scotland and Fife) (Con)

John Farquhar Munro (Ross, Skye and Inverness West) (LD)

*attended

CLERK TO THE COMMITTEE

Eugene Windsor

SENIOR ASSISTANT CLERK

Alastair Macfie

ASSISTANT CLERK

Euan Donald

LOCATION

Committee Room 1

Scottish Parliament

Local Government and Transport Committee

Tuesday 25 January 2005

[THE CONVENER *opened the meeting at 14:01*]

The Convener (Bristow Muldoon): I welcome members to today's meeting of the Local Government and Transport Committee. I hope that we will get through the agenda slightly more quickly than we did at last Tuesday's meeting and I put on record my thanks to the committee clerks, the official report and broadcasting staff for their dedication in ensuring that that meeting could continue, which was much appreciated. I intend to express our appreciation to the relevant management structures in the Parliament.

I understand that Iain Smith is to be replaced on the committee by Margaret Smith. I thank him for his commitment and participation throughout his time as a member of the committee.

Iain Smith (North East Fife) (LD): Thank you for your kind remarks, convener. I put on the record my appreciation of the way in which you and members of the committee have worked together. I particularly thank the clerking team—Eugene Windsor and his staff—who did a tremendous job in helping me to have a clue about what I was talking about during the four years in which I have been a member of this committee and, formerly, the Local Government Committee.

The Convener: I am sure that the staff who support the committee and its members welcome those remarks.

Items in Private

14:02

The Convener: The first item is consideration of whether to take agenda items in private. I recommend that we take items 3, 4 and 5 in private. I will explain my reasons and members who want to oppose the recommendation in relation to a particular item or all three items may then do so.

I will consider items 3 and 4 together, because the reasons for my recommendation are the same for both items. The items are consideration of how we will deal with bills at stage 1. We have already given extensive consideration to the Prostitution Tolerance Zones (Scotland) Bill at stage 1, but the expert group on prostitution in Scotland recently published its initial report and it is now appropriate for us to complete our stage 1 consideration. We will therefore consider potential witnesses under item 3, which might involve discussion of named individuals. Similarly, at item 4 we will consider appropriate witnesses in relation to the Council Tax Abolition and Service Tax Introduction (Scotland) Bill. I recommend that we take both items in private.

Item 5 is consideration of our draft report on the Transport (Scotland) Bill. We are at an early stage in giving the clerks indications about the report's shape. The report is nowhere near complete—indeed, item 5 will be our first consideration of the draft. Previous practice in the committee has been to take such matters in private, so I recommend that we do so today.

In general, the committee has a good record on taking the vast majority of its business in public. I feel comfortable about recommending that we consider items 3, 4 and 5 in private. I invite comments from members.

Tommy Sheridan (Glasgow) (SSP): I oppose the recommendation. There is some justification for holding items in private when we are discussing individuals, which is why I did not oppose our doing so when we discussed the appointment of an adviser on the United Kingdom Railways Bill. However, on the broad issue of invitations to give evidence to the committee, we are not in danger of inadvertently hurting people's feelings or causing major heartache. I do not see why items 3 or 4 should be taken in private.

Item 5 is non-contentious. I do not see why we should go into private session for it. We have a report in front of us, the thrust of which we will broadly agree and move on. I do not feel that item 5 should be taken in private. I oppose taking all three items in private.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): Despite the obvious dictate of natural justice that the clerks should have a breather after last week, I reiterate my general view—which I have expressed in various parliamentary committees—that members should not say anything in private that they do not wish to see reported in public. Outwith this place, there is a considerable and growing opinion that too often we go into private session. I entirely agree with Tommy Sheridan's remarks that we should discuss matters concerning individuals in private, but that could quite easily be accommodated in respect of items 3, 4 and 5. I do not wish to go on any longer, because I have made the same arguments repeatedly and have invariably lost when it came to the vote.

The Convener: I note both members' points. They are consistent in the opinions that they express. However, this committee and the Parliament as a whole have a good record of conducting the vast majority of business in public. The extensive consideration that the committee gave last week to the Sewel motion on the Railways Bill was a case in point. Given that overall record, it is appropriate that we consider the items in private.

We will be discussing the potential calling of individuals under items 3 and 4. As for item 5, parliamentary reports lose their impact if they are reported piecemeal over a series of weeks by the media; it is better if they are completed and represent the full and considered views of the committee before they are made available to the rest of the Parliament and the public of Scotland via the media. I reiterate my view that all three items should be considered in private.

Given the fact that opposition has been expressed, the question is, that items 3, 4 and 5 be taken in private. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Jackson, Dr Sylvia (Stirling) (Lab)
McMahon, Michael (Hamilton North and Bellshill) (Lab)
Martin, Paul (Glasgow Springburn) (Lab)
Muldoon, Bristow (Livingston) (Lab)
Smith, Iain (North East Fife) (LD)

AGAINST

Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
Sheridan, Tommy (Glasgow) (SSP)

The Convener: The result of the division is: For 5, Against 2, Abstentions 0. We will consider items 3, 4 and 5 in private.

Subordinate Legislation

Ethical Standards in Public Life etc (Scotland) Act 2000 (Devolved Public Bodies) Order 2004 (SSI 2004/543)

14:08

The Convener: Item 2 is subordinate legislation and the Road User Charging (Exemption from Charges) (Scotland) Regulations 2004 (SSI 2004/519). No members have raised points on the instrument and no motion to annul has been lodged. Can I confirm that the committee has nothing to report on the instrument?

Fergus Ewing: Convener, I thought that we were dealing with the Ethical Standards in Public Life etc (Scotland) Act 2000 (Devolved Public Bodies) Order 2004 (SSI 2004/543).

The Convener: Hang on a second. My briefing is wrong. I correct what I said, Fergus. My briefing has been carried over from a previous meeting. You are correct. We are dealing with the Ethical Standards in Public Life etc (Scotland) Act 2000 (Devolved Public Bodies) Order 2004 (SSI 2004/543).

Fergus Ewing: May I make a point, convener? I seek clarification on an issue that arises from constituency business, which I do not need to canvass here. Are codes of conduct gradually being extended across all bodies? Are there any bodies to which they will not be extended? If so, why? I raise that point because I have a particular interest involving a constituent, which it would be inappropriate to mention. I am not sure that all bodies that have been created by the Parliament have a code. If a board or a quango does not have a code and there is a complaint about the way in which one of its members has behaved, there is a lacuna. Could the Executive clarify the general approach?

The Convener: It is my understanding that the Ethical Standards in Public Life etc (Scotland) Act 2000 was intended to apply to all devolved public bodies and councillors, so there will be amendments from time to time as new organisations are established—or new organisations produce their codes of conduct—and they are brought within the scope of the 2000 act. I am not sure what clarification you are looking for, Fergus.

Fergus Ewing: I want to ascertain whether that is the case. That is my understanding, but it needs to be corroborated that some new bodies have not had codes applied to their activities. Could the Executive clarify that all new bodies that are set up—agencies, quangos and all the rest of it—are

to have the ethical standards code applied to them?

The Convener: That is my understanding, but I am happy for the committee clerks to draft a letter asking the Executive to confirm that that is the case. We could also ask whether the Executive knows of any public bodies that have not yet been brought under the scope of the 2000 act and, if so, when they will be.

With that request for clarity from Fergus Ewing, does the committee agree that we have nothing else to report on the instrument?

Members *indicated agreement.*

Fergus Ewing: Before we continue, I express apologies on behalf of Bruce Crawford.

The Convener: That is noted.

14:11

Meeting continued in private until 15:59.

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