

# **SOCIAL JUSTICE COMMITTEE**

Wednesday 4 September 2002  
(*Morning*)

Session 1

£5.00

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### SOCIAL JUSTICE COMMITTEE

14<sup>th</sup> Meeting 2002, Session 1

#### CONVENER

\*Johann Lamont (Glasgow Pollok) (Lab)

#### DEPUTY CONVENER

\*Mr Kenneth Gibson (Glasgow) (SNP)

#### COMMITTEE MEMBERS

\*Robert Brown (Glasgow) (LD)

\*Cathie Craigie (Cumbernauld and Kilsyth) (Lab)

\*Linda Fabiani (Central Scotland) (SNP)

\*Mrs Lyndsay McIntosh (Central Scotland) (Con)

\*Karen Whitefield (Airdrie and Shotts) (Lab)

#### COMMITTEE SUBSTITUTE

Ms Sandra White (Glasgow) (SNP)

\*attended

#### THE FOLLOWING ALSO ATTENDED:

Tommy Sheridan (Glasgow) (SSP)

#### CLERK TO THE COMMITTEE

Jim Johnston

#### SENIOR ASSISTANT CLERK

Mary Dinsdale

#### ASSISTANT CLERK

Craig Harper

#### LOCATION

Committee Room 3



# Scottish Parliament

## Social Justice Committee

Wednesday 4 September 2002

(Morning)

[THE CONVENER opened the meeting at 10:03]

### Interests

**The Convener (Johann Lamont):** I welcome members to the 14<sup>th</sup> meeting in 2002 of the Social Justice Committee and hope that they had a productive recess. Before we move to the agenda item on items in private, Robert Brown has interests to declare.

**Robert Brown (Glasgow) (LD):** The interests relate to the Debt Arrangement and Attachment (Scotland) Bill. I have a consultancy with Ross Harper and Murphy and am a member of the Law Society of Scotland.

### Items in Private

**The Convener:** We now move to consideration of items in private. The committee must consider whether to take item 3, on the licensing of houses in multiple occupation, in private.

**Linda Fabiani (Central Scotland) (SNP):** What are members' opinions on taking item 3 in private? I could see nothing in the item—

**The Convener:** Whether to take item 3 in private is for the committee to decide. It is suggested that discussion should be in private, as consideration of a draft response to an Executive consultation is involved.

**Linda Fabiani:** I do not have strong feelings on the matter one way or the other, but I wondered why the clerk thought that discussion should be in private.

**The Convener:** As I said, the committee must decide whether to take the item in private. The reason for taking the item in private is that it relates to consideration of a draft response.

Do members agree to take item 3 in private?

**Members indicated agreement.**

**Tommy Sheridan (Glasgow) (SSP):** I notified the convener of my intention to attend today's meeting. I would like to sit in when item 4 is considered. I have sent a letter to the convener and the Presiding Officer that outlines what I

consider to be a breach of standing orders in the committee's decision to hold the discussion in private.

Specifically, I refer to standing order 12.3.5, which relates to the conduct of committee business. Such business should be in public at all times except where there are issues of commercial confidentiality or other matters that the committee considers should be discussed in private. Evidence-taking sessions may be held in private, but no evidence is to be taken in this case. The committee will simply consider a stage 1 report and it should do so in public. Obviously, I have a special interest in the matter in respect of the bill's intention to repeal legislation. I appeal to the committee to reconsider the decision to hold the discussion in private.

The convener may be aware that, in the three years before the start of the recess, some 43 per cent of Social Justice Committee meetings were held in private, albeit that some of those meetings took place before she was convener. That is a high percentage and it should be questioned whether it is necessary to hold so many meetings in private. I appeal for the discussion to be held in public so that I can participate in it.

**The Convener:** It is unusual for me to be so lenient with members, but Tommy Sheridan has made an important point.

Members will recall that the committee unanimously decided at its meeting on 26 June to take item 4 in private. The decision was taken without dissent in public session. Tommy Sheridan had the opportunity to attend that meeting and to make his points.

The committee is trying to put together a draft report and to agree on the wording of that report. I understand that there has been a response from the Presiding Officer by the director of clerking and reporting. The clerk will outline what it says.

**Jim Johnston (Clerk):** I understand that the director of clerking and reporting, Carol Devon, has responded to Mr Sheridan's letter to the Presiding Officer this morning and outlined why the committee is entitled to consider the draft report in private. Would the committee like me to outline the procedural reasons for considering the report in private?

**Linda Fabiani:** Yes, please.

**Jim Johnston:** Rule 12.3.5 of the standing orders provides that committees shall meet in public when considering certain types of business, including, under rule 6.2.2(b), proposals for legislation. In respect of the Debt Arrangement and Attachment (Scotland) Bill, the Social Justice Committee has met in public to consider proposals and take evidence. The committee has now

reached the stage at which it will agree the wording of its stage 1 report, which is a distinct matter that is separate from the consideration of proposals for legislation and in respect of which the committee can agree to meet in private. That approach has been adopted in connection with the vast majority of stage 1 reports to date. However, I understand that the conveners liaison group will shortly consider whether to recommend to the Procedures Committee that rule 6.2.2(b) needs to be clarified.

**The Convener:** I want to add two points and then we will move on. First, after we decided to take the item in private, there was a discussion in public on what we considered to be the key points that the clerks would include. Again, that was an opportunity for MSPs to make a contribution. The discussion was a useful guide for the clerks. There was a desire to have the general themes that were coming out of the discussion reflected in the draft report.

The other point that I would make as convener of this committee—and I am sure that I speak for all the members—is that we take seriously any decision to take any item in private. It is right and proper that we always have a discussion when we make that decision. It is healthy to reflect on why we are deciding to take an item in private rather than get into a habit of doing so. We have to be clear about why we should take an item in private.

We have already decided to take this item in private. I want to stress that we do not lightly decide to take an item in private; we do so for reasons that are grounded in the rulings of the Presiding Officer and in our work.

With that, we can move into private session.

**Jim Johnston:** We have another item to discuss first.

**The Convener:** I beg your pardon. I sound desperate to get us into private session.

**Tommy Sheridan:** Before you move on, convener, I would like to make a statement. Obviously, I do not want to cause any problems for the staff who monitor these meetings, but I intend to pursue this matter. It is regrettable that you have agreed to continue discussion of this matter in private as I think that you are considering primary legislation. I do not think that the clerk's reply to us, which we received only a couple of minutes ago, is in any way satisfactory. However, I appreciate that you have business to conduct.

## Work Programme

**The Convener:** Members have before them a paper detailing the proposed work programme for the autumn term. It has been confirmed that the stage 1 debate on the Debt Arrangement and Attachment (Scotland) Bill will be held at 9.30 on Thursday 19 September. I advise you that the meeting that is scheduled for 25 September could be cancelled and the business dealt with on 18 September. Another possibility is that, if we complete our consideration of our draft stage 1 report today, we would not need to meet next week. However, we have to allow that time next week in order to ensure that we consider the report as seriously as possible.

I ask members to agree the proposed work programme and agree to meet weekly until the Christmas recess.

**Members indicated agreement.**

10:11

*Meeting continued in private until 10:55.*

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