

STANDARDS AND PUBLIC APPOINTMENTS COMMITTEE

Wednesday 20 September 2006

Session 2

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STANDARDS AND PUBLIC APPOINTMENTS COMMITTEE **8th Meeting 2006, Session 2**

CONVENER

*Brian Adam (Aberdeen North) (SNP)

DEPUTY CONVENER

*Bill Butler (Glasgow Anniesland) (Lab)

COMMITTEE MEMBERS

*Linda Fabiani (Central Scotland) (SNP)

*Alex Fergusson (Galloway and Upper Nithsdale) (Con)

*Donald Gorrie (Central Scotland) (LD)

*Christine May (Central Fife) (Lab)

*Karen Whitefield (Airdrie and Shotts) (Lab)

COMMITTEE SUBSTITUTES

Lord James Douglas-Hamilton (Lothians) (Con)

Paul Martin (Glasgow Springburn) (Lab)

Alasdair Morgan (South of Scotland) (SNP)

*attended

CLERK TO THE COMMITTEE

Jennifer Smart

SENIOR ASSISTANT CLERK

Sarah Robertson

LOCATION

Committee Room 4

Scottish Parliament

Standards and Public Appointments Committee

Wednesday 20 September 2006

[THE CONVENER opened the meeting in private at 18:02]

18:03

Meeting continued in public.

Complaint

The Convener (Brian Adam): I welcome the public to our meeting. I am now going to read out a statement in line with the procedures that deal with complaints against members.

The complaint was lodged by Mr Robert Mackenzie, deputy head of the Glasgow bureau of the Scottish fingerprint service. Mr Mackenzie complained that submissions made by him and by some of his colleagues that were sent to the Justice 1 Committee as part of the committee's inquiry into the Scottish Criminal Record Office and the Scottish fingerprint service were disclosed, or leaked, to a journalist working for *Scotland on Sunday* prior to the publication of those submissions as part of a report by the Justice 1 Committee. Committee members had previously been advised that the submissions were confidential until published as part of a report.

Before the commissioner's investigation began, Mike Pringle MSP wrote to the convener of the Justice 1 Committee confirming that he had shown the submissions to a journalist. Section 9.4 of the code of conduct for MSPs sets out confidentiality requirements in relation to parliamentary material specifically to discourage the practice of leaking material prior to its official publication.

Although Mr Pringle offered an explanation for his actions, the Scottish parliamentary standards commissioner has concluded that the member breached sections 9.4.2 and 9.4.4 of the code of conduct for MSPs.

The Standards and Public Appointments Committee has considered the commissioner's report and accepts its findings on the facts of the complaint. We agree with the conclusion that Mr Pringle breached the code of conduct for MSPs.

On previous occasions throughout the first and second sessions of the Parliament, committees have expressed strong disapproval of specific leaks and, more generally, of the culture of

leaking. This committee views very seriously the leaking of parliamentary material. Accordingly, under section 10.2.38 of the code, the committee will report to the Parliament and will recommend that a sanction be imposed on Mike Pringle MSP.

The committee now has to decide which sanction or sanctions to recommend to Parliament. A possible range of sanctions is set out in section 10 of the code of conduct. At this point, I invite members to offer their comments on the complaint and to suggest an appropriate sanction.

Karen Whitefield (Airdrie and Shotts) (Lab):

This is a serious issue and the convener was right to highlight that during the seven years of the Parliament's existence, members have raised concerns about the leaking of committee reports. For that reason, it is appropriate that I remind members of the committee of Mr Pringle's conduct while he was a member of the Justice 2 Committee in 2004 when I was that committee's deputy convener. At that time, he leaked to *Scotland on Sunday* the contents of our stage 1 report on the Antisocial Behaviour etc (Scotland) Bill prior to its publication. At the time, he accepted that he had been foolish and said that he would be far more careful in future. He was admonished by the committee, it was accepted that he was sorry and he was given the benefit of the doubt.

I am concerned that such behaviour has occurred once again. In light of that, we should view Mr Pringle's actions very seriously and take appropriate steps to send a very strong signal that this type of behaviour will not be tolerated.

Bill Butler (Glasgow Anniesland) (Lab):

Having heard what Ms Whitefield has said, I believe that, despite Mr Pringle's apologies and the arguments presented in mitigation, there is no doubt in my mind that he has breached section 9.4 of the code of conduct.

The leaking of private parliamentary material is very serious and cannot be tolerated. Members' behaviour must be beyond reproach. If it is not, the whole system is brought into disrepute. The committee has no option but to recommend to the Parliament that a sanction be imposed on Mike Pringle. I think that the sanction should be reasonable and appropriate and should fit in with what he has done. I suggest that we consider recommending to Parliament that he should be excluded from all meetings of the Parliament and its committees for a period of one week at least, excluding any period of recess. If Parliament accepts that recommendation, it would send out a very clear signal that the Parliament does not and will not tolerate such behaviour.

The Convener: Is your suggestion that the member should be excluded from meetings both of the Parliament and of all its committees?

Bill Butler: Yes. I suggest that he should be excluded from meetings of the full Parliament and of committees for one week, excluding any period of recess. That is what we should recommend to the full Parliament.

Alex Fergusson (Galloway and Upper Nithsdale) (Con): I do not disagree with Mr Butler. His suggestion represents a short, sharp shock type of sanction, which I believe is merited. However, I would like to see us go a little further. I understand that Mr Pringle has apologised to a degree to the Justice 1 Committee and its convener, but I wonder whether we could recommend—I will need to seek guidance on the correct form of wording—that he consider whether he should not make a more appropriate gesture of apology for what we all consider to be gross disrespect and a lack of courtesy to the committee and its clerking team. Personally, I wonder whether it would be advisable for us, if it is within our remit to do so, to suggest that Mr Pringle should reflect seriously on whether it is appropriate for him to remain a member of the Justice 1 Committee. I am not sure whether we can recommend that he do that, but I believe that we should strongly suggest that he should consider his position. I think that our finding will greatly demean his position on that committee. If we can find a form of words in which to put that properly, we should include that suggestion.

The Convener: My understanding is that we do not have the right to remove a member from a committee. There is no reason why we could not include Alex Fergusson's suggestion in our report, but the sanction would need to be along the lines that Mr Butler suggested or some other alternative.

Alex Fergusson: If the committee is so minded, we could include my suggestion when we discuss the wording of the report.

The Convener: Do members have any further comments? Are members content with Mr Butler's suggestion that we recommend to the Parliament that Mr Pringle should be excluded from meetings of the Parliament and of all its committees for one week, excluding any recess period? Do members also agree that our report should include Mr Fergusson's suggestion that we encourage Mr Pringle to offer a full apology and to consider his position as a member of the Justice 1 Committee?

Alex Fergusson: I understand that Mr Pringle's main office is within the Holyrood complex. For absolute clarity, I want to ascertain that our recommendation is that he should be excluded

from all meetings of the Parliament rather than from the Parliament building complex.

The Convener: That is precisely the implication of Mr Butler's proposal. Although we could go down the lines that Mr Fergusson has just mentioned, Mr Butler's suggestion would not exclude Mr Pringle from his office.

Are members content with the suggestion that we recommend that Mr Pringle be excluded for one week from meetings of the Parliament and all its committees and that our report should include a recommendation that Mr Pringle should consider his position as a member of the Justice 1 Committee?

Members indicated agreement.

The Convener: That concludes the public part of our meeting. We now go into private session to draw up our report.

18:14

Meeting continued in private until 18:20.

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Friday 29 September 2006

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