

STANDARDS AND PUBLIC APPOINTMENTS COMMITTEE

Tuesday 21 November 2006

Session 2

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STANDARDS AND PUBLIC APPOINTMENTS COMMITTEE

10th 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

Tuesday 21 November 2006

[THE CONVENER *opened the meeting at 11:02*]

Item in Private

The Convener (Brian Adam): Welcome to the 10th meeting of the Standards and Public Appointments Committee in 2006. I ask members and others to switch off their mobile phones. We have had apologies from Alex Fergusson, and I understand that some members may be delayed due to travel difficulties.

Agenda item 1 relates to consideration of a complaint that was referred to the committee, at stage 3 of the complaints process. The code of conduct specifies that initial consideration should take place in private to avoid prejudice to any possible further investigation. Are members content to take item 4 in private?

Members *indicated agreement.*

Members' Interests

11:03

The Convener: Agenda item 2 is on replacing the Scotland Act 1998 (Transitory and Transitional Provisions) (Members' Interests) Order 1999. At our previous meeting, members gave their views on one of the determinations required under the Interests of Members of the Scottish Parliament Act 2006. That determination, which can be found in annex A of paper ST/S2/06/10/2, related to the format of the written statement that members are required to lodge with the clerks and the level of detail contained in the form. The determination in annex A is arguably the biggest and most complex. We are today considering that determination and the other draft determinations on how written and oral declarations of interest should be made and on how the register of members' interests should be published. The final draft of the determinations relates back to the level of detail required in the written statement and incorporates the decisions made by the committee at our previous meeting.

The determinations are still in draft form, as the committee is going to consult all MSPs before reporting and making recommendations to the Parliament.

The first determination that we will consider is the initial registration of interests. The schedule to the 2006 act sets out broadly what is to be registered, but the Parliament is required to determine the detail. The draft has been revised in light of the discussion at our previous meeting.

I should advise members that annex C has been slightly redrafted, with the addition of paragraph 6(e), which will say: "adding the member's name in support of any of the proceedings referred to in sub-paragraphs (a) to (d)." Members should have that information.

Would members like me to go through the document page by page?

Members *indicated agreement.*

The Convener: I noticed a couple of things that we might want to look at. There is a typo on page 18. Paragraph (iv) says, "between £30,001 - £350,000"; instead of "£30,001", it should say "£300,001".

Linda Fabiani (Central Scotland) (SNP): Did you realise that when you were checking the value of your own stuff?

The Convener: I am glad that you came today.

In paragraph (v), again on page 18, although what appears is undoubtedly an accurate record of what the committee asked to appear, I am sure

that it was not our intention that members would not have to register any gross income above £50,000. I suggest that we add another line that says, “and over £50,000.”

Members indicated agreement.

The Convener: As agreed at the previous meeting, we have received informal briefings on the implications for issues around shares. Are members content with the advice that we have received?

Bill Butler (Glasgow Anniesland) (Lab): I am content, especially as paragraph (ii) on page 20, which asks members to provide the company name—one of the areas that we discussed—has been amended to read:

“as described when the Member acquired the interest”.

That is sensible and deals with the point that was made at the previous meeting.

The Convener: We might be able to include some of the background briefing in the advice—

Christine May (Central Fife) (Lab): That is sensible.

The Convener: Particularly in relation to how one might ensure, using a company’s website, that the name of the company has not changed. Are members content with annex A?

Members indicated agreement.

The Convener: Does anybody wish to comment on annex B?

Bill Butler: It seems fine, convener.

Members indicated agreement.

The Convener: Does anybody wish to comment on annex C?

Bill Butler: The addition of sub-paragraph (e) in paragraph 6 seems to cover matters.

Members indicated agreement.

The Convener: Does anybody wish to comment on annex D?

Members: No.

The Convener: We move to papers ST/S2/06/10/3 and ST/S2/06/10/3a. The precise mechanism for agreeing determinations in Parliament is yet to be finalised by the Procedures Committee; I presume that thereafter it will be agreed by the Parliament. We anticipate that that will happen before the December recess and that there will be adequate time for consultation with all MSPs before we report to Parliament prior to the end of the session.

A report containing all draft determinations will have to be lodged for debate by the Parliament

along with the other determinations. The draft consultation document will contain the draft determinations as recommended by this committee and will invite comments on the drafts. The minor revisions that we have made today will be incorporated into the consultation document by the clerks. Do members have any comments on the consultation document?

Bill Butler: It seems reasonable, wide ranging and appropriate.

The Convener: We intend to issue the document before the end of the week. If members are content to delegate authority to me to approve any of the revisions in light of our earlier discussion, we can perhaps proceed on that basis. Are members content?

Members indicated agreement.

11:10

Meeting continued in private until 11:29.

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