

STANDARDS COMMITTEE

Monday 25 October 1999
(*Afternoon*)

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STANDARDS COMMITTEE

8th Meeting

CONVENER :

*Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD)

COMMITTEE MEMBERS :

*Karen Gillon (Clydesdale) (Lab)
*Lord James Douglas-Hamilton (Lothians) (Con)
*Mr Adam Ingram (South of Scotland) (SNP)
*Des McNulty (Clydebank and Milngavie) (Lab)
*Dr Richard Simpson (Ochil) (Lab)
*Tricia Marwick (Mid Scotland and Fife) (SNP)

*attended

COMMITTEE CLERK:

Vanessa Glynn

ASSISTANT CLERK:

Alastair Goudie

ADVISER:

Mr Malcolm Duncan

Scottish Parliament

Standards Committee

Monday 25 October 1999

(Afternoon)

[THE CONVENER *opened the meeting at 14:02*]

Documents Received

The Convener (Mr Mike Rumbles): Good afternoon. The first item on the agenda is the report that members of the committee requested at our meeting on 8 October. Members received the report at the end of last week. I would like to convey the committee's thanks to those involved in preparing the report, especially to Malcolm Duncan.

The report outlines the steps that the committee took in the earlier stages of this inquiry. It includes material requested from ministers and others; the results of the examination of Alex Barr's contacts book; material relating to Jackie Baillie MSP and the Loch Lomond shore project; material relating to Henry McLeish MSP and the same project; diaries and other material relating to Jack McConnell MSP; and a statement by Kenny MacAskill MSP. Since our remit is to examine the conduct of MSPs, the best approach might be to consider the evidence that has been provided to us on each MSP in turn, so we will consider, first, the evidence on Jackie Baillie MSP.

Tricia Marwick (Mid Scotland and Fife) (SNP): I have read Mr Duncan's report on Jackie Baillie very carefully. The process by which she accepted the invitation seems impeccable. I do not know what the rest of my colleagues feel about that.

Karen Gillon (Clydesdale) (Lab): I agree. I have read through all the information we have here and it seems that Jackie conducted herself in a manner in which we would all hope to conduct ourselves when accepting or declining invitations. She is to be commended for that.

The Convener: Is everybody happy with that?

Tricia Marwick: I suggest that the committee has no further interest in the case of Jackie Baillie. I certainly do not think that we will call Jackie Baillie to the committee to give further evidence, as she has no case to answer. We should conclude that aspect of the investigation.

The Convener: I think that everybody accepts that there is no further case to answer.

Karen Gillon: I suggest that we should make public the information that we have on Jackie

Baillie.

The Convener: Where we have decided that we have completed the evidence on individual MSPs, the report's findings on them should be made publicly available later today. Is everybody happy with that?

Members: Yes.

The Convener: We will move on to Henry McLeish MSP. Does anybody want to comment?

Lord James Douglas-Hamilton (Lothians) (Con): I have read the report very carefully; it is clear that Henry McLeish acted altogether appropriately with regard to the Loch Lomond shore project. The event was the launch of a major project which a minister with responsibility for tourism would be expected to attend. His conduct was in this case altogether appropriate.

The Convener: So it is the same as in the first case.

Tricia Marwick: I move that the committee has no further interest in allegations made about Mr McLeish. As in the case of Jackie Baillie, we should not proceed. We are satisfied that he has behaved at all times in relation to this project in the way in which we would expect of ministers.

The Convener: Is everyone agreed?

Members: Yes.

The Convener: We will move on to Kenny MacAskill. Does anyone want to comment?

Karen Gillon: Mr MacAskill has said that he has not spoken to Kevin Reid inappropriately. I think that the committee will accept that.

The Convener: Indeed. Is that agreed?

Members: Yes.

The Convener: We will move on to matters relating to Jack McConnell. Does anyone want to comment?

Karen Gillon: There are a number of issues that the committee may wish to consider further, particularly given press speculation this morning and at the weekend. I therefore move that we invite Jack McConnell to be questioned by members of this committee. The issues that we would like to discuss surround the invitation by Beattie Media to the finance director of the year awards dinner next February and whether that meeting was dealt with appropriately by him and his staff.

The Convener: Are there any other points?

Tricia Marwick: On the matter of Jack McConnell's diaries, I, like Karen, think that we need to ask Mr McConnell to come before us to clarify some of the points that are made in the

report. We also need to ask Christina Marshall, Jack's constituency secretary, to come before the committee. We can then present points about the diaries, notebooks, the official invitation, and contacts with Beattie Media. Mr McConnell is on record as saying that he wants to come to the committee and to co-operate fully with it.

Although we have questions to ask Mr McConnell, we should also give him the chance to respond to this committee about the allegations that have been made against him.

The Convener: We have a proposal that Christina Marshall and Jack McConnell should be invited. Is everyone agreed on that?

Dr Richard Simpson (Ochil) (Lab): The report that we received on the written information that we asked to be examined in respect of Jack McConnell should not be published until after the minister and Christina Marshall have appeared before us.

The Convener: If I understand members correctly, what we are saying is that we have finished taking evidence on Jackie Baillie, Henry McLeish and Kenny MacAskill, and that all the evidence that is available to us should be published in a report. However, because we are still investigating the allegations that have been made against Jack McConnell, that evidence should be published not at this time, but after we have concluded our inquiries. Is that correct?

Des McNulty (Clydebank and Milngavie) (Lab): It is in everybody's interests that we try to conclude our investigation as quickly as possible. We should, therefore, hear the minister on the earliest possible date.

The Convener: I am moving on to that now. We are scheduled to meet on the morning of Wednesday 27 October. I propose that the clerks issue invitations to Christina Marshall and Jack McConnell to come before the committee then, so that we can question them further on the evidence. We should try to move quickly, but also comprehensively. We will, of course, take things as they come—it all depends on whether Christina Marshall and Jack McConnell are available on 27 October. Is everybody happy with that?

Tricia Marwick: Before we move on, I wanted to put a question on annex 1 to Mr Duncan.

The Convener: I was about to say to members that although we have all read the report, we have an opportunity to question Malcolm on any point. Would you like to start, Tricia?

Tricia Marwick: Malcolm, in annex 1, paragraph 4, you say that you have examined Alex Barr's contacts book and mention that there are three telephone numbers for Mr McConnell, none of which is an Edinburgh number or a Scottish

Parliament number. Could you tell me, therefore, what the numbers are? Are they in fact Mr McConnell's numbers?

Mr Malcolm Duncan (Adviser): One number is that of Mr McConnell's constituency office in Wishaw and one is a Stirling/Bridge of Allan number which, I believe, is his home number. The third number is a mobile phone number, which may be personal. However, I have not followed that up.

Tricia Marwick: Thank you.

The Convener: Are there any other questions that members would like to ask Malcolm, or is everybody happy with the report?

Karen Gillon: The final sentence of annex 1, point 7, reads:

"It is understood that Mr Barr's call to Miss Marshall discussed before the Committee was to Miss Marshall at the Constituency Office."

Where did that information come from, Malcolm?

Malcolm Duncan: That is the understanding I received from Mr Barr when I asked him which number he had rung.

The Convener: Are there any other questions for Malcolm Duncan?

Before we move on, I want to re-emphasise that when we write to Christina Marshall and Jack McConnell to ask them to give evidence to us on Wednesday, we should clarify what line of questioning we want to take. Would anyone like to suggest what line of questioning we should take with Christina Marshall?

Karen Gillon: Our questioning of both witnesses should concentrate on the invitation that is mentioned in the transcript from *The Observer* and on how it was issued. We should be very specific about that.

The Convener: There are diaries, notebooks, official invitations and records of contact with Beattie Media. Do members want us to take a specific line of questioning or one that is more generalised?

Tricia Marwick: In the case of Mr McConnell, the central allegation is that Beattie Media had undue influence over him, so we need also to explore the contacts that Mr McConnell has had with officials of Beattie Media. We have heard from the representatives of Beattie Media and *The Observer*; it is only right and proper that we give Mr McConnell the opportunity to tell the committee about the extent and the level of the contacts that he has had with Beattie Media.

14:15

The Convener: That would be only fair. The

reason I am labouring the point is that we have to give the witnesses notice of what we want to ask them.

Dr Simpson: It might be helpful for us to ask a little about the standard procedures that are followed.

Karen Gillon: In relation to Mr McConnell's member of staff—Christina Marshall—the only interest that this committee has is with regard to the invitation that was extended to Mr McConnell. We need to be focused, because the committee's primary interest is in members of the Scottish Parliament. More general questioning of Mr McConnell would be appropriate, but the questioning of other members of staff should be quite specific.

The Convener: That point is well made. With Christina Marshall we will focus specifically on the invitation incident, but will take a wider approach with Jack McConnell.

I would like to make the point that previous witnesses in this inquiry have been required to give evidence under oath. Are we agreed that that should also be the case with the witnesses we are calling for Wednesday?

Members: Yes.

The Convener: I want to emphasise that once we have completed the gathering of evidence, the written material that is relevant to Mr McConnell will be made available to the public.

Are there any other matters arising from agenda item 1? Is everyone happy?

I should also reiterate the time scale for this matter. It is important that we have two strands to this investigation, as I have been saying throughout. The first is that it must be comprehensive and thorough; the other is that it must be speedy. We are achieving both of those objectives. We are keeping to an appropriate timetable and if we gather in all the evidence—hopefully by next week or the end of this week—we should be in a position to consider a report on this issue and publish it as soon as possible.

Correspondence

The Convener: We move on to agenda item 2, which is the initial consideration of the handling of letters from Ben Wallace MSP.

Tricia Marwick: As most people know, I am involved with Mike Watson's member's bill. It is my intention to take no part in any discussion of Ben Wallace's letters, or in discussion of any complaints against Mike Watson.

The Convener: That declaration of interest is appreciated.

Karen Gillon: I take it that you have begun discussion of this agenda item?

The Convener: Yes.

Karen Gillon: I wish to put on record my very strong view that Ben Wallace has conducted himself inappropriately in the manner in which this complaint has been submitted, with regard to it being released to a national newspaper before it was presented to the convener of this committee. We should make it clear to all MSPs that, in future, complaints against another member should be brought to this committee in the first instance and not second hand after it appears, by way of speculation, in newspapers. This committee should be allowed to do its job of holding members of the Scottish Parliament properly to account.

The Convener: Thank you, Karen. I think that is agreed. We need to ensure that MSPs appreciate the proper procedure that should be followed if a serious complaint such as this is made against another MSP.

All members have received copies of the two letters of complaint from Ben Wallace regarding the conduct of Mike Watson. I was going to say that I am disappointed that they have already been aired in the press, but Karen has said that for me. I want to record the fact that this committee expects complaints to be made privately in the first instance.

The letters raise concerns about the conduct of an MSP in relation to members' interests and the execution of parliamentary duties. Consideration of those matters falls squarely within our remit. I note, however, that one matter on which Mr Wallace comments—the granting of a certificate of legislative competence for a member's bill—is not within the remit of this committee. It is for the Presiding Officer to decide on the issuing of a certificate of legislative competence.

However, it is within our remit to consider the other matters raised by Mr Wallace's letters and I propose that we do so. Do we all agree that the matters fall within our remit and that we should examine them?

Members: Yes.

Des McNulty: In a sense, the issues are clear. We need to deal with the substantive matters as quickly as possible, but we must first put the allegations to the member concerned. I suggest that we indicate a time frame for dealing with the matter as soon as possible, and certainly not later than our next meeting. We should invite Mike Watson to respond to the issues that have been raised.

Mr Adam Ingram (South of Scotland) (SNP): I endorse that. The first thing we must do is put the allegations to Mike and ask for his response. Then

we can weigh up the situation. I suggest that we try to move fairly quickly.

The Convener: Although speed is of the essence, I remind members that our next meeting is scheduled for Wednesday, which may be too early to handle this matter. We should handle it at the next meeting after that and I will suggest that the clerks write to Lord Watson outlining the complaints that have been made against him and giving him the opportunity and time to respond. Are members in agreement about that?

Members *indicated agreement.*

The Convener: I suggest that Lord Watson be asked for a response by the end of this week. I would also like to offer Lord Watson an invitation to attend our meeting. Are members content to leave it at that?

Dr Simpson: I am not sure if we want to proceed to an invitation. Initially, we want him to respond to the allegations. After that, the committee should decide whether we would like him to attend a meeting. If, in his written evidence, he expresses a wish to attend, the committee will consider that in due course.

The Convener: That is a good point. We shall deal with the idea of an invitation when we have received the letter.

Lord James Douglas-Hamilton: I do not think that we should discuss the substantive issues now. We need to know the facts and, in accordance with the principles of natural justice, Lord Watson should be given the chance to reply before we come to any conclusions.

The Convener: If everybody is happy about that, that brings us to the end of agenda item 2. As there is no further business, I close the meeting. Thank you.

Meeting closed at 14:23.

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