

STANDARDS COMMITTEE

Friday 29 October 1999
(*Afternoon*)

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STANDARDS COMMITTEE

10th Meeting

CONVENER :

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

COMMITTEE MEMBERS :

*Lord James Douglas-Hamilton (Lothians) (Con)

*Karen Gillon (Clydesdale) (Lab)

*Mr Adam Ingram (South of Scotland) (SNP)

*Tricia Marwick (Mid Scotland and Fife) (SNP)

*Des McNulty (Clydebank and Milngavie) (Lab)

*Dr Richard Simpson (Ochil) (Lab)

*attended

COMMITTEE CLERK:

Vanessa Glynn

ASSISTANT CLERK:

Alastair Goudie

ADVISER:

Mr Malcolm Duncan

Scottish Parliament

Standards Committee

Friday 29 October 1999

(Afternoon)

[THE CONVENER *opened the meeting at 14:48*]

The Convener (Mr Mike Rumbles): Welcome to the 10th meeting of the Standards Committee. The only item on the agenda this afternoon is the inquiry into matters that were brought to the committee's attention by *The Observer* newspaper. There are two parts to this item, the first of which is the consideration of a report on the written evidence that was requested on 27 October.

Report on Written Evidence

The Convener: I assume that everyone has had the opportunity to read and digest the extra information that was provided by Mr Jack McConnell and Christina Marshall. Are there any comments on the evidence that has been presented?

Tricia Marwick (Mid Scotland and Fife) (SNP): From the material that has been presented to me by the special adviser and others, and from the evidence that I have heard over the past 24 days, I conclude that there is no evidence that Jack McConnell acted improperly.

That 24-day period has been extremely difficult for the Standards Committee, because it has heard conflicting evidence on oath from, I suspect, at least one of the people who gave us evidence. There is a contradiction at the heart of the evidence, and it centres on the diary entry and the conversation between Christina Marshall and Alex Barr. Christina Marshall said that there is a difference in recollection: it is my view that there is a difference in fact.

It is not the role of the committee to decide who, between Christina Marshall and Alex Barr, was not telling the truth. The committee's role is to investigate the behaviour of MSPs, and we are doing that by investigating the behaviour of Jack McConnell. We have to make a judgment on the evidence that is before us—not the evidence that people say should have been presented to us and was not, but on the evidence that has come to us. I repeat: from the evidence that we have received, I conclude that there is no evidence that Jack McConnell acted improperly.

Dr Richard Simpson (Ochil) (Lab): I agree with Tricia. On the basis of the oral and written

evidence that has been presented to us and the material in the report from the special adviser, there has been no impropriety. Indeed, it is appropriate for a minister to have a single, central authoritative diary for the placement of any engagements.

The one concern that I had during the questioning this week was about why the diary entry had been deleted so rapidly. Mr McConnell answered that very satisfactorily—from the rest of the diary, it was clear that it was because he was taking no engagements at that particular time of year.

I also have some slight concerns about the evidence of Alex Barr and Christina Marshall. Alex Barr reported that Christina Marshall had told him that he should consider the diary appointment confirmed unless he heard back from her. That was completely denied by Miss Marshall, so their recollections are clearly at odds. However, there is absolutely no doubt in my mind that, on the evidence that we have received, there has been no impropriety by Jack McConnell as an MSP.

Des McNulty (Clydebank and Milngavie) (Lab): I broadly concur with Tricia Marwick. There are a number of unsatisfactory loose ends in the evidence, which the committee does not have the resources to deal with in the way that a court of law might.

We have evidence about the operation of the constituency office and the ministerial office. On the basis of the evidence that we have heard, the conclusion has to be that there was no impropriety on the part of the MSP, which is our essential concern. We are not equipped to resolve the issue of two people's different accounts of a telephone conversation. We have to go with the evidence before us and ask whether it points clearly to impropriety. I do not think that we could come to that conclusion, so I am very much of the same view as Tricia Marwick.

Lord James Douglas-Hamilton (Lothians) (Con): I supported this investigation and I note the new evidence.

Our remit was to consider whether there was evidence of a breach of any code by an MSP. I believe, from the information before us, that there is no evidence of a breach of any code by any MSP, including Jack McConnell. I conclude that there is no evidence of impropriety.

There is a discrepancy of evidence. For a confirmed invitation, there is normally a need for a letter of invitation and an acceptance. There is neither a letter nor an acceptance. There is a discrepancy of evidence over the telephone call. That was put to Christina Marshall by the convener. Mr Barr said that

"in the conversation I had with Christina she told me that I should consider it confirmed unless I heard back from her, which I did not."—[*Official Report, Standards Committee*, 8 October 1999; c 125.]

She said:

"My version is different from Mr Barr's: I can confirm that. I have given you my recollection of the conversation with Mr Barr. I never on any occasion gave him any indication that Mr McConnell would attend the event."—[*Official Report, Standards Committee*, 27 October 1999; c 193.]

There is no evidence, of any description, that the date was confirmed by Jack McConnell. I believe that there is no evidence of impropriety against him.

I express thanks to Malcolm Duncan for the excellence of his report to us, which made our task a lot easier and was a great help.

Mr Adam Ingram (South of Scotland) (SNP): I concur with my colleagues that, quite clearly, we do not have evidence of any impropriety on the part of Mr McConnell. I have a lingering concern about the conflicting testimony. I do not think that it is just a matter of a difference in recollections. I think that there was a clear difference in the facts expressed by those two individuals.

In the longer term, the committee will no doubt have to investigate a few other difficult matters. A message must be sent out, loud and clear, that if individuals do not take the oath seriously, implications follow from that.

Karen Gillon (Clydesdale) (Lab): I agree with the views expressed by my colleagues, in particular by Tricia. On the basis of the evidence that I have before me, there is no evidence of Jack McConnell having acted improperly in relation to the codes under which we have been conducting the investigation.

The Convener: That ends the first part of agenda item 1.

Further Procedure

The Convener: We will now move on to the second part, which is consideration of further procedure.

Do members agree that we should make public Malcolm Duncan's report on the material supplied by Jack McConnell?

Members: Yes.

The Convener: As to further procedure after we make the report ready this afternoon, we should meet next week. Do members agree that we should instruct the clerks to produce a draft report for our consideration next week and publish it as soon as possible?

Tricia Marwick: It is my understanding that

there will be a draft report, which the committee will consider, and that the final report will go to the Parliament, which will take a view on it, as we are a committee of the Parliament and we report back to the Parliament. Is that right?

The Convener: That is correct.

Are there any other comments before I sum up?

Members: No.

The Convener: We are agreed that Mr Duncan's report on Mr McConnell's evidence will be made available publicly later, in the same way as we have done with the reports on the written materials submitted by others.

I will now summarise the committee's position on the investigation.

A substantial amount of written and oral evidence has been placed before the committee, including the report by our adviser, Mr Malcolm Duncan, who has carefully studied the written material supplied by Mr McConnell. That includes a printout of the diary held electronically by Mr McConnell's private office; annotated hard copies taken from the electronic system from which Mr McConnell worked; Christina Marshall's current notebook; constituency desk diaries for 1999 and 2000; and a substantial folder of notes, papers, copy invitations and correspondence prepared by officials.

15:00

Mr Duncan studied all those documents in the light of a lengthy list of Beattie Media clients. As we all know, last Monday, we received Mr Duncan's report, and all members found that there was no case to answer against Jackie Baillie, Henry McLeish and Kenny MacAskill. In relation to Mr McConnell, the committee decided that the investigation should continue and that more evidence should be considered. Having heard the evidence given under oath by Christina Marshall and Jack McConnell on Wednesday, and after considering the extra written material, we conclude that there is no evidence of any breach, by Mr McConnell, of any code that covers the conduct of MSPs.

The committee is tasked with establishing and maintaining the high standards of conduct expected of members of the Scottish Parliament. I want to record our thanks to the officials for all their hard work, and special thanks to our adviser, Mr Malcolm Duncan.

Before I close the meeting, the committee must agree whether our meeting to consider the draft report should be held in private. I would like to ensure that all members agree on that.

Karen Gillon: It has certainly been the practice

of other committees, such as the Justice and Home Affairs Committee, to meet in private session to prepare a report for Parliament.

The Convener: Yes. We have concluded all the evidence in public, we are publishing all the evidence and I think that it is right and proper that we go into private session to consider the draft—it is only a draft—report. Once we have considered the draft report, we should publish the final version as soon as possible.

Lord James Douglas-Hamilton: There is a presumption that the report will be so well prepared that we will not have to change much of the spelling and so on, in which case it will be published very quickly.

The Convener: Yes, the officials have done a good job in producing all the materials. It is our job to consider the report.

Tricia Marwick: Before we move on, I would like to say that, before we were catapulted into the inquiry, we were considering the code of conduct for MSPs; we had just reached the issue of lobby companies. That part of our normal work has been suspended, but will you confirm that, as soon as practicable, we will return to the code of conduct and that we will begin with an investigation into lobby companies?

The Convener: Yes, I think that the committee agreed that this investigation was so important that we should devote all our attention to it. I thank all the members of the committee, as well as the officials, for clearing their diaries over the past 24 days to allow the investigation to move swiftly.

It is my intention that we meet soon—towards the end of next week—in order to consider the report in careful detail. We will publish the report and then return immediately to our normal work routine. We should start where we left off, which was an examination of lobbying companies. Perhaps this investigation will have informed our views on how to proceed with that.

Meeting closed at 15:03.

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