

# **STANDARDS COMMITTEE**

Wednesday 23 February 2000  
*(Morning)*

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### STANDARDS COMMITTEE

#### 4<sup>th</sup> Meeting 2000, Session 1

##### CONVENER

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

##### DEPUTY CONVENER

Tricia Marwick (Mid Scotland and Fife) (SNP)

##### COMMITTEE MEMBERS

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

\*Patricia Ferguson (Glasgow Maryhill) (Lab)

\*Karen Gillon (Clydesdale) (Lab)

Mr Adam Ingram (South of Scotland) (SNP)

\*Des McNulty (Clydebank and Milngavie) (Lab)

\*attended

##### CLERK TEAM LEADER

Vanessa Glynn

##### ASSISTANT CLERK

Alastair Goudie

##### LOCATION

The Hub



## Scottish Parliament

### Standards Committee

*Wednesday 23 February 2000*

*(Morning)*

[THE CONVENER *opened the meeting at 10:40*]

### Cross-party Groups

**The Convener (Mr Mike Rumbles):** Welcome to this meeting of the Standards Committee. We have had apologies from Tricia Marwick and Adam Ingram.

The first item is to consider applications for cross-party groups on tobacco control, on animal welfare and on information, knowledge and enlightenment. I should inform the committee that consideration of the application for a cross-party group on information, knowledge and enlightenment has been deferred to our next meeting, pending further information.

Members have copies of the application forms. We will consider the applications one by one. Are members content to approve the tobacco control group? Do members wish to ask any questions or raise any points on the application?

**Karen Gillon (Clydesdale) (Lab):** It meets with the rules on cross-party groups. I recommend that we agree that the group should be registered as such.

**The Convener:** Thank you for that. Any other comments?

If not, we will move straight on to the animal welfare cross-party group application. Are members similarly content to approve this group?

*Members indicated agreement.*

**The Convener:** The clerks will write to the conveners of the two groups, to inform them of our decisions.

### Register of Interests (MSPs' Staff)

**The Convener:** The committee felt that establishing a register of interests of MSPs' staff was a priority. We have a paper setting out a draft annexe to the code of conduct, containing the provisions on registration, and a draft covering report, to communicate our recommendation to Parliament.

We had expected that the code of conduct would have been agreed by now. However, the parliamentary debate has been postponed until tomorrow. I hope that, after the debate, we will have a code to which these provisions can, in due course, be annexed. We will look first at the draft annexe. Do members wish to make any general comments about that?

If there are no general comments, we can consider the annexe paragraph by paragraph, to establish whether members are content with it. Let us consider the introduction, paragraphs 1.1 to 1.4, as a whole. Are there any comments on that?

**Karen Gillon:** The introduction says that it is the responsibility of the member to ensure that their staff comply not only with the register but with the other aspects of the code of conduct, in particular in relation to leaks—that is an issue that we are very aware of at the moment. It would be a member's responsibility to ensure that their staff did not leak, in any way, any confidential parliamentary document.

**The Convener:** That is absolutely correct, and it is also emphasised in the staff contracts. It would be the MSP's responsibility.

If there are no further comments on the introduction, we will move on to the second part—under the heading of "Who Does the Register Cover?"—and consider paragraphs 2.1 to 2.3.

10:45

**Karen Gillon:** As well as people who have a parliamentary pass, does this cover staff or volunteers who do not necessarily have a parliamentary pass and who could be based in a constituency office?

**The Convener:** It covers everyone who is employed as a member of staff, whether they are based in your constituency office or in the parliamentary complex. The important phrase here is "as a member of staff". Members should be aware that that is different from the Westminster approach.

**Karen Gillon:** It is different, and it is very welcome. People who do not receive remuneration are as able to be influenced as those who do.

**Des McNulty (Clydebank and Milngavie) (Lab):** This section covers staff who are employed by a single MSP or by a group of MSPs. It may well be that there will be members of staff who are, for example, employed by an MSP and an MP, or by an MSP and an MEP. In those circumstances, would staff have to declare their interests in a variety of different places?

**The Convener:** The code makes it clear that if staff are employed by MSPs, even if only part-

time, and even if they are also employed by MPs or MEPs, they come within the locus of this code of conduct.

**Karen Gillon:** The key thing to remember is that it also refers to staff who may not receive remuneration from an MSP. There are arrangements whereby an MSP may employ a member of staff and an MP another, but the two members of staff work for both the MSP and the MP. They are both working for the MSP for more than 10 days a year and should therefore be registered.

**The Convener:** Would it be helpful to expand on that point in the code, to make it clearer?

**Karen Gillon:** Yes, it would. All the parties now employ staff who are paid through members' allowances and who are, in effect, employed by members. Does the code cover them as well?

**The Convener:** Yes, indeed.

**Karen Gillon:** Can we make each of the parties' business managers aware of this section, to ensure that staff who are employed to do research are aware of the need to register?

**Patricia Ferguson (Glasgow Maryhill) (Lab):** When we expand this section, it might be clearer if we include that information.

**The Convener:** Yes, that can be done.

**Des McNulty:** Does an issue arise over members of staff who are paid using Short money?

**The Convener:** This code emphasises that our locus is members of staff of MSPs.

**Karen Gillon:** I understand what you are saying, convener. My only concern is that a number of those members of staff work in the Parliament buildings and are, on occasion, party to confidential information relating to committee business. If we are to look at the issue of leaked reports, we should consider that possible source of leaks. It is not covered by any of the codes of conduct at present.

**The Convener:** I understand Karen's concerns, but we have to bear in mind the committee's remit; it is specifically on MSPs. We have a code of conduct for MSPs and we are attaching this to it, as a code of conduct for MSPs' staff. It is not within our remit to expand it beyond that.

**Karen Gillon:** As the Presiding Officer is keen to develop codes of conduct on various matters, he might want to consider that issue as part of his work on relationships between constituency and list MSPs and between MSPs and MPs. He may wish to consider the relationship between the staff employed in the Parliament on Short money.

**The Convener:** I will meet the Presiding Officer to discuss this whole subject, and that is one of the issues that I will raise with him.

Are there any other points on that section?

**Lord James Douglas-Hamilton (Lothians) (Con):** I have no points on the introduction, but I would like to raise one point arising from the briefing on agenda item 2. It states:

"The proposed threshold for registration of gifts, benefits and hospitality is set reasonably low—£50. This is lower than the Westminster threshold of £125 and the threshold for registration by MSPs of £250."

I want to query the reason for the threshold of £50 as, owing to inflation, that figure might be out of date within 10 years. Would a slightly higher figure be appropriate?

**The Convener:** The advice that I am receiving is that it is not any gift; it is when the gift is related to their work.

**Lord James Douglas-Hamilton:** If that is the case, I would like that to be made clearer.

**The Convener:** The code states

"which relates in any way to the member of staff's work as a member of staff of an MSP or to Parliamentary business"

**Karen Gillon:** I think that the limit, although it is low, is helpful. If somebody were, for example, taken to a football or rugby match by a professional lobbying company, a limit of £50 would cover those sort of events. I understand Lord James Douglas-Hamilton's concerns about the low figure, but we want to pick up on those sort of things within this register—when MSPs' staff are given hospitality, because they are MSPs' staff, in an attempt to gain access to an MSP.

**Patricia Ferguson:** I suggest that although the figure is low, it should reflect occasions when an individual offers hospitality at a low cost, but does it consistently. It would be helpful to have a cumulative approach in this section.

**The Convener:** We will take account of that.

**Lord James Douglas-Hamilton:** Presumably, within five or 10 years, the committee could alter the figures to take account of inflation.

**The Convener:** Yes.

**Lord James Douglas-Hamilton:** On that basis, I am content.

**The Convener:** Are there any other issues on paragraphs 3.1 and 3.2 on page 2?

**Karen Gillon:** On the issue of other work, are we in order, in relation to human rights legislation, to ask somebody for details of their employment over the past 12 months?

**The Convener:** The advice is that we cannot

alter people's current contracts of employment, so we cannot demand that that is done for current employees, but it can be part of the conditions of employment when we take new staff on, if Parliament agrees to this.

**Karen Gillon:** So that part does not refer to staff who are currently employed by members?

**The Convener:** Current staff have employment contracts, and we cannot change those just because of this. This does not apply.

**Karen Gillon:** That is not what I am asking about. Existing employment contracts are existing employment contracts. Are we suggesting that any new employment contracts should contain a requirement for staff to comply with the code?

**The Convener:** People would be directed to comply.

**Karen Gillon:** I suggest that we should recommend to MSPs—and we would need to get the wording right—that all staff should be encouraged to comply, although we cannot compel them to. Is that in the code?

**The Convener:** Yes, it is covered in section 6, "Responsibilities in Relation to Registration", which we will get to shortly.

Page 3 of the document is headed "Registration Procedure", which covers paragraphs 4.1 to 4.11. As there seem to be no comments on that, we will move on to the next section, "Form of the Register". Paragraphs 5.1 to 5.3 are quite straightforward.

**Karen Gillon:** Sorry, convener, can I take you back to 4.11?

**The Convener:** Yes, indeed. "Ceasing to be a member of staff".

**Karen Gillon:** It says:

"MSPs are encouraged to inform"

In all the other parts of the document there are time scales. Can we put in a requirement that MSPs should inform the Standards Committee within 30 days if a member of staff leaves? That would be perfectly legitimate.

**The Convener:** We can do, yes.

**Karen Gillon:** Everybody else has to be informed—the people in accounts and the pass office, for example. If that is being done, it would be simple to inform the Standards Committee as well.

**The Convener:** That is a good point, Karen, and could be incorporated in paragraph 4.11.

**Karen Gillon:** A pro forma could be drawn up.

**The Convener:** Yes. We will move on to section 6, "Responsibilities in Relation to Registration",

which covers points that Karen made. Are there any points on paragraphs 6.1 to 6.4?

**Karen Gillon:** You know my concerns about ending up in court, convener. In paragraph 6.2.2, it says:

"An MSP should not engage any person, whether on a paid or unpaid basis, after that date who is unwilling to comply with the rules."

I am assuming that that is suitable and will not cause us any difficulties, but I wanted to check.

**The Convener:** The lawyers have gone through this. Do not worry, Karen. It goes back to the points that we made earlier.

We will now move on to the draft registration form. Are members content with it, or do we want to change it?

**Patricia Ferguson:** Does it reflect the changes that were suggested?

**The Convener:** Yes.

**Karen Gillon:** There will obviously be a paragraph—and I am sure that it is here and I have just missed it—to say that if people are in any doubt they should consult the Standards Committee clerks.

11:00

**Lord James Douglas-Hamilton:** That paragraph was in the earlier paper.

**The Convener:** It will be included in the draft form.

We will now consider the draft covering report, which is on the last two pages that members have before them. Are there any comments on the first of those two pages?

**Karen Gillon:** I suggest that we have the draft covering report circulated, with the amendments that have been made—which are mainly drafting amendments—and that there is no need for us to meet again to discuss this. The covering report could then come into being as quickly as possible.

**The Convener:** That was my intention.

**Karen Gillon:** It is just that two dates on which we are to meet to discuss this are shown at the top of the first page. I was suggesting that we do not need another meeting, and that we can trust folk to get it together.

**The Convener:** Correct. As long as members are happy with the draft. Are there any more comments on the first page? Are there any comments on the last page? Do you have a comment, Des?

**Des McNulty:** No, I think that it is okay. There is, however, just one issue tugging at the back of

my mind. I do not think that this has happened here but I understand that at Westminster particular people have been attached to particular MSPs to work on specific bits of legislation. It is not clear to me whether this register will apply to people in that position. They would not be paid from allowances, but they might get a pass via an MSP.

**The Convener:** As I understand it, for employees to be paid from the allowances scheme, they must be—

**Des McNulty:** People paid out of allowances schemes are covered.

**The Convener:** The key point is that they are covered if they are working as a member of staff.

**Karen Gillon:** As I understand it, there is a part of the draft annexe that mentions

“10 working days in any calendar year.”

Anyone doing research for an MSP for more than 10 days in one calendar year should be covered by the register, regardless of who pays for them, because it is the MSP who is responsible for them. They are doing work on behalf of the MSP.

**Des McNulty:** That is correct.

**The Convener:** They could be included, if an MSP considers them as employees. They are part of the MSP's team.

I suggest, if everybody is content with that, following what Karen Gillon has said and following my discussion with the clerks now, that we e-mail everyone with the revisions and changes, just to ensure that everyone is content with them. I do not see any need for another meeting on this matter. Does anyone have any other comments?

**Lord James Douglas-Hamilton:** I would just like to thank the clerks very much for having put an awful lot of work into this. I am glad that we have been making speedy progress on this matter.

*Meeting closed at 11:02.*



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