

# **STANDARDS COMMITTEE**

Tuesday 12 September 2000  
(*Morning*)

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## **STANDARDS COMMITTEE** **13<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 TO THE COMMITTEE**

Sam Jones

### **SENIOR ASSISTANT CLERK**

Jim Johnston

### **LOCATION**

The Hub



## Scottish Parliament

### Standards Committee

*Tuesday 12 September 2000*

*(Morning)*

[THE CONVENER *opened the meeting at 10:39*]

**The Convener: (Mr Mike Rumbles):** Good morning and welcome to our slightly delayed 13<sup>th</sup> meeting this year of the Standards Committee. Before we move on to the items on our agenda, I suggest that we discuss the manner in which we intend to deal with item 3, which is the consideration of the draft report on our inquiry into models of investigation. As we are considering the contents of a draft report, I propose that we move into private session for that item. Are members happy to do that?

**Members** *indicated agreement.*

### Lobbying

**The Convener:** Agenda item 1 is lobbying. At our meeting on 14 June, the committee agreed to consult all MSPs on their experiences of lobbying in the Parliament. The Scottish Parliament information centre then developed a questionnaire, which was issued to all MSPs before the summer recess. A total of 47 members responded. I would like to thank the members who have assisted us with this work and Fiona Killen from SPICe for her assistance in preparing the questionnaire. Our clerks have produced an issues paper for the committee, which provides an analysis of the responses. The issues paper refers to the committee's recommendation in its lobbygate report that the Executive should re-examine the Scottish ministerial code to establish whether it provides adequate advice to ministers in relation to lobbying. The Executive has now provided a formal response, which has been circulated to members of the committee.

In the light of the clerks' issues paper, I suggest that we discuss the responses to the questionnaire and consider two issues: first, whether there is any need for a wide-ranging inquiry into lobbying; and, secondly, whether there is a need at this stage for further guidance to members on lobbying in addition to that outlined in section 7 of the code of conduct. I would like to open up the meeting and hear members' comments. We will consider the issues one at a time. Do we consider that there is a need for a wide-ranging inquiry?

**Lord James Douglas-Hamilton (Lothians) (Con):** I offer two thoughts to the committee. It appears that one of the objections to registration of lobbyists is that the countries that have adopted registration have frequently found that the form of registration that they chose was incomplete and had to be updated. Holes had to be plugged because so many different forms of lobbying were appearing. I suggest that it would be helpful if the committee received further advice on the case for a voluntary code of conduct. I understand that that would be acceptable to lobbyists and I think that it would help everybody to understand exactly which actions were legitimate and which were less legitimate. That would help to clear the air. If an attempt is made to ban lobbying, there is a danger that it will be driven underground. If lobbying is to exist, there should be some form of code of conduct so that we have realistic guidance as to what is legitimate and what is less legitimate.

**Patricia Ferguson (Glasgow Maryhill) (Lab):** One of the most interesting things to come out of the questionnaire was that most members seemed to be quite comfortable with things as they are. However, it is early days and the full weight of the lobbying world may not yet have descended upon us—there is probably more to come, if Princes Street this morning is anything to go by. This early in the Parliament's life, I would not like us to cut off the possibility of putting in place something more formal to deal with lobbying. However, I am ambivalent about whether we need to do anything at the moment.

**Karen Gillon (Clydesdale) (Lab):** Having read the synopsis that the clerks prepared for us, I see a clear split between MSPs who think that we should have no dealings at all with professional lobbying companies and MSPs who feel that they are legitimate organisations. A number of MSPs expressed the concern that professional lobbying companies may be giving the impression that they have preferential access to MSPs or ministers. For me, that has always been the crux of the debate. The fact that some MSPs still feel that that impression is being given is a cause for concern. Also of concern is that the public may feel that way, too. We need to consider how we can deal with that perception. If lobbygate did anything, it gave the public the idea that some people somewhere believed themselves to have preferential access to ministers. Our inquiry proved that they did not; however, I think that the perception still exists.

There is some merit in considering this issue a little further, to gauge from the companies and the organisations what they are doing and how they are conducting themselves.

I have always felt that we should not regulate lobbyists, because to do so would give them a

status that they do not deserve and might entrench them as part of this Parliament in a way that I do not believe appropriate. However, I am prepared to consider the issue further. It would be worth while to conduct, with lobbying organisations and professional lobbying firms, a similar exercise to the one that we conducted with MSPs. If we are to go down Lord James's suggested road of having a voluntary code, we should have more information from the people doing the lobbying on which to base that code.

10:45

**The Convener:** If I can paraphrase you, Karen, you are suggesting that, to inform our decisions, we write to lobbying organisations and get information directly from them in the same way as we got information from MSPs.

**Karen Gillon:** I am especially interested in the way in which professional lobbying companies organise themselves and operate in the Parliament and in the information that they put into their annual reports on who their clients are and how much income is generated. I do not know whether it is possible to get this information, but I would also be interested to know their charging policies. Are their charging policies determined by the influence that they are seeking, for example, or by the information that they are providing? Those are the issues that I would like to tease out from lobbying companies—particularly the professional ones.

**Patricia Ferguson:** One of the things in the report that jumped out at me—I had been aware of it and it is reflected in the returned questionnaires from members—is the fact that it is often not clear who is trying to contact members and on what basis. I would like that to be considered along with Karen Gillon's proposal. As you well know, convener, e-mails arrive in such profusion these days that sometimes it is not clear whom the sender represents or purports to represent. The same is true of other items of correspondence. The way in which people communicate with us must be clear and open. I am not comfortable that it is; I am not sure that people identify themselves as clearly as they might want to, or as we might want them to.

**Lord James Douglas-Hamilton:** There is general uneasiness among all MSPs about dealing with lobbyists at all, but there is a danger of driving them underground. I am sympathetic to what Karen Gillon said. The Parliament believes in openness and transparency. Further advice, not only on a voluntary code of conduct but on who the lobbyists are and whether they would co-operate with a voluntary code of conduct, would be helpful, so that everything is out in the open and we know exactly what we are dealing with.

As only four members are present today, it would be of assistance to wait for further advice, so that the whole committee can meet. I know that some members have been prevented from attending due to circumstances beyond their control.

**The Convener:** We are all agreed that we will proceed by getting written evidence from organisations.

**Karen Gillon:** Another point that jumped out of the report on lobbying was members' concern that the organisations with the most money would have the biggest impact and so would be most listened to. How smaller organisations with legitimate democratic rights can be heard is of concern to us all. The fact that those that can pay for adverts and send out lots of materials sometimes gain more access than those who can perhaps only do one mailing or make one telephone call is a legitimate concern. When we seek further advice, it might be helpful to receive guidance on how things stand at the moment. There are issues to do with access and influence.

**The Convener:** This has been a useful discussion, which will inform how we proceed. We will move the process forward by inviting written evidence from various lobbying organisations.

## Cross-party Groups

**The Convener:** If members are content, we will move to agenda item 2—consideration of applications for recognition as cross-party groups. There are four applications; members have copies of the forms submitted. We shall take the applications in order.

The first application is for a cross-party group on carers. Members have the form at annexe A. Are there any comments on the proposed group?

**Karen Gillon:** The group meets the requirements for registration. We should proceed to registration.

**The Convener:** Are members happy to approve the group?

*Members indicated agreement.*

**The Convener:** The second application is for a cross-party group on human rights. Do members have any comments on the application?

**Karen Gillon:** I do not have a problem with proceeding to registration of the group proposed in this application or the next, but there is concern, which has been raised before, about members having less of a numerical presence on the group than organisations outwith the Parliament. That applies in particular to the next group, on architecture and the built environment, on which members are clearly in the minority. We should draw the matter to the attention of the relevant MSPs and suggest that they might want to increase their membership. I know that there are great demands on members' time and that cross-party groups are numerous, but it would be helpful.

Can a list of the cross-party groups that have been registered be circulated to all members? There seems to be some confusion about which cross-party groups are registered and which are not, which is causing problems, because groups are using Parliament stationery, supplies and accommodation without being registered.

**The Convener:** We will do that. Are members content to approve the group on human rights?

*Members indicated agreement.*

**Patricia Ferguson:** As you may be aware, convener, my name is down as a potential member of the cross-party group on architecture and the built environment. I share Karen Gillon's concern about the number of people from outside the Parliament who have indicated an interest in being involved. I honestly do not know whether they intend coming to every meeting, but I was slightly taken aback when I saw the list.

Karen Gillon mentioned some things that she would like circulated to members. I would be interested in receiving information on the cross-party groups that we referred back to proposed conveners because we were not comfortable with the way in which the groups intended to set themselves up. I would like some feedback on where we are on those. I would hate to think that they are operating out in the big wide world without approval.

**The Convener:** We will chase that up. Those are good suggestions.

**Lord James Douglas-Hamilton:** The principle is that cross-party groups must operate for the purposes that were intended and set out. They must not be used for purposes other than those stated, as Karen Gillon implied.

I am perfectly content to proceed to registration of the cross-party group on architecture and the built environment. Both Patricia Ferguson's name and mine are mentioned.

**The Convener:** Are members content for us to approve the group on architecture and the built environment?

*Members indicated agreement.*

**The Convener:** The final application is for a cross-party group on international development. Are there any comments?

**Karen Gillon:** The application meets the criteria. I suggest that we accept it for registration.

**The Convener:** Is that agreed?

*Members indicated agreement.*

**The Convener:** I will write to the conveners to inform them of our decisions.

**Karen Gillon:** Convener, I would like to ask that an extra item be put on the agenda during the private session if at all possible.

**The Convener:** That is not appropriate, as we do not have any further items under which that could be raised. However, if you speak to me, it can certainly be put on the agenda for the next meeting.

The final agenda item is consideration of the committee's draft report on models of investigation. As agreed at the beginning of the meeting, we will move into private session. I ask members of the public, press, official report and broadcasting to leave the meeting.

10:55

*Meeting continued in private until 11:30.*





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