

STANDARDS COMMITTEE

Tuesday 24 October 2000
(Morning)

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STANDARDS COMMITTEE

15th 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

ASSISTANT CLERK

Jim Johnston

LOCATION

Committee Room 1

Scottish Parliament

Standards Committee

Tuesday 24 October 2000

(Morning)

[THE CONVENER *opened the meeting at 10:31*]

The Convener (Mr Mike Rumbles): Good morning and welcome to this meeting of the Standards Committee. Before we move to our main business this morning, I would like to welcome to the meeting Garry Watson, our recently appointed temporary standards adviser. I have received apologies from Adam Ingram, Des McNulty and Karen Gillon.

Cross-party Groups

The Convener: Our first agenda item is consideration of applications for recognition of cross-party groups. There are four applications and members have copies of the forms that have been submitted. We shall take the applications in order.

The first application is a proposal to establish a cross-party group on nuclear disarmament. Further to our previous discussion of this application, I had a very constructive meeting with the convener of the proposed group, Dorothy-Grace Elder. I briefed Dorothy-Grace on the committee's concerns regarding the application, which were set out in my letter of 26 September. That letter has been distributed to members. Our concerns related to the payment of subscriptions, the perception that the proposed group would be administered by the Campaign for Nuclear Disarmament, and the use of the word "campaigning" in the title of the proposed group. Dorothy-Grace Elder has taken those concerns on board and a revised application has now been submitted to the committee. Members will note that the group has been renamed the cross-party group in the Scottish Parliament on nuclear disarmament. I invite the committee to consider the application in the light of the revisions that have been made.

Patricia Ferguson (Glasgow Maryhill) (Lab): I am now perfectly happy for the application to be approved. With a little more co-operation, we could have reached this point several months ago.

Tricia Marwick (Mid Scotland and Fife) (SNP): I agree with Patricia Ferguson.

Lord James Douglas-Hamilton (Lothians) (Con): My reservations about this application are

on the record, as I have made my point at previous meetings of the committee. There has been some movement on this issue and, if the Standards Committee is minded to approve the application, I will not maintain my objection.

The Convener: I will write to Dorothy-Grace Elder to confirm that the application has been approved.

The second application is for a cross-party group on deafness. Do members have any comments on the proposed application?

Tricia Marwick: The proposal appears to conform with the rules on cross-party groups and I am happy to give it my support.

Lord James Douglas-Hamilton: I support the proposal strongly. This is a very important area.

The Convener: I will write to the convener of the group to inform them that the application has been approved.

The next application is for a cross-party group on disability. Do members have comments on this proposed group?

Lord James Douglas-Hamilton: I support the application strongly.

The Convener: Do members agree to the application?

Members indicated agreement.

The Convener: The next application is for a cross-party group on cycling. Do members have any comments on the application?

Tricia Marwick: I am happy to support it, provided that it does not mean that cycling becomes compulsory.

Patricia Ferguson: Hear, hear.

The Convener: I will write to the convener of the group to inform them that the application has been approved.

Members' Interests Order

The Convener: The next item on our agenda concerns the replacement of the members' interests order. The committee will recall that section 39 of the Scotland Act 1998 requires that provision be made by or under an act of the Scottish Parliament for the registration of members' interests. In effect, that requires us to replace the order with an act of the Scottish Parliament. The clerks have now carried out an initial review of the order and its operation. An issues paper providing an overview of that work has been circulated to members.

This is an excellent opportunity to review the

practical issues that have arisen from the application of the members' interests order and to examine those issues that we were unable to touch on in our discussion of the code of conduct because they were outside the existing legislation. Given the scale of the undertaking that is before us, this morning the committee will wish to consider how it should take this work forward. Some of the topics that we will consider are quite sensitive. We will need to strike a balance between respect for individual privacy and the need to ensure transparency and high standards of probity. It is more important for us to do this work thoroughly and to develop carefully considered recommendations than it is for us to reach speedy conclusions. I suggest that the views of other members are a necessary ingredient in the process of developing our policy. The committee may want to consult members directly and seek their views on this matter.

Tricia Marwick: I am glad that we are now discussing this matter. The members' interests order has concerned the Standards Committee as a whole and individual members of it practically since the day and hour on which the committee was set up. We have run into a number of problem areas and have had to interpret the order. There has been a lack of clarity. In addition, the order has been drawn up in such a way as to impede and hinder the work of the Parliament, rather than providing us with the guidelines and rules that we need. We know that there has been a great deal of confusion about the provisions regarding paid advocacy.

This is an excellent paper. I agree that we cannot deal with this matter quickly and that we need to take a considered view on it. Interpretations of the order are robust enough for us to continue our work while we seek clarification of and changes to the order. We should consult members outwith the Standards Committee to get a view on how the order can ensure good practice in the Parliament without hindering the legitimate activities of MSPs.

I am particularly pleased that we will be considering the need to register gifts from spouses. As you know, convener, for some time that issue has exercised the minds of individual members of this committee. I look forward to seeing an end as soon as possible to the need to register gifts from spouses.

Patricia Ferguson: I do not disagree with anything that Tricia Marwick has said. It is worth taking the time to deal in detail with the issues arising from the order and to consult other members of the Parliament. Members have a view on many of the issues that are discussed in this paper and it would be good to hear what they have to say. It would be helpful if the clerks produced an

issues paper for our consideration.

Lord James Douglas-Hamilton: I support consultation on the order, because as many circumstances as possible must be taken into account. The order should be absolutely clear, simple and straightforward; there should not be any dubiety or grey areas. Reviewing the order in the light of experience and giving members the opportunity to write in with particular problems will help to ensure clarity.

The Convener: Having read the issues paper, do members feel that the clerks should include other issues in the consultation paper that is sent out to members?

Tricia Marwick: The issues paper is well laid out and highlights our concerns over the past 16 months. That does not mean that there will be no other issues—I am not convinced that all the issues have emerged. That is why it is important to consult colleagues, who may raise other issues on the order. I would like to see a similar issues paper sent both to the party business managers as a basis for group discussion and to individual MSPs.

Patricia Ferguson: The legal team may have concerns about some areas—for example, the problem that arose with Mike Watson's bill—and they may be conscious of issues of which we are not. As the clerks work closely with the legal team, they may have already consulted it; if not, I suggest that it would be worth doing so.

The Convener: We work very closely with the legal team.

Lord James Douglas-Hamilton: Unlike the decisions of the comparable committee in the House of Commons, the decisions of this committee can be legally challenged. The decisions that we reach should meet the test not just of clarity, but of reasonableness. Consulting is the appropriate way forward.

The Convener: I suggest that we bring a draft consultation paper to our meeting on 21 November.

Members: *indicated agreement.*

Work Programme

The Convener: The work programme was last reviewed in June. Members have a paper that notes progress on the register of staff interests and on our inquiry into models of investigation. However, there is much work ahead of us in the coming months.

The clerks have prepared a provisional schedule of business to be considered at the meetings timetabled until the end of January. That timetable may need to be flexible, as we may have to consider reports from our standards adviser, Garry Watson, arising from any complaints made during that period.

I do not want to plan too many meetings. We may be able to incorporate the agenda for the meeting on 7 November into subsequent meetings. One of the two December meetings could be treated similarly, although we should perhaps keep the meeting on 19 December, as we will have the lobbying information by that time. The date for responses is 5 December, so the information would not be available for a meeting on 5 December.

Patricia Ferguson: The programme looks reasonable and, as long as it is flexible, we can deal with anything that may arise. I still have concerns about the clash between meetings of this and other committees. I know that you have tried to resolve that situation but perhaps we could change the time at which we meet so that members can attend other meetings later in the morning.

The Convener: We will review the timing again to try to ensure that as many members as possible can attend. Half the members of the committee are not here this morning, not due to any fault of their own but because of the scheduling of meetings.

Tricia Marwick: I agree. We are almost inquorate today and if I had chosen to go to the Equal Opportunities Committee we would have been inquorate. We have important work to do, and we may be parachuted into an investigation of a complaint. We cannot continue with the clash of committee meetings. Members of this committee tend to be members of the business bureau or the corporate body as well, so Tuesday is a heavy day. Meeting on a Wednesday would ease some of the pressure.

The Convener: I raised this issue again at the most recent meeting of the conveners group and was given an undertaking that the schedule would be reviewed by the Christmas recess. I hope that we will be able to move our time of meeting back to Wednesday mornings. I am continuing to

emphasise the problems that arise when we have to meet on Tuesday mornings.

Meeting closed at 10:47.

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