

STANDARDS COMMITTEE

Wednesday 23 May 2001
(*Morning*)

Session 1

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STANDARDS COMMITTEE

8th Meeting 2001, 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)

Mr Frank McAveety (Glasgow Shettleston) (Lab)

*Mr Kenneth Macintosh (Eastwood) (Lab)

*Kay Ullrich (West of Scotland) (SNP)

*attended

CLERK TO THE COMMITTEE

Sam Jones

SENIOR ASSISTANT CLERK

Jim Johnston

LOCATION

Committee Room 3

Scottish Parliament

Standards Committee

Wednesday 23 May 2001

(Morning)

[THE CONVENER *opened the meeting at 09:34*]

Item in Private

The Convener (Mr Mike Rumbles): I welcome everyone to the eighth meeting this year of the Standards Committee. Under agenda item 1, our first task this morning is to decide how to take item 3, which relates to our initial consideration of two reports by the standards adviser. I propose that the item be taken in private. Do members agree to that?

Members: Yes.

Lobbying

The Convener: Our main item of business, under agenda item 2, is our lobbying inquiry. At our previous meeting, we decided to consult affected organisations on our proposals to recommend a statutory registration scheme for commercial lobbyists. We agreed to invite focused oral evidence on the basis of a paper setting out our draft proposals. This morning, we need to agree a draft of that paper, which has been circulated to members, and to decide from whom we wish to take evidence and the timing of that evidence taking, which I think is quite important.

I suggest that we consider the paper in sections. The first section, comprising paragraphs 1 to 6, is the introduction. I open the floor to members to comment on those introductory paragraphs, which basically set the scene. Are members content with them?

Members indicated agreement.

The Convener: The next section deals with definitions of commercial lobbying and lobbyists. There are a lot of paragraphs under the "Definitions" heading, so I would like to have an overview of paragraphs 7 to 18. If there are particular issues about particular paragraphs, we can go on to consider those.

Do members have any thoughts on the way in which the clerks have produced the paper for us, or the way in which they have presented it? I think that paragraph 13 is quite important. Are members content?

Members indicated agreement.

The Convener: The next section comprises paragraphs 19 to 26, and deals with a possible registration framework. It covers the information to be disclosed, how the register will be administered and published and enforcement issues. It concludes with a list of questions. Are there any comments on that section of the paper?

Is everybody happy with paragraph 20, on the parameters of the scheme? Paragraph 21, headed "Information to be Disclosed", takes up much of what Patricia Ferguson suggested. Is Patricia happy with that?

Patricia Ferguson (Glasgow Maryhill) (Lab): Yes—and I think that the paper is excellent in general.

The Convener: Are there any comments on paragraph 22, headed "Publication and Administration of the Register", or on paragraph 23?

Are members content with the next paragraph, headed "Policing and Enforcement Issues", or is

there a difference of view? Various options are set out. Paragraph 23 deals with "Naming and Shaming"; paragraph 24 deals with "Criminal Prosecution". What are members' views on those options?

Patricia Ferguson: I would perhaps like to make it a little clearer that those options are just possibilities. I know that that is the intention of the paper, and it is clear to me, but I am anxious that those paragraphs might not appear to be quite so clear if the paper is made available to the public. Those two options are indeed possibilities, but, in the course of hearing further evidence, we might think of others or reject or accept one of those two. I would like it to be made clear that that is the case.

The Convener: We can emphasise that.

Tricia Marwick (Mid Scotland and Fife) (SNP): I agree with Patricia Ferguson, but is there perhaps a case for a third option, or middle way?

The Convener: Oh.

Kay Ullrich (West of Scotland) (SNP): That is the Scottish National Party all over.

Tricia Marwick: I wonder whether there could be such a third option, between naming and shaming and criminal prosecution. Naming and shaming suggests that we will give lobbyists a wee slap on the wrists, and say to them, "Look, don't do it again." There seems to be a huge jump between that and criminal prosecution. Could there be another category, which would involve at least naming and shaming, but which would not necessarily lead to criminal prosecution? Is there anything that we can do to disallow lobbyists from their activities with MSPs for a time? I know that that would be problematic, but it seems that we are at two extremes.

Lord James Douglas-Hamilton (Lothians) (Con): The removal of access to the Parliament is an option that should be included. One possible course to take would be to fine a lobbying body—although I see that that comes under "Criminal Prosecution".

Kay Ullrich: It is important at this stage not simply to have the two options, which are fairly wide apart, and to make it clear that there could be other options. The removal of privileges might well be one of those.

The Convener: What Trish Marwick is considering is something like the removal of access. Many of those people or organisations would not necessarily have direct access anyway.

Patricia Ferguson: I want to ask Trish Marwick whether that was what she meant, as I had understood it slightly differently. I presumed that she meant that she would like a sanction to be

considered, which would consist of preventing lobbyists from doing their job in some way. That would probably be even more draconian than criminal prosecution. Prevention of access is perhaps a middle way. Like Kay Ullrich, I would like it to be left open. As long as it is made clear that those are only two in what might be a long list of possible sanctions, I shall be quite content.

Mr Kenneth Macintosh (Eastwood) (Lab): I agree with that entirely. As the committee knows, I have reservations about the matter, which are mostly to do with the practicalities. If the system can be made to work, I shall be more than happy to give the measures my whole-hearted support. At this stage, leaving the options open rather than narrowly defining them will help us in the process.

The Convener: We have a note of those comments.

The final section details how to respond to the paper. Are there any comments on that? Are members content with the questions in paragraph 26, or are there any other questions that should be included?

Tricia Marwick: I am concerned about the amount of time involved if we go into another consultation process with essentially the same people whom we consulted in the past. Given the information and evidence that were given to us by the commercial lobbying organisations, I imagine that they might not be too keen to be helpful to the committee in drawing up the statutory registration scheme that they did not want in the first place. We need to be careful and ensure that we have time scales set in stone. I do not want the scheme to be kicked into touch or delayed by vested interests that might not want it to go ahead. I would have been happier if we were consulting on a nearly finished document. The organisations would have been able to comment on specific proposals. What we seem to be doing at the moment is leaving the matter open.

The Convener: We could take oral evidence on the basis of the paper before us, produce the final draft and get a further, written response to that. That might be a way to address Tricia Marwick's concern that we do not extend the time scale yet again.

Lord James Douglas-Hamilton: It is usual with a consultation paper to have a maximum of six weeks for a response, after which there is a period of compilation. Presumably there would be no bar on doing that at the same time as taking oral evidence. If the paper goes out quickly, it could be dealt with reasonably quickly over the summer when the responses come in.

Patricia Ferguson: I am not that concerned about time, as long as we are not talking about an excessive period. We have already spent a long

time getting to this stage—another relatively short period will not make a difference. If it means that we get a workable procedure at the end of the day, I would be happier doing that than rushing it and finding that elements had not been thoroughly tested to see whether they would work. I am conscious of the criticisms of the previous time scale for consultation. I accept Tricia Marwick's point about people, for their own reasons, perhaps not wishing to co-operate. For that reason, I would not want to box people into a corner; I would like them to have a reasonable period in which to respond rather than finding themselves unable to respond because it is too short a period.

09:45

The Convener: Let us talk about approximate time scales. I would like the clerks to have guidance from members on timing.

Mr Macintosh: Paragraph 3 of the briefing note talks about a number of dates for taking evidence.

The Convener: We will be very restricted in the dates when we can meet before the summer recess. There might be only one or two meetings.

Mr Macintosh: My feeling about this is similar to that of Patricia Ferguson. All matters such as this should be moved on expeditiously—there should be no heel dragging. At the same time, we want to get it right, so we do not want a hurried process. The practicalities are crucial—we must get that part right in order to have a scheme to put before the Parliament. We are unlikely to get the evidence in before the summer. September is a long way off—there is plenty of time for the companies to get back to us with their responses to the draft paper. We can consider those in September.

The Convener: When do we want to take oral evidence?

Mr Macintosh: I suggest that we take it all in September so that we do it all at the same time and it is all fresh.

Tricia Marwick: I agree with Ken Macintosh. I had the impression that we were going to take oral evidence, then put out the consultation paper. With our time scale, we cannot take oral evidence before the summer recess—we are only about three or four weeks away from it. In those circumstances, I wonder whether we should be turning the process round a bit by putting out the consultation paper and getting responses to it over the summer months. We can use the weeks in which we do not have meetings of the Parliament. That effectively gives us June, July and August. When we come back in September, we could start timetabling in the oral evidence.

The Convener: If members are content, that is

a perfectly sensible suggestion on how we should proceed. I know that the clerks are happy with that.

Members indicated agreement.

The Convener: That is how we will proceed.

Agenda item 3 relates to two reports from the standards adviser. As agreed at the beginning of the meeting, we will now move into private session.

09:48

Meeting continued in private until 10:38.

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