

# **STANDARDS COMMITTEE**

Tuesday 19 June 2001  
*(Morning)*

Session 1

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## **STANDARDS COMMITTEE**

### **9<sup>th</sup> 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

#### **THE FOLLOWING ALSO ATTENDED:**

Andrew Wilson (Central Scotland) (SNP)

#### **CLERK TO THE COMMITTEE**

Sam Jones

#### **SENIOR ASSISTANT CLERK**

Jim Johnston

#### **LOCATION**

The Signet Library



## Scottish Parliament

### Standards Committee

*Tuesday 19 June 2001*

*(Morning)*

[THE CONVENER *opened the meeting at 10:34*]

### Items in Private

**The Convener (Mr Mike Rumbles):** Good morning and welcome to the ninth meeting this year of the Standards Committee.

Item 1 is how to address items 3 and 7. Item 3 is our continued consideration of the standards adviser's report about a complaint against Andrew Wilson. Item 7 is consideration of a further report from the standards adviser. Under the investigative procedure that we developed in our inquiry into models of investigation, the consideration of such reports should take place in private. Are members content to take items 3 and 7 in private?

**Members** *indicated agreement.*

## Complaint

**The Convener:** I welcome Andrew Wilson to the meeting.

The committee is considering a complaint in relation to annexe 5 of the code of conduct, which sets out the principles governing relationships between MSPs and clarifies for members, constituents and other bodies how constituency and regional MSPs should interact in dealing with constituency and other cases. The annexe was endorsed by the Parliament and incorporated into the code of conduct in July last year. In the first instance, complaints against members in relation to annexe 5 are referred to the Presiding Officer. If he is unable to reach an informal resolution, the matter is referred to the Standards Committee.

The complaint that we are considering this morning relates to Andrew Wilson's alleged use of the description "local MSP" on surgery posters and other material and his use of the Scottish Parliament logo in conjunction with party affiliation, contrary to paragraphs 14, 15 and 16 of annexe 5 of the code of conduct. Once we have heard from Andrew Wilson, we will continue in private our consideration of the adviser's report and Andrew Wilson's response. We will then consider in public whether there has been a breach of the code. I invite Andrew Wilson to make a statement to the committee.

**Andrew Wilson (Central Scotland) (SNP):** If I may, I will read out a prepared statement.

This is the first time that I have had to appear before the Standards Committee and I hope that it will be the last. It is a new and unwelcome experience. I take very seriously the work and importance of the Standards Committee and regret that this matter has reached the stage of taking up your time this morning. However, I am grateful for the opportunity to make the following comments.

On reflection, I regret that I did not treat the complaint as seriously I should have when it first appeared on my desk. I have never for one minute considered that any action I have taken in my representative or public role would become a matter of concern for the committee. I endeavour always to operate within the rules that are set for us in any walk of life. However, I did not appreciate the possibility of this meeting when the Presiding Officer raised the matter with me last autumn. As is clear from my response, I could not see how the description of myself as a local MSP was in any way contrary to the code. I regret that I was not as familiar with the guidance on the code of conduct and its full implications as I should have been. That others may be in a similar position is

perhaps worthy of consideration and review.

As I now appreciate that this matter and the others that have been raised are viewed by the standards adviser as a breach of the code, I have taken the necessary steps to correct all my publicity material to, I hope, the full satisfaction of the committee. As discussed with the Presiding Officer, my new round of surgery posters does not contain the words "local MSP" or the Scottish Parliament logo. Likewise, the logo and the words "local MSP" have been removed from my newspaper advertisements. Moreover, I have given strict instructions to my staff who deal with news releases that no release should contain the words "local MSP". I shall also keep a very clear distinction between parliamentary and party political releases and actions. Similarly, I have instructed that all newsletters and other communications should follow the same format.

I hope that those actions will give the committee full confidence that I have given the complaint due and diligent attention. I also hope that the actions will bring a resolution to the issue and ensure that there can be no repetition in the future.

**The Convener:** I thank Andrew Wilson for his statement. Do members have any questions?

**Patricia Ferguson (Glasgow Maryhill) (Lab):** Like other members of the committee, I was slightly concerned about your letter to Mr Garry Watson, the standards adviser, on 17 May, but your statement today has clarified your feelings and views about what was set out in the adviser's report. Can you confirm that you now accept that the adviser's interpretation of the rules and his conclusions—not his version of events, because we are not disputing that—in the report are correct?

**Andrew Wilson:** The specifics that I mentioned in my opening statement make it clear that as a result of the standards adviser's statement and report I have taken the necessary actions to bring a resolution to the matter. Whether I agree or disagree with the adviser's report is less relevant than the fact that I have taken actions in response to the position that he has made quite clear.

I am still unclear about many aspects of the code, which I will have to review. Given the clear conclusions in the report, I hope that the actions that I have taken will give the committee full confidence and comfort that the matter will be resolved.

**Patricia Ferguson:** I might want to come back on that, convener.

**Kay Ullrich (West of Scotland) (SNP):** In your statement, Andrew, you mention that you have taken steps to ensure that there will be no recurrence of what happened. We all have offices

that are somewhat remote from us at times. What practical steps have you taken to ensure that that remoteness does not mean that the situation arises again? For example, have you set up a system to monitor what goes out of your office?

**Andrew Wilson:** That is a good point. I take a relatively hands-off approach to these matters, as I have confidence in my staff, who are selected according to rigorous criteria and operate independently. However, as a result of the report, I have asked to clear every piece of material that goes out in my name. That procedure should ensure that nothing breaches the code in future. I have also held meetings with members of staff to ensure that what I outlined in my opening statement is implemented in full. I take total responsibility for the actions of my staff.

**Kay Ullrich:** Once staff get into the habit of doing something, they might continue to do it. Will you confirm that you have taken steps to ensure that that does not happen and that you are monitoring the situation?

**Andrew Wilson:** I have had meetings with my staff to issue specific instructions and I have arranged to clear personally press releases, advertisements and other forms of communication.

**Tricia Marwick (Mid Scotland and Fife) (SNP):** You say that your new round of surgery posters does not contain the words "local MSP" and does not feature the Scottish Parliament logo and that the words "local MSP" have been removed from your newspaper adverts. Would you be willing to submit to the committee the material that you will be using in the future?

**Andrew Wilson:** Yes. If the committee takes the view that that is important, I am happy to do so. In light of Mr Watson's report and everything that has been said today, I assure the committee that the new advert and poster fully comply with every aspect of the code, its guidance and any interpretation that could be placed on it.

**Kay Ullrich:** We are asking that you give us an example of the next round of material that will be sent out. We are not requiring you to send your material to the Standards Committee for ever more.

**Andrew Wilson:** I understand. I point out that the course of action that I have taken was agreed with the Presiding Officer after his initial meeting with me in the autumn. He agreed that I could wait until the current round of surgeries was completed, as they are advertised six months in advance and it costs hundreds of pounds to produce posters, which had already been done. I am happy to pass the most recent poster and advertisement to the committee.

**Kay Ullrich:** I make it clear that the Presiding

Officer told us that he had not given permission for indefinite use of the posters. Do you accept that?

**Andrew Wilson:** Yes. The specific instruction from Sir David Steel was that, after the round of surgeries was completed, all posters were to be brought down and replaced with ones that complied with the detail of the code and that the newspaper adverts should be altered. That has been done. An issue arose from the suggestion that the newspaper advert had not been altered as accurately as it should have been. That is the subject of a further aspect of Mr Watson's report. The advert has been fully altered to ensure that it complies with the requirements of the code.

**Lord James Douglas-Hamilton (Lothians) (Con):** I think that Andrew Wilson has already answered the only question that I wanted to ask. I hope that he understands that I am content with the statement that he has made this morning. That is fair. From what he has written and said, can I take it that he will follow the guidance?

**Andrew Wilson:** I am grateful to Lord James for those comments. I hope that my statement gets across the point that I appreciate that I did not take the matter as seriously as I should have and that all my actions in future will be fully compliant with the code. Appearing before this committee is not an experience that I wish to repeat.

**The Convener:** I am happy with the statement that you have made this morning. However, in response to Patricia Ferguson's question, you said that you were still unclear about the code. I want to ensure that you understand two points. The code states:

"Regional Members should always describe themselves as:

'[Name], Member of the Scottish Parliament for [y] region.'"

The document, "Standards and Procedures for use of the Scottish Parliament Logo and Stationery", states:

"If you are in any doubt about a particular use of the logo, please check this with the Information Systems Officer."

Do you understand those two points?

**Andrew Wilson:** Both points are clear.

**The Convener:** If there are no other questions, I propose that, as agreed at the beginning of the meeting, we move into private session to continue our consideration of the complaint.

10:44

*Meeting continued in private.*

10:50

*On resuming—*

**The Convener:** I thank Andrew Wilson, the public and the press for their patience. The committee must now conclude whether the code was breached and, if so, whether sanctions are appropriate.

**Kay Ullrich:** I am truly sad that the matter should have reached the Standards Committee. It would have been much better if it had been settled earlier. However, that was not to be. I consider that the code has been breached, but I recommend that no sanctions be imposed.

**Lord James Douglas-Hamilton:** In my view, there has been a minor technical breach of the code and no sanctions should be imposed.

**Tricia Marwick:** I agree with Lord James that there has been a technical breach of the code and that no sanctions should be imposed.

**Patricia Ferguson:** My view is that there has been a sustained technical breach of the rules and regulations, but that no sanctions should be imposed.

**The Convener:** I will sum up. The unanimous view is that the code has been breached, but that the breach is of insufficient weight for us to recommend to the whole Parliament that sanctions be imposed. Members also feel that the matter should not have reached this stage and that problems would be created if that occurred again.

I suggest that the committee considers by correspondence a draft report that sets out its decision and that we publish the report as soon as practicable. In the report, we will take the opportunity to remind members of their obligations under the code of conduct in such situations.

## Confidentiality

**The Convener:** Item 5 relates to our inquiry into confidentiality. As requested by the committee, the clerks have produced an issues paper that considers the approach that the House of Commons and the Canadian Senate take to investigating leaks, whereby subject committees conduct an initial investigation. The paper recommends that further research is conducted and suggests that we take soundings from conveners before proceeding. Do members have comments?

**Patricia Ferguson:** Given that when leaks have occurred, neither the adviser nor we have been able to resolve the matter in a way that identifies where the leak came from, we must seriously consider the options that are used in Westminster and elsewhere. Those options may not improve on previous systems, but we must try them.

**Kay Ullrich:** I could not agree more. In the history of parliamentary democracy in the United Kingdom, the source of a leak has never been discovered. Like Patricia Ferguson, I feel that it is probably unlikely that we will ever discover the source of a leak and that we must try other ways. There is a chance that the subject committee might be the best first port of call.

**Tricia Marwick:** I agree with Kay Ullrich. I think that the Parliament—not just the Standards Committee—must make it absolutely clear that it abhors leaks from committees. Leaks undermine much of the hard work of committees. Both the committee in question and the Parliament are brought into disrepute when information is leaked to the press, particularly in advance of the publication of a committee report or other official document.

I regret the fact that we are not allowed to put people in thumbscrews to find out who is responsible for leaks, but given that we really cannot do that—I am sure it is an implication of the European convention on human rights that we cannot—we must consider how to address the problem. We should perhaps consider the possibility of committees initiating the first leak inquiry themselves. It has proved impossible for the Standards Committee to do this, but perhaps peer pressure from within committees will encourage some members to behave a bit more responsibly and a bit more honourably towards the Parliament and its systems.

**Lord James Douglas-Hamilton:** I obviously agree with colleagues who believe that leaks have to be investigated and followed up. I notice that “Erskine May” states:

“the committee should decide whether or not the leak

constitutes a substantial interference”.

It is not in the public interest that disproportionate time should be spent on relatively minor matters, but if there is “substantial interference” with the work of a committee, the matter must be treated seriously and dealt with accordingly.

**The Convener:** Are we content to consult the other conveners on the basis of the paper before us?

**Members indicated agreement.**



## Consultative Steering Group Principles

**The Convener:** Item 6 is consideration of a paper from the Procedures Committee relating to its inquiry on the application of the consultative steering group principles in the Scottish Parliament. We have been asked whether we want to make any submission to the inquiry. What do members think?

**Patricia Ferguson:** The inquiries that we have undertaken and the procedures that we have set in place for members—the code of conduct—are examples of how we have tried to implement some of the CSG principles. The principles that are relevant to us include integrity, openness and accountability. We should make a submission outlining our procedures and how we came to our decisions. On a number of issues, our initial view was completely contrary to the view that we ended up holding. That is partly because of the serious way in which the committee has addressed those issues.

**Tricia Marwick:** I agree with Patricia Ferguson that we should make a submission to the Procedures Committee's inquiry. There are matters that are worthy of highlighting, not least the inquiries and procedures that we have set up with regard to members' conduct. I think that the Procedures Committee will find our evidence interesting. We have tried hard to adhere to the CSG principles and should not be shy about saying so.

**Lord James Douglas-Hamilton:** We should submit a short, effective statement rather than a book. That should be quite easily realisable.

**The Convener:** I have just changed what I have written down from "report" to "short, effective statement".

**Kay Ullrich:** I could not agree more. It is essential that we take part in the exercise, but let us not write the book on it.

**Patricia Ferguson:** As a member of the Procedures Committee, I applaud and thank Lord James for his sensible suggestion.

**The Convener:** I think that it is agreed that we will produce a short, effective statement.

**Tricia Marwick:** We will leave the book until such time as one of us is no longer a member of the Standards Committee.

**Kay Ullrich:** It could form part of Tricia Marwick's memoirs.

**The Convener:** Our final item of business is consideration of a report from the standards

adviser. As agreed at the beginning of the meeting, we will now move into private session. I was about to ask members of the public and the press to leave the meeting, but in their absence, I will ask official report and broadcasting staff to leave.

10:59

*Meeting continued in private until 11:27.*



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