

STANDARDS COMMITTEE

Wednesday 27 June 2001
(*Morning*)

Session 1

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STANDARDS COMMITTEE 10th 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 27 June 2001

(Morning)

[THE CONVENER *opened the meeting at 09:32*]

The Convener (Mr Mike Rumbles): Good morning. I welcome everyone to the 10th meeting this year of the Standards Committee.

Item in Private

The Convener: Our first task is to decide how we will consider agenda item 3. Given that the item relates to draft committee reports, it is appropriate that we take it in private. Are members agreed?

Members *indicated agreement.*

Complaints

The Convener: We move straight to agenda item 2, which concerns the complaint against Dr Richard Simpson. Our first substantive item of business is consideration of the standards adviser's report on two complaints against Dr Simpson, both of which allege that he failed to declare a registrable interest when participating in related parliamentary proceedings. The interest in question relates to Dr Simpson's membership of the prostate forum, which was supported by an educational grant from Merck Sharp & Dohme Ltd. The complainers alleged that the company manufactures and licenses the measles, mumps and rubella vaccine and that Dr Simpson failed to declare the interest when participating in parliamentary proceedings on the vaccine.

The standards adviser has reported the following to us. First, Dr Simpson's financial relationship with Merck Sharp & Dohme related to prostate and urology issues, not to the MMR vaccine. Secondly, the adviser has established that Merck Sharp & Dohme does not manufacture, distribute or license the MMR vaccine. In the light of those factors, the standards adviser has concluded that Richard Simpson had no reason to think that his registrable interest with Merck Sharp & Dohme would have prejudiced, or have given the appearance of prejudicing, his ability to participate in a disinterested manner in the proceedings of the Parliament in relation to the MMR vaccine.

Having considered the adviser's findings, the committee must now determine whether Dr Simpson has breached the members' interests order or the code of conduct. I would like all members to comment on whether they feel that Dr Simpson has indeed breached the code of conduct or whether we should accept the adviser's report.

Tricia Marwick (Mid Scotland and Fife) (SNP): The standards adviser's report, which I have read carefully, makes it clear that Dr Simpson has not breached the order. In view of the report and the evidence in front of us, I agree that Dr Simpson has not breached the code of conduct.

Kay Ullrich (West of Scotland) (SNP): I, too, have read the report, which makes it very clear that Dr Simpson has not breached the code of conduct.

Lord James Douglas-Hamilton (Lothians) (Con): I, too, find that Dr Simpson has not breached the code of conduct. The report, which I understand will be published, essentially clears him. There may be circumstances in which members could avoid any possibility of complaint

or confusion by making a negative declaration. However, that should be at the discretion of the MSP concerned; there should be no obligation on him or her to make such a declaration.

Patricia Ferguson (Glasgow Maryhill) (Lab): I agree with other members that there has obviously been no breach. Although I have a lot of sympathy with Lord James's point about the negative declaration, I believe that asking members to declare that they do not have an interest might get us into tricky situations. The issue may be one on which members do not know that they should declare that they do not have an interest. We are starting to make life a little bit complicated for members. However, it is worth making it clear that, if members have any doubts about their position, they should check things out before they reach the point of having to declare that they have or do not have an interest. The advice of the clerks is always available to them for that purpose.

It might be worth adding to the report a reminder to members that, if they intend to make a complaint of this nature, they should do so to the Standards Committee clerks and not then indulge in conversations with members of the media about the issues. Everything comes out in public at this stage of the procedure. Bringing someone's reputation into question in the media before there has even been an investigation defeats the purpose of the procedure that the committee has put in place. As a result, I wonder whether we should include in our report an injunction to members along those lines. I recognise that we have taken some steps in that direction, but at this stage it would be good to do it again.

The Convener: Our code of conduct makes it quite clear that members who lodge a complaint against another member must not approach the media or publicise the complaint before the committee has dealt with it. However, I agree that the point is worth re-emphasising at this stage.

Mr Frank McAveety (Glasgow Shettleston) (Lab): I agree with what members are saying. On Patricia Ferguson's point about a reminder to all members, I cannot recollect any direct reminder other than what members would have received from the Standards Committee's outline. The report is well-written and thorough and I approve the recommendations.

The Convener: I have just been reminded by the clerk that a reminder was sent to all members in February.

Patricia Ferguson: That was following the receipt of this complaint.

Mr Kenneth Macintosh (Eastwood) (Lab): I agree with the standards adviser's recommendations. It is important to recognise that, in this case, Richard Simpson broke neither the

letter nor the spirit of the code. As an MSP, Dr Simpson has other registrable interests; to my knowledge, he is most conscientious about drawing his colleagues' attention to those interests when he thinks it appropriate as well as about declaring them in the "Register of Members' Interests". Although I have some sympathy with Lord James's point about negative declarations, I think that Dr Simpson was very surprised at the allegations made against him, as he is conscientious about ensuring that he is not put in a position where he might be seen to be prejudiced. He is transparent in that respect.

In the final paragraph of his statement to the Standards Committee, Dr Simpson says:

"I regard the publication of details of that complaint and Mr Quinan's intemperate remarks as Sunday Mail 'Exclusive' on 11th February prior to my notification of the complaint ... or any enquiries or investigation by the Standards Committee as deplorable behaviour and a possible breach of the Parliament's code of conduct. Because of my refusal to talk directly to journalists, which I thought would be improper while the matter was under investigation, I have been vilified in both the local and the national press and accused of going into hiding to avoid answering awkward questions."

We are in the process of clearing Richard Simpson of the charge that he breached the code of conduct. Throughout the process, he has behaved properly, even though his face was all over the front page of the newspapers. What actions did the committee take following the publication of the *Sunday Mail* exclusive and what actions are we intending to take now?

The Convener: As that might be the subject of a complaint against another member, I am not sure whether this meeting would be the appropriate forum in which to comment on the matter at this stage.

Mr McAveety: In case we breach our own code.

The Convener: If there are no other comments, I will sum up. In light of the adviser's investigation, the committee has found that Richard Simpson has not breached either the members' interests order or the code of conduct. We will publish a report setting out our conclusions as soon as is practicable. Are members content?

Members indicated agreement.

The Convener: Our final item of business is the committee's consideration of two draft committee reports concerning complaints against members. As agreed at the beginning of the meeting, we will take this item in private. I ask members of the public, press, official report and broadcasting to leave the meeting.

09:42

Meeting continued in private until 10:18.

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