

STANDARDS COMMITTEE

Wednesday 24 October 2001
(Morning)

Session 1

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STANDARDS COMMITTEE

13th 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 24 October 2001

(Morning)

[THE CONVENER opened the meeting at 09:33]

Items in Private

The Convener (Mr Mike Rumbles): Good morning and welcome to the 13th meeting this year of the Standards Committee. Our first task is to consider whether to take items 3 and 4 on the agenda in private. Item 3 relates to correspondence concerning annexe 5 of the code of conduct and addresses confidential legal advice. Item 4 is consideration of a draft committee report on confidentiality. Therefore I propose that we take those items in private. Is that agreed?

Members *indicated agreement.*

Members' Interests Order

The Convener: The next item is our work on replacing the Scotland Act 1998 (Transitory and Transitional Provisions) (Members' Interests) Order 1999. At our previous meeting, we considered a paper on the current categories of registrable interests. When we drafted the code of conduct, we agreed to revisit some of the consultative steering group's recommendations on the code. Today, we will do that and consider possible new registrable interests. Our briefing paper suggests that we bear in mind not only the need for transparency, but the need for proportionality in imposing new requirements on members.

I propose that we consider the paper section by section. The first section deals with non-pecuniary interests, such as unremunerated directorships or membership of voluntary and charitable organisations, professional bodies and so on. Currently, such interests may be registered voluntarily. We may wish to endorse the current approach or consider a mandatory requirement to register and declare such interests. If we take the latter approach, there may be problems in defining exactly what constitutes a non-pecuniary interest.

The floor is now open to members' views on this section of the paper.

Lord James Douglas-Hamilton (Lothians) (Con): The code of conduct exists to ensure that the rules are clear, simple and straightforward; it is not meant to be an obstacle course to trip up members. It is perfectly respectable to endorse the current approach to non-pecuniary interests, instead of introducing something extremely complex that would be difficult to follow. However, if evidence of serious problems emerges, we should review matters.

The Convener: As paragraph 6 of the paper points out, a significant number of MSPs are currently registering some non-pecuniary interests, such as membership of interest groups, under the miscellaneous section of the register. Obviously, some MSPs—me included—feel that we should be registering interests other than pecuniary interests up front.

Tricia Marwick (Mid Scotland and Fife) (SNP): This area is very difficult. As you have pointed out, convener, many MSPs voluntarily register their non-pecuniary interests because they believe that it may be perceived that such interests impact on how they do their job. Very often, we are talking about perception rather than fact. MSPs are erring on the side of caution, which is the right approach.

I must confess that I do not yet have a view on whether non-pecuniary interests should be

included in the members' interests order. I am also aware that only three members are present today. I wonder whether we could return to this section at our next meeting when we have had a chance to consider the matter fully, take soundings from members of our parties and give Labour MSPs the opportunity to have an input into this discussion.

The Convener: I am perplexed by the major issue of whether non-pecuniary interests should be included. As you say, although the meeting is quorate, four committee members are not present. As I would like to take other members' views, I would be happy to postpone this discussion until our next meeting. Are members all agreed?

Members indicated agreement.

The Convener: After taking advice from the clerk, I think that we should put our discussion of the whole paper back to the next meeting. As the issues are controversial, I would like other members to be present.

Lord James Douglas-Hamilton: I am content with that recommendation. However, I want to make a drafting point about paragraph 6 of the paper, which mentions membership of groups where

"members could directly benefit from a decision taken by the Parliament".

Members can not only benefit, but lose out from such decisions. The word "benefit" does not cover the issue of proportionality; perhaps we should refer to membership of groups where members could "be directly affected by" decisions of the Parliament.

Tricia Marwick: On a general point, I would find it helpful to have a record of previous committee decisions on these matters when we are discussing papers such as the one before us today. For example, we have previously dealt with the issue of gifts from members' spouses and so on. We should consider this paper alongside a record of what we have already agreed.

The Convener: I welcome Kay Ullrich to the meeting. Kay, we are on item 2, which is about replacing the Scotland Act 1998 (Transitory and Transitional Provisions) (Members' Interests) Order 1999, and whether we should register non-pecuniary as well as pecuniary interests, which is a controversial issue. There is a feeling that all views on the committee are not represented. I know that you have just come in to add weight to the meeting, but a whole group of MSPs is not here. I would have preferred it if there had been a member from the Labour group. Are members content that we delay discussion of this issue until the next meeting?

Members indicated agreement.

Lord James Douglas-Hamilton: Do you want to discuss the later items in the paper or suspend the whole discussion?

The Convener: There is not much point in going through the paper if we feel that all parties should be represented. If members agree, I will bring forward this paper at the next meeting.

Members indicated agreement.

The Convener: We will move straight on to item 3, which is correspondence from Fiona Hyslop that was passed to us by the Presiding Officer. As we 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.

09:41

Meeting continued in private until 10:19.

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