

STANDARDS COMMITTEE

Wednesday 19 December 2001
(*Morning*)

Session 1

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CONTENTS

Wednesday 19 December 2001

	Col.
ITEM IN PRIVATE.....	929
COMPLAINT	930
CROSS-PARTY GROUPS.....	932

STANDARDS COMMITTEE

17th Meeting 2001, Session 1

CONVENER

*Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD)

DEPUTY CONVENER

*Tricia Marwick (Mid Scotland and Fife) (SNP)

COMMITTEE MEMBERS

*Susan Deacon (Edinburgh East and Musselburgh) (Lab)

*Lord James Douglas-Hamilton (Lothians) (Con)

Mr Frank McAveety (Glasgow Shettleston) (Lab)

*Mr Kenneth Macintosh (Eastwood) (Lab)

*Kay Ullrich (West of Scotland) (SNP)

*attended

HEAD OF CHAMBER OFFICE

Bill Thomson

CLERK TO THE COMMITTEE

Sam Jones

SENIOR ASSISTANT CLERK

Jim Johnston

LOCATION

Committee Room 3

Scottish Parliament

Standards Committee

Wednesday 19 December 2001

(Morning)

[THE CONVENER opened the meeting at 09:34]

The Convener (Mr Mike Rumbles): Good morning. I welcome everyone to the 17th meeting this year of the Standards Committee.

Item in Private

The Convener: Our first task is to decide how to take agenda item 2. As it relates to the continued consideration of a report from the standards adviser, I propose that we take it in private. Are members agreed?

Members indicated agreement.

The Convener: We will now move into private session. I ask members of the press and public and the official report to leave the meeting.

09:34

Meeting continued in private.

09:57

Meeting continued in public.

Complaint

The Convener: I thank the members of the public and press, the official report and broadcasting staff for their patience.

Item 3 relates to a complaint against Lloyd Quinan. Specifically, the committee must decide whether there has been a breach of the code of conduct.

The complaint relates to a newspaper article published in the *Sunday Mail* in February reporting comments allegedly made by Lloyd Quinan concerning a complaint against Dr Richard Simpson. Subsequently, Dr Simpson submitted a complaint to the standards adviser alleging that the comments attributed to Lloyd Quinan in the newspaper were intemperate and breached section 10.2.1 of the code of conduct which states:

"MSPs should not communicate any complaint to the press or other media until a decision has been made as to how the complaint is to be dealt with."

We have now had an opportunity to consider the adviser's report and must now determine whether there has been a breach of the code. I shall go round the table and take members' views.

Mr Kenneth Macintosh (Eastwood) (Lab): We have given this matter a great deal of consideration. Although the adviser's report makes the series of events very clear, there is a deal of uncertainty about how we interpret the code of conduct in relation to the member's behaviour in this particular case. As a result, I do not find that there has been a breach of the code in this matter.

10:00

Susan Deacon (Edinburgh East and Musselburgh) (Lab): I have examined this issue carefully. I appreciate the adviser's report, which sets out the facts clearly for us. The facts are not in dispute. Section 10.2.1 of the code of conduct, and the last sentence in particular, are open to interpretation on the timing of complaints and the issue of communication. There are a number of wider issues that we need to consider in light of the complaint. However, given the ambiguity of that section of the code of conduct, we should not find against Lloyd Quinan.

Lord James Douglas-Hamilton (Lothians) (Con): Nobody disputes the facts, as outlined in the report by William Spence. The sequence of events is not in dispute; the issue is the interpretation of section 10.2.1 of the code of

conduct as to when a complaint is live. It is my view that a complaint is live once it is lodged. Section 10.2.1 of the code of conduct should be clarified. I endorse the account of the facts, but they do not amount to a breach of the code.

Kay Ullrich (West of Scotland) (SNP): I, too, am concerned about the ambiguity of section 10.2.1. It is obvious that the committee must examine that section and clear up the matter for future reference. Like other members, I do not find that there has been a breach of the code of conduct in this case.

Tricia Marwick (Mid Scotland and Fife) (SNP): I do not find that there has been a breach of the code of conduct in this instance. I thank the adviser for his report, which is full and has helped us considerably in our investigation. It is clear that the code of conduct, and section 10.2.1 in particular, are ambiguous. It is a priority for the committee to examine the code of conduct in the light of our experiences and to make revisions where necessary.

The Convener: I will sum up. The unanimous view of the committee is that there has been no breach of the code of conduct by Lloyd Quinan, and that there is no dispute as to the events, as set out in the adviser's report. The difficulty is that section 10.2.1 of the code of conduct is far too ambiguous. As a priority, we must examine that paragraph and make it absolutely clear.

If members of the committee agree, I will ask the clerk to circulate a draft report for comments, in the hope that we can agree the terms by correspondence and arrange for the report to be published before the Christmas recess. Is that agreed?

Members indicated agreement.

Cross-party Groups

The Convener: We move to agenda item 4, which is cross-party groups. At our previous meeting, we agreed to propose an amendment to the rules on cross-party groups to permit MSPs to make reasonable use of the Parliament's facilities to publicise meetings. The Scottish Parliamentary Corporate Body has endorsed that proposal and has suggested that MSPs should also be permitted to make reasonable use of parliamentary stationery in conducting cross-party group business. Do members have any views on that?

Mr Macintosh: For clarification, are we adding stationery but not postage?

The Convener: That is correct.

Mr Macintosh: That is a sensible addition to the code of conduct.

The Convener: Members should have in front of them a copy of the revised motion to amend the code of conduct.

Mr Macintosh: I suggest that we keep this item on the agenda and return to it to monitor the use of stationery and parliamentary facilities by cross-party groups. I am aware that some cross-party groups are better attended than others. I do not think that there will be abuse of the system, but the potential for that exists. We should keep an eye on the issue and return to it at a future date.

The Convener: Is the committee content to lodge the motion that is set out in the paper?

Members indicated agreement.

The Convener: Agenda item 5—our final item this year—is consideration of our draft committee bill, the standards commissioner bill. As we agreed at our previous meeting, we will now go into private session. I ask members of the public, press, official report and broadcasting to leave the meeting.

10:04

Meeting continued in private until 12:49.

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