

STANDARDS COMMITTEE

Wednesday 29 January 2003
(Morning)

Session 1

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STANDARDS COMMITTEE

1st Meeting 2003, 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 Kenneth Macintosh (Eastwood) (Lab)

Paul Martin (Glasgow Springburn) (Lab)

*Kay Ullrich (West of Scotland) (SNP)

COMMITTEE SUBSTITUTES

*Karen Gillon (Clydesdale) (Lab)

Alex Johnstone (North-East Scotland) (Con)

Michael Russell (South of Scotland) (SNP)

*attended

THE FOLLOWING ALSO ATTENDED:

CLERK TO THE COMMITTEE

Sam Jones

SENIOR ASSISTANT CLERK

Sarah Robertson

LOCATION

Committee Room 3

Scottish Parliament

Standards Committee

Wednesday 29 January 2003

(Morning)

[THE CONVENER *opened the meeting at 10:04*]

The Convener (Mr Mike Rumbles): Good morning and welcome to the Standards Committee's first meeting this year. We have received apologies from Paul Martin and I expect Karen Gillon to arrive soon to substitute for him.

Cross-party Group on Palestine

The Convener: Our first task is to consider a request from the cross-party group on Palestine to waive rule 8.3.2 of the "Code of Conduct for Members of the Scottish Parliament". That rule requires cross-party groups to have at least one MSP from each party that is represented in the Parliamentary Bureau. The cross-party group on Palestine lacks a Conservative member. Some committee members will recall that we waived the rule for the cross-party group on nuclear disarmament.

Lord James Douglas-Hamilton (Lothians) (Con): As the person who withdrew from the group is a member of my party, may I ask whether it would be appropriate to inquire why he withdrew? I have not been informed of that. It is a general principle that cross-party groups should be allowed to meet. Such a situation should not prevent them from meeting. However, I suspect that it would be useful to have that information. There might be no particular reason, but it would be useful to know.

Mr Kenneth Macintosh (Eastwood) (Lab): What Lord James said was helpful. I am keen for us to examine as part of our review of cross-party groups how genuinely cross-party the groups are. Groups with a genuine interest should not be prevented from meeting. As we have waived the rule in the past, we should do so for the cross-party group on Palestine, particularly as it will probably meet only once or twice before dissolution. However, we should clarify the rule as part of our review, to be fair to all sides and to avoid a situation in which one party can prevent everyone else in the Parliament from getting together.

Susan Deacon (Edinburgh East and Musselburgh) (Lab): I guess that I should declare an interest as a member of the cross-party group

on Palestine. I broadly concur with the comments that have been made. It is helpful that Pauline McNeill, who is the group's convener, has proactively sought to notify us of the situation. I suspect that one or two other groups are in a similar position but have not brought that fact to our attention. In the circumstances—not least the fact that the issue is topical and dissolution is only a couple of months away—I believe that it is important that we should allow the group to continue to meet. As Ken Macintosh said, we or the next Standards Committee will have to explore the issues further as part of the review of the cross-party groups.

Kay Ullrich (West of Scotland) (SNP): The problem that has been highlighted is that some issues will not attract members of all parties. That will have to be looked into. However, there is no reason why the cross-party group on Palestine should not continue to meet, as the precedent has been set.

The Convener: Are members content to waive the rule?

Lord James Douglas-Hamilton: As the person who withdrew from the cross-party group did not formally notify any committee members, I do not object to the rule's being waived.

The Convener: We agree to waive the rule. The cross-party group on Palestine may continue to meet as normal until dissolution.

Cross-party Groups Review

The Convener: We stay with cross-party groups for agenda item 2. Members will have received an update on our application for external research and a draft letter that sets out the procedures for cross-party groups during dissolution. We are asked to note the paper on our external research bid, which the Conveners Group accepted at its meeting yesterday, so the tendering process is under way. Do members have comments on the draft letter that the clerks have prepared on the procedures during dissolution? The letter should go to all cross-party group conveners and secretaries.

Mr Macintosh: The letter is admirable, but perhaps it should include an additional sentence to remind people that there is an on-going review of cross-party groups, as they might wonder what is happening with that.

The Convener: That is a good point.

Lord James Douglas-Hamilton: It might be helpful to mention the review and the research.

The Convener: Are members happy with that suggestion?

Members *indicated agreement.*

Scottish Parliament and Business Exchange

The Convener: Agenda item 3 concerns the Scottish Parliament and Business Exchange. I have received correspondence from the director of the business exchange and there is a letter from the Presiding Officer to all MSPs. Both letters respond to the committee's report, which was published last year, and mention the business exchange's stocktaking exercise.

Before I reply to the Presiding Officer, it would be useful if the committee discussed the correspondence, as I want to ensure that I reflect members' views accurately to the Presiding Officer and MSPs. The floor is open to members.

Tricia Marwick (Mid Scotland and Fife) (SNP): I found the letters from the Presiding Officer and Anne Mearns misleading. They have cherry picked a report that the committee spent a great deal of time compiling and have completely ignored the central criticism of the business exchange, which is that it is not accountable to any parliamentary committee. We expressed concerns about the business exchange's structure, not least its hybrid nature. It is a private company, yet it takes resources from the Parliament in the shape of support from the Scottish Parliamentary Corporate Body. Its structure is accountable to no one, although it is accountable to the SPCB in respect of resources.

We did not undertake the investigation lightly—it was undertaken in response to a complaint from Margaret Jamieson MSP, who said that the business exchange had not served her well in its guidance and had left her hanging in the wind. The clerk to the Parliament, Paul Grice, who is also convener of the business exchange, and Anne Mearns appeared before the committee.

I am struggling to contain my anger at the Presiding Officer's letter to members. It is a gross misrepresentation of our views. We should write to him in the strongest possible terms and say that it is unacceptable to pick out one or two bits of our report and completely ignore our central complaints. I have rarely read a letter or an interpretation of a committee report that so grossly misrepresents the facts. The Presiding Officer has done the Parliament and MSPs a disservice.

Susan Deacon: I was astonished when I read the Presiding Officer's letter and wondered whether he had seen the same version of the report as I had. We went out of our way to adopt a constructive approach to the business exchange and we were at pains to say that we are keen to support effective links with the business community and others. We were also keen to

record that there was no evidence of impropriety. Simply to identify selectively some of our positive observations about the business exchange and be silent about our substantive criticisms is disingenuous, to say the least.

In particular, I am concerned that the structural defects that the committee identified in the exchange's organisation seem to have been ignored. For example, I note that the Presiding Officer's letter comments on the fact that we

"did not mention the AGM of the Exchange at which the Board is answerable".

The point was that we questioned whether the board's current composition and the fact that the exchange is a limited company were appropriate arrangements. That substantive criticism has not been addressed.

The tone of the Presiding Officer's letter is dismissive and borders on being contemptuous of the committee's deliberations on the matter. I take no pleasure in saying that. I am extremely disappointed, as we sought to make a constructive contribution to the development of the arrangements.

I welcome the fact that the convener intends to respond to the letter. We should record our concerns firmly. It would not be inappropriate to ask the Presiding Officer and the director and board of the business exchange to reconsider our report and to respond to us on the matters of substance, which they have not yet done.

10:15

Kay Ullrich: The word that Susan Deacon used—"disappointed"—is mild. The fact that we should get such a letter from the Presiding Officer is incredible. I am greatly concerned, because to me the letter looks as if it is saying that everything is fine and things will just go on as before. That is certainly not what we decided in our report. We must say in the strongest possible terms that our letter must be answered.

Lord James Douglas-Hamilton: No doubt arrangements are in place until 1 May and, presumably, certain programmes will be seen through to their completion. However, the issue seems to involve ensuring that we have the best possible constitutional arrangements, which we are not satisfied is the case now due to lack of accountability.

Although the resolution of the matter may take effect in the next session of Parliament, a letter to the Presiding Officer stating our concerns is absolutely necessary at this stage. I am content with the draft letter dated 29 January, but perhaps we can go through it line by line to ensure that the committee finds it acceptable.

Mr Macintosh: I take a slightly more sanguine view of the matter. I was not surprised at the reaction of committee members to the letter from Anne Mearns. At the same time, I can understand why the Scottish Parliament and Business Exchange would wish to promote itself in the most positive light. None of us should be surprised at that.

The programme has been severely damaged by the publicity that it received in the press. There must be some doubt about the willingness of MSPs and business people to sign up for the exchange, given the adverse publicity that it has received. The business exchange is faced with the task of rebuilding confidence. Given that it has that task, I am not surprised that it should highlight the positive aspects of our report, rather than the negative or critical aspects.

However, the process of dealing with the committee's fundamental criticism—our concern about the structure and the lines of accountability in the exchange—has been deferred to the stocktaking exercise. As the draft letter emphasises, it is important that that process is undertaken. To be honest, I am more concerned that that should happen than I am with taking offence at the tone of the Presiding Officer's letter.

The Convener: I understand and accept Ken Macintosh's view that the exchange is in the business of rebuilding confidence after the knock that it took. However, from our deliberations on the evidence, we felt that the knocks were of its own making. I took offence at the letter from the Presiding Officer, both personally and as the convener. The letter did not represent the way in which to go about rebuilding confidence in the business exchange. In fact, the letter is dismissive and contemptuous—that is Susan Deacon's word—of the committee's work. I was going to say that the letter is complacency writ large, which is not as strong as other members' words. I am very disappointed indeed that the Presiding Officer seems to have dismissed our report so lightly.

I am concerned and worried, not because the letter insulted the committee or misrepresented the committee's views, but because the Presiding Officer does not seem to have understood the committee's concerns, which the report clearly laid out. The committee was concerned that the business exchange appears to have developed a hybrid status. Although the business exchange draws on parliamentary resources and outside observers see it as part of the Parliament, it seems to be a separate company that has no formal or legal accountability to Parliament, except in relation to the resources that the SPCB provides. However, those concerns were not addressed at the annual general meeting to which the Presiding Officer's letter refers.

Frankly, the Presiding Officer's comment that

"the Standards Committee does have some concerns about the perceived lack of accountability"

is breathtaking. I have not used such strong language as other members have, but I feel that I have reflected members' views accurately—please stop me if I have not. I found the letter to be unacceptable. Initially, I wanted to respond to it immediately, but, on reflection, I thought it better to bring the letter to the committee.

Tricia Marwick: As I said, the committee took evidence from Paul Grice and Anne Mearns, who is the director of the business exchange. We are well aware that a number of MSPs are on the board. I am surprised that the Presiding Officer, instead of the director of the business exchange or the Parliament's chief executive, chose to write the letter to MSPs. My criticism of the Presiding Officer is that he did not reflect the committee's views accurately. If a committee of the Parliament says that the Parliament's Presiding Officer has not reflected its views, that is a serious matter. The Presiding Officer must reflect on that and we must ask why he wrote the letter in the first place.

The Convener: Instead of trying to ratchet up the matter, I would like to ratchet it down a bit. How would members feel if I invited the Presiding Officer to discuss the issue calmly and rationally with us to ensure that we understand each other? That might be better than an exchange of letters. Do members think that that would be helpful?

Mr Macintosh: I appreciate the suggestion, but I do not think that it would be helpful. I believe that a letter is the most appropriate way in which to proceed. Given that members have expressed strong feelings, we could draw the Presiding Officer's attention to the *Official Report* of the meeting and send the letter as drafted, or with additional comments. If we felt later that we had to return to the issue, we could invite the Presiding Officer to talk to us. However, asking him to come now would add fuel to the fire.

The Convener: Karen Gillon has just arrived. She is substituting for Paul Martin and has received very short notice of today's meeting. I have to say that she is no stranger to the committee, although for all the right reasons.

Karen Gillon (Clydesdale) (Lab): I am glad that you clarified that, Mickey.

The Convener: I invite Karen to declare any relevant interests.

Karen Gillon: I have no interests to declare.

The Convener: Let us return to the discussion. I seek comments from other members.

Lord James Douglas-Hamilton: I agree that it is better to write a letter, because that will allow us

to take a more considered approach. If necessary, we could also see the Presiding Officer. After all, we will have a few more meetings before the end of the session. I suspect that he will take on board the points that you have raised in the letter.

Tricia Marwick: I am perfectly content with the version of the letter that the convener intends to send to the Presiding Officer, and we should await his response. However, it would be in MSPs' interests if a copy of the letter were also circulated to them, drawing their attention to the fact that the Presiding Officer's letter was disingenuous and that this is the committee's response. For example, the Presiding Officer's letter asks members to contribute to a questionnaire and survey about the business exchange and its programmes. I feel that members are being asked to give their views in a vacuum, because they might not be aware of the committee's criticisms of the business exchange.

The point is that we must not be seen to be engaged in a fight with individuals, whether it be the Presiding Officer or the chief executive. From day one, the committee has been driven by its concerns about the structure of the business exchange, how it is set up and the impact that it has had on Parliament and will continue to have until its structural defects and the lack of accountability are addressed. We must ensure that the Presiding Officer and members are aware of that central point.

Susan Deacon: I certainly agree that the matter ought to be dealt with by letter and I am broadly content with the draft reply. However, I suggest that the second paragraph should be strengthened to reflect this discussion. We need to make two distinct points, the first of which concerns the nature and tone of the Presiding Officer's response. I know that there is nothing worse than trying to draft a letter by committee, but I would have thought that our reply should contain some of the adjectives that members have used this morning. For example, convener, you used the word "complacent", which is important in this context.

We should also point out that the Presiding Officer's letter quotes selectively from our report. I do not know whether we want to include the word "dismissive"—certainly the letter feels dismissive. The important point is that we should make it clear that we are dealing with a matter of substance and that we have strong feelings about the nature of the Presiding Officer's letter.

That said, we need to address the separate issue of developing and improving the business exchange. I would certainly like the letter to reflect as strongly as possible our desire that the scheme should be improved. That is why it is all the more—

Kay Ullrich: Disappointing.

Susan Deacon: Yes, disappointing—I will leave it at that for now. That is why it is all the more disappointing that the Presiding Officer and the director of the business exchange have not engaged more fully with our concerns. As a result, I suggest that the second paragraph of our response should be amended to reflect our concern about the nature of the Presiding Officer's reply. We should then re-emphasise the committee's desire to contribute constructively to improvements to the scheme. The people in question either missed or misinterpreted the phraseology—

The Convener: You are being diplomatic.

Susan Deacon: Acutely diplomatic. That is bordering on an understatement. My view—other members will have theirs—is that we should perhaps say that the response appears not to have addressed the matters of substance that we raised in the report. I think that we may have been a tad over-generous.

10:30

Karen Gillon: I began my time on the Standards Committee with an investigation into alleged influence over MSPs. We determined that the allegations were unfounded, but the investigation made us put in place robust structures to ensure that no one could again level accusations against members in the way that had happened in the lobbygate case. I get the impression that we are in the same situation again. There is a perception that the business exchange has preferential access either to information or to members. That perception is not correct, but we must put in place robust structures to ensure that it could not be the case and that the charge cannot be levelled at us again.

Having seen the matter from the outside looking in, I have no problem with the principle behind the business exchange, with the mutual exchange of information giving both parties insight into how the other works. I would have a problem with any information exchange that gave people undue influence on how other parties worked. It is important that the structures reflect that.

I have not been party to the discussions, but when I read the Presiding Officer's letter, I found it defensive about what was happening in the business exchange. In my view, AGMs are not the answer. Forgive me if the committee has had this discussion before, but we need to ensure that structures are in place so that members and the business community are not the subject of inaccurate speculation. I know from speaking to members that they have found the process worth while—they have enjoyed it and have learned a lot

from it. We want that process to continue, but a structure must be in place that protects members properly and I do not think that that is currently the case.

The Convener: Thank you for those comments.

Kay Ullrich: I go along with Tricia Marwick's comments that our letter to the Presiding Officer should be circulated. As Susan Deacon said, we should beef up the letter so that everyone is aware of our point of view and knows that we are disappointed in the Presiding Officer's response. Those two things should go together. The letter should be circulated as the Presiding Officer's letter was circulated and it should be beefed up so that MSPs are clearly aware of our position.

Mr Macintosh: The committee's strength of feeling is clear. I am happy for that to be reflected in the letter. I am not sure that I share all the sentiments that have been expressed, but I agree that the purpose of our report and of our reaction should be to ask the exchange to address the primary concern, which is accountability. The penultimate paragraph of the draft letter states:

"The Committee anticipates that the stocktaking exercise which is underway will examine the structure".

Perhaps we should beef up that paragraph to say that the result of that exercise is the most important outcome for us.

I do not agree that it would be helpful for us to circulate the letter to all MSPs. We want the business exchange to address the issue. Circulating the letter to all MSPs will not achieve anything; all it would do is highlight our concerns and potentially undermine the exchange. No MSP could be unaware of the bad publicity that the exchange had. The committee's report is public and this meeting is public. We do not need to go any further than that to highlight the matter.

The Convener: I think that that is the one note of disagreement in the committee. We will beef up the letter in the way that members have asked. I propose that the clerks take the suggestions away and do that. I will e-mail the letter to all committee members to ensure that we are all happy with its content. The only issue that remains is its distribution list. I feel strongly about that point. The letter from Sir David Steel was not sent to me or to the Standards Committee; it was sent to all MSPs. Therefore, MSPs may be under a misapprehension. Part of the reason for writing the letter is to ensure that there is no misunderstanding, so we must draw MSPs' attention to the letter. That is very important.

Karen Gillon: I am not decided about whether the letter should be circulated at this point. However, I would like it to say that, if Sir David had concerns about the report, he should have brought

them to the committee first, in a constructive way. We would have been happy to engage in dialogue with him. The manner in which he went about things has placed the committee in a difficult situation. The committee's report has been openly challenged without the committee having a corresponding right to reply in any meaningful way.

Susan Deacon: I am perplexed by the fact that the initial letter from the Presiding Officer was sent to all MSPs. That seems a wholly inappropriate way of addressing the issue. However, as that is how it has been dealt with, we have no option but to issue our response similarly. We can assume that through a process of osmosis, discussions in the tea room and no doubt the media, most members will pick up something of what we have said, as they have done to date. Nevertheless, it is important that they are also furnished with a piece of paper that has a precise statement directly from us and that is not subject to anyone else's interpretation. I would never have dreamed of advocating that had Sir David's original letter not been copied to everyone. That is the only option for us.

Lord James Douglas-Hamilton: I agree. I do not think that we have any alternative, because the Presiding Officer started the process by circulating his letter to all members. In view of the strength of feeling in the committee, we have no option but to do the same. I support the convener's call for resolving the drafting by e-mail, as that will make the most efficient use of time.

The Convener: In that case, let me draw the discussion to a conclusion. Having heard our deliberations, the clerks will redraft the letter, including the points that have been raised. Sam Jones, the clerk to the committee, will then e-mail it to each member—Karen Gillon instead of Paul Martin—by the end of the evening. If comments are returned to the clerk by close of play today, I will sign the letter first thing tomorrow morning, send it on its way to the Presiding Officer and copy it to MSPs by e-mail.

Karen Gillon: May I suggest a slight amendment? As members will pick up their newspapers tomorrow morning to read the committee's deliberations, it might be useful if we were to take less time to consider the letter, which would allow you to sign it off today and have it circulated this evening.

The Convener: The e-mail will go out later this morning. May I have replies by 2 o'clock, please, on whether members are content? I will sign the letter off this afternoon.

Mr Macintosh: Let me say formally that I do not agree with this move. The letter is carefully worded as it stands; it could be circulated without

a huge amount of upset and would still get the point across. However, if we beef it up, we will make the situation worse, rather than defusing it. Therefore, I would find it difficult to agree to a beefed-up wording.

The Convener: Let me stop you there, in that case. The committee has always proceeded with unanimity. There have been a couple of suggestions to beef up the letter—in fact, one of them was from you, Ken.

Mr Macintosh: I said that I would be happy to beef up the letter if it was to go to Sir David Steel. Sir David and the business exchange should be conscious of the committee's feelings on the matter, particularly our belief that the lines of accountability must be addressed—the real concern is that that matter be resolved.

There were two letters. One was from Anne Mearns. The other was from the Presiding Officer to all members. I am not surprised that he should write to ask members for their views, but he has put a gloss on the committee's position with which none of us agrees. I do not find it helpful to write something that is likely to inflame matters.

The Convener: Are you content with the letter as it stands?

Mr Macintosh: Yes. I would be happy for it to be circulated to MSPs.

The Convener: I know that some members wanted to beef it up a bit, but I want to ensure that we can act unanimously. There is strength in unanimity. Would members be content to send the letter as it stands?

Kay Ullrich: I want it to be beefed up before it is circulated. Sir David Steel's letter to all members misrepresented the committee's report.

Susan Deacon: I agree that we should proceed in a way with which everybody is comfortable. Probing some of Ken Macintosh's concerns, I am tempted to distinguish between, on the one hand, the Presiding Officer's letter and his apparent failure to engage with our report and, on the other hand, the business exchange itself. I share some of Ken's concerns about not wanting to ratchet up the controversy about the exchange. That is why I am keen for the letter to capture our tone, which is one of sorrow more than anger. We want to take the discussion back to our original report, so that the scheme can be improved. I suspect that Ken Macintosh would be more comfortable if the beefing up focused on our specific concerns about the Presiding Officer's approach to us, as distinct from the substance of the business exchange. Our position on the exchange has remained consistent, but we are frustrated because the Presiding Officer does not appear to have taken our concerns seriously.

Mr Macintosh: The business exchange should address our concerns about accountability. I would push the exchange to do that, but I am not sure why we have to write to all MSPs for it to do so.

The Convener: There is such strength of feeling that we have no option but to write to MSPs. There is no question about that; the letter must go to everybody. You are legitimately saying that you are worried about beefing up the letter.

Tricia Marwick: Is Ken Macintosh at all in favour of the committee sending a letter to all MSPs? Would he be happier for the original draft to be sent, rather than the beefed-up version, or is he just opposed to the letter being sent to all MSPs?

Mr Macintosh: I would like to address the fundamental problem. I would welcome our writing to Sir David Steel and the exchange to identify the problems that we have highlighted. I would rather that the letter were not circulated to all MSPs. However, if the committee's wish is to circulate the letter to all MSPs, I would accept the more diplomatically worded draft. To put our concerns in very strong words—

The Convener: I think that I can risk stopping you, because I believe that we have unanimous agreement that the letter as drafted, which is more diplomatic and has not been beefed up, can be sent to Sir David and circulated to MSPs. The committee's strength of feeling has been recorded in the *Official Report*, and we can send Sir David a copy to ensure that he reads it. Susan Deacon is not happy.

Susan Deacon: I am considering all that.

Mr Macintosh: I will not block the committee's wish, because I, too, value unanimity. I would like the exchange to address the issue—that is what we want to achieve. Our feelings are quite strong and highlighting that to all MSPs will not help matters. It will do more than ruffle a few feathers; it will put the future of the exchange in jeopardy.

10:45

Karen Gillon: Although I am relatively content with the letter, I do not think that it communicates the feelings that have been expressed. I would like the letter to include a paragraph that expressed our concern about the fact that the Presiding Officer did not feel able to discuss the issues privately with the Standards Committee and that he felt it necessary to circulate his letter to all MSPs. That is what has caused the problem.

We can all accept that people might disagree with our views on an issue. However, the problem has arisen because the committee's report has been undermined in a way that did not allow the committee to have a response. In future, we

should ask Presiding Officers, who are supposed to be in a non-political position, to ensure that they conduct themselves in a way that does not compromise the parliamentary committees.

The Convener: If the letter were beefed up in that way, would you be happy with it?

Mr Macintosh: Although I appreciate that Karen Gillon's comments were intended to be constructive, I am not sure that I agree with her sentiments. I would be willing to add a line on the committee's concern about its views being misinterpreted. I think that we should add a line to that effect in the second paragraph. We should replace the phrase "missed or misinterpreted" with the word that we were thinking about using. I am sorry—I have forgotten what that word was. We should say that we are concerned that the exchange has not addressed the committee's fundamental concern. That is the point that should be included in the letter.

Susan Deacon: I have a comment and a suggestion that will help us to progress the issue. As Ken Macintosh has indicated, our discussion is in the public domain. Our friends in the press are present and there will be reports of the meeting in the press in some shape or form. It is my strong preference that colleagues should know precisely and fully what we said, rather than hearing about it through the prism of others.

In relation to previous discussions, I have gone out of my way to speak to some colleagues who are involved in the exchange. My intention has been to do a correction job. They have heard only snippets through the press. I explained to people why our discussion took the shape that it did and what we were trying to achieve.

Given that Sir David Steel has placed his letter in the hands of every MSP, the circulation of our letter will help to clarify our position. In so doing, it will help to avoid the confusion that could lead to the sort of thing that Ken Macintosh is concerned about, if I interpret him correctly. I believe that the circulation of our response would ease the process, as it would create clarity and avoid Chinese whispers. That is my comment.

It is virtually impossible to discuss such matters in the abstract. Many of us who have used stronger language during today's meeting would not be unduly concerned about the language in the letter being suitably measured, as long as it reflected the strength of the concerns that have been raised. Although my suggestion puts a great deal of pressure on the clerk and the convener, it is probably not impossible to come up with a form of words with which everyone could be comfortable.

The Convener: I will close the discussion about the letter at this point, because we have got

somewhere. I have a proposal and I would like to know whether members are content with it. The clerks have listened to everything that has been said, especially in the latter part of the meeting, and will redraft the letter with me. We will e-mail the letter to everybody and ask for responses by 2 o'clock. I hope that everybody will be able to e-mail back to say whether they are happy with it. If there is a real problem, I will continue the correspondence during the afternoon. The body of what we have decided is that we should send a beefed-up, redrafted letter to the Presiding Officer and copy it by e-mail to MSPs as the Presiding Officer did with his letter. Are members content that I have reflected accurately the feeling of the meeting?

Tricia Marwick: I am a bit concerned about the process. I know how much the convener values unanimity in the committee; it is certainly true that we have always moved forward together. However, Ken Macintosh has made it clear that, although he would be happy with the letter as drafted going out to MSPs, he would not be happy sending the beefed-up letter to MSPs. It is all very well for us to be e-mailing one another this afternoon, but at 5 o'clock tonight we could find ourselves in a situation where the letter that the rest of us agree to and think should go out to MSPs still does not satisfy Ken Macintosh. We need to decide at this meeting whether and how the letter should go out, given that Ken Macintosh is not happy with it.

Mr Macintosh: I have a suggestion about an additional line to the second paragraph. We could say: "Our central concern is that the board should address the Standards Committee's anxiety over the structure of the exchange and its accountability to Parliament."

The Convener: Does that deal with the point that Karen Gillon raised about the process of correspondence? She particularly wanted a reference to the fact that the Presiding Officer had not responded to the committee.

Karen Gillon: To be honest, as much as I hate to write letters by committee, if we want consensus, we will have to decide on a form of words at this meeting. If we do not, Ken Macintosh will never be satisfied.

Mr Macintosh: I am just worried.

Karen Gillon: The two positions that have been expressed are diametrically opposed, so to leave Sam Jones with the job of coming up with a compromise would be to put her in an impossible position.

The Convener: We have not had a vote in the committee in the four years during which we have operated and I would be loth to have one now. Therefore, I will go through the letter

paragraph by paragraph and we will have to agree to it or add to it as we go through it—without a vote, I hope.

The first paragraph reads:

"The Standards Committee today considered your letter of 20 January 2003 to all Members and also ... Anne Mearns' letter to me of the same date concerning the Scottish Parliament and Business Exchange."

Are members happy with that introduction?

Members indicated agreement.

The Convener: The second paragraph reads:

"The Committee welcomes the decision of the Board of the Exchange to undertake an evaluation of its first year of operation. However, we are concerned that the Board may have missed or misinterpreted some elements of the Standards Committee's report on the Exchange."

I invite comments.

Karen Gillon: I would like to see a paragraph before that saying something along the lines of the following: "The committee is concerned that you did not feel able to raise your concerns with us directly and hope that you will be able to address this in the future. As a result we will therefore find it necessary to circulate this letter to all MSPs to ensure that they are aware of our on-going concerns." I can say that again, but there is no point in saying it if members are not interested.

The Convener: Are members happy with the tone of that, before we get on to the wording? Could you repeat that, Karen?

Karen Gillon: We could say: "The committee is concerned that you did not feel able to raise your concerns directly with us and hope that you will be able to address this in the future. As a result we will therefore find it necessary to circulate this letter to all MSPs to ensure that they are aware of our on-going concerns."

Sam Jones (Clerk): Sorry, could you just repeat that last sentence?

Karen Gillon: Yes. "As a result we will therefore find it necessary to circulate this letter to all MSPs to ensure that they are aware of our on-going concerns."

Tricia Marwick: I would like to change the end of that slightly. I would like it to read: "to ensure that they are aware of the concerns that we raised in our report and of our on-going concerns."

Karen Gillon: Yes.

The Convener: Are we content with that?

Karen Gillon: We could say, "of the issues that we raised in our report", depending on whatever form of words we prefer.

The Convener: Are there any comments on the third paragraph of the letter? It is the one that

begins "Whilst the Committee". Are we content with it?

Members *indicated agreement.*

The Convener: Are members content with the next paragraph? It begins:

"Specifically, the Committee was concerned".

If I do not hear anything, I will assume that members are content.

The next paragraph begins "Whilst welcoming"—

Karen Gillon: Sorry, convener, but I have a point to make about the AGM. The last sentence of the fourth paragraph reads:

"The AGM referred to in your letter does not adequately address these concerns."

I think that we should add something like: "and we hope that a different model will be forthcoming from the review." We need something in addition to a comment on the AGM. The point that the letter from the Presiding Officer to MSPs made was that the structure is robust because there is an AGM. However, that meeting might not be convened at a time when people can go to it and it might not address the concerns that we raised in the report.

The Convener: Do you have something down for that, Sam?

Sam Jones: I have: "I hope that a more robust structure will emerge from your review."

The Convener: Are members content with that?

Susan Deacon: It should say, "We hope".

The Convener: Yes—it should be "We hope", as the letter is a committee letter.

The next paragraph reads:

"Whilst welcoming the Exchange's commitment to be non-lobbying, the Committee was unconvinced that there are sufficiently robust safeguards in place to ensure that it remains so."

Are we content with that?

Tricia Marwick: After "it remains so", I think that we should put: "and the Presiding Officer and the board do not seem able to take on board the concerns that we are raising." The Presiding Officer has ignored our concerns.

Kay Ullrich: Could this be where the word "disappointed" comes in? We could say: "We were disappointed that"—

The Convener: Yes, keep going.

Kay Ullrich: "We were disappointed that the Presiding Officer"—I am sorry; I have lost it.

Lord James Douglas-Hamilton: "We were disappointed that the Presiding Officer has not

focused adequately on the principle of accountability."

The Convener: That is fine; that is a good one. It will read: "We were disappointed"—

Karen Gillon: Could we make it "the chairperson" instead of "the Presiding Officer"? Sir David is acting as the chairperson of the exchange.

The Convener: You want us to use the phrase "the chairperson of the Exchange".

Karen Gillon: Yes—Sir David is not acting as the Presiding Officer of the Parliament.

The Convener: He is the honorary president, in fact.

Karen Gillon: It is important that we make the distinction. It should be clear that the Presiding Officer is not acting on behalf of the Parliament in this instance. I am not convinced that—

The Convener: How did he sign his letter to us?

Mr Macintosh: Just as "David Steel", on a letter headed "The Scottish Parliament and Business Exchange".

Karen Gillon: He did not sign it as the Presiding Officer.

Mr Macintosh: He wrote on behalf of the board.

The Convener: We could put: "We were disappointed that you did not".

Members: Yes.

Mr Macintosh: Could you read out that part again?

Sam Jones: "We were disappointed that you and the board did not adequately address our concerns on accountability."

Lord James Douglas-Hamilton: Can we use the words "focusing on the principle of accountability"?

The Convener: We can say, "by not focusing on the principle of accountability"—

Tricia Marwick:—"to this Parliament."

The Convener: Are we content?

Members *indicated agreement.*

Kay Ullrich: It has certainly been a letter by committee.

The Convener: Well, I would rather get agreement.

The next paragraph reads:

"The Committee anticipates that the stocktaking exercise which is underway will examine the structure and status of the Exchange in the light of these very real concerns expressed by the Committee. If you wish to discuss this further, please do not hesitate to contact me."

That paragraph is simply followed by the tail of the letter. Are members content? Have we reached agreement?

Members *indicated agreement.*

The Convener: Thank you very much. There is no need to e-mail the letter round; we will send it off this afternoon.

Members' Interests Order

The Convener: We have one more agenda item, which concerns replacing the Scotland Act 1998 (Transitory and Transitional Provisions) (Members' Interests) Order 1999. This should not take a moment. We have to decide how to consider our draft committee bill to replace the members' interests order. The non-Executive bills unit hopes to have a draft bill available for us to consider at our next meeting. I propose to schedule that discussion in private session, because it concerns draft legislation and NEBU would like to brief us on it in private. Does the committee agree to that proposal?

Members *indicated agreement.*

Meeting closed at 10:59.

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