

# **STANDARDS COMMITTEE**

Tuesday 10 June 2003  
(*Afternoon*)

Session 2

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## STANDARDS COMMITTEE

### 1<sup>st</sup> Meeting 2003, Session 2

#### OLDEST COMMITTEE MEMBER

\*Donald Gorrie (Central Scotland) (LD)

#### COMMITTEE MEMBERS

\*Bill Butler (Glasgow Anniesland) (Lab)  
\*Alex Fergusson (Galloway and Upper Nithsdale) (Con)  
\*Mr Kenneth Macintosh (Eastwood) (Lab)  
\*Tricia Marwick (Mid Scotland and Fife) (SNP)  
\*Alex Neil (Central Scotland) (SNP)  
\*Karen Whitefield (Airdrie and Shotts) (Lab)

\*attended

#### CLERK TO THE COMMITTEE

Sam Jones

#### SENIOR ASSISTANT CLERK

Sarah Robertson

#### LOCATION

Committee Room 2



# Scottish Parliament

## Standards Committee

*Tuesday 10 June 2003*

*(Afternoon)*

[THE OLDEST COMMITTEE MEMBER *opened the meeting at 14:25*]

### Interests

**Donald Gorrie (Oldest Committee Member):**

Good afternoon, ladies and gentlemen. As I am the oldest committee member, it falls to me to take the chair for the start of the meeting. I welcome all members to the work of the committee, which I am sure will be extremely interesting.

The first item on the agenda is declaration of interests that are particularly relevant to the committee. I have no relevant interests to declare that I can think of.

**Mr Kenneth Macintosh (Eastwood) (Lab):** I have no interests to declare.

**Karen Whitefield (Airdrie and Shotts) (Lab):** I have no interests to declare.

**Alex Neil (Central Scotland) (SNP):** I have no interests to declare.

**Bill Butler (Glasgow Anniesland) (Lab):** I do not know whether I have to declare these interests, but I will: I am a member of the GMB, the Educational Institute of Scotland and the Co-operative Party.

**Tricia Marwick (Mid Scotland and Fife) (SNP):** I have no interests to declare.

**Alex Fergusson (Galloway and Upper Nithsdale) (Con):** I have been advised that, to be on the safe side, I should declare all my interests. With the committee's permission, I will do so. I am a limited partner in an agricultural tenancy partnership with a gross annual income of £19,000. I have farmland, a house and a cottage in south Ayrshire. I am the managing director of Alton Albany Farming Company Ltd, which is no longer trading and from which I will receive no remuneration. I am a member of the Game Conservancy Trust, the Scottish Landowners Federation, the Blackface Sheep Breeders Association and the British Association for Shooting and Conservation. Furthermore, I signed an option agreement with DP Energy Limited for the right to pursue an application for a wind farm, for which I received a payment of £1,000 and no further income.

**Mr Macintosh:** Perhaps I should declare that I am a member of the National Union of Journalists. I have declared as much in my register of interests, but I was not sure whether any such declaration was necessary for this meeting.

**Donald Gorrie:** Right. Thank you very much.

## Convener

**Donald Gorrie:** The next item on the agenda is the election of the convener. For members' clarification, I should read out the relevant rules in the standing orders, which say:

"Each committee shall have a convener who shall convene and chair the meetings of the committee ...

The Parliament shall decide, for each committee, on a motion of the Parliamentary Bureau ... the political party whose members shall be eligible to be convener of the committee ...

At the first meeting of a committee after it is established by the Parliament, members of the committee shall choose a convener."

Those are the rules under which we are operating. I am advised that Tricia Marwick wishes to make a statement, after which other committee members may make comments. We will then proceed to the election.

**Tricia Marwick:** Members are aware that an outstanding complaint against me will be the subject of a report by the independent standards adviser to the committee. As a result, if I am elected as convener, I intend to preside only over the election of the deputy convener. I will then step aside to allow the deputy convener to take full charge of the Standards Committee until the report from the independent standards adviser has been submitted to and considered by the committee. If the independent standards adviser finds against me, I will of course resign as convener.

**Donald Gorrie:** Thank you. Does any member wish to comment?

**Alex Fergusson:** I have one question. After making inquiries last week, I determined that it was incumbent on the committee to elect a convener at its first meeting. However, I am slightly unclear as to whether it would be in order to elect an acting convener. Can we have a ruling on that point?

**Donald Gorrie:** I do not think that such a decision would be in order, but I will seek advice from the clerk on it.

**Sam Jones (Clerk):** The standing orders contain no provision to elect an acting convener. Instead, they state that the committee must elect a convener at its first meeting.

**Alex Fergusson:** Thank you. I merely want to ensure that we leave no stone unturned.

14:30

**Karen Whitefield:** It is with regret that I must express my concern about the Scottish National Party nomination for convener at this time. Although I do not want to question any party's right

to make a nomination, the integrity of the Parliament is paramount. We must be seen to be open and transparent at all times. Under the circumstances, it would have been better if the Scottish National Party had chosen to nominate a member who was not the subject of an investigation. However, it would not be right of me as a committee member to prejudge the investigation and I appreciate Ms Marwick's statement that she will stand down. That is only right; doing so is both in her best interests and in the best interests of the Parliament and the committee. That said, I should put on record my concern that we are being placed in a difficult position.

**Mr Macintosh:** We are clearly faced with an unfortunate situation. However, I welcome Tricia Marwick's statement. As it would be difficult for any member to take any action that would prejudge the situation, the matter is very much in Tricia's hands. I am pleased that she has stated her commitment to step down while the complaint is being dealt with. In fairness to both sides—and, indeed, to any member in her situation—it is only right that the matter is considered impartially. This is the only way of ensuring that that happens.

**Bill Butler:** All of us, including Tricia Marwick, have been placed in a rather invidious position that none of us would wish to be in. Perhaps we could ask the Procedures Committee to consider whether, because of the special nature of the Standards Committee, nominations for its convener and deputy convener should be taken out of the hands of the political parties and be made separate and discrete from such nominations for other committees. I know that that cannot happen today, but perhaps in the fullness of time we could pass the matter on to the Procedures Committee and see what it makes of my suggestion.

That said, given the current procedure, we have no option but to accept the SNP's nomination at this stage. I concur with Ken Macintosh that Tricia Marwick is doing the right thing by stating that if she is elected in a moment or two she will immediately stand aside to allow the process to continue.

**Alex Fergusson:** Having asked the initial question, I simply want to endorse other members' comments. We are in a difficult position but, given the SNP's determination to make its nomination, the committee is acting in the best possible way. I welcome Tricia Marwick's statement, because it makes things as clean as possible—if I can put it that way.

**Donald Gorrie:** Now that members have had their say, we will move to the election of the convener.

**Alex Neil:** As the other SNP member on the committee, I nominate on behalf of my party Tricia Marwick as the committee convener.

*Tricia Marwick was chosen as convener.*

**Donald Gorrie:** I congratulate Tricia Marwick on her election.

## Deputy Convener

**The Convener (Tricia Marwick):** The next item on the agenda is to elect the committee's deputy convener. The Parliament has resolved that the deputy convener of the Standards Committee will be a member of the Labour party. I now invite nominations for the post.

**Karen Whitefield:** I nominate Ken Macintosh.

*Mr Kenneth Macintosh was chosen as convener.*

**The Convener:** Ken Macintosh is elected as deputy convener of the Standards Committee. As I advised a few minutes before, I will now hand the remainder of the meeting over to him and wish him luck in his deliberations.

**The Deputy Convener (Mr Kenneth Macintosh):** We have now had three conveners at this meeting, a record that I think surpasses even that for the post of First Minister.

## Future Meetings

**The Deputy Convener:** We now move on to our discussion on future meetings. I thank members for their remarks so far. I understand from the clerks that, in the next few days, we are to receive a report from the acting Scottish parliamentary standards commissioner, which concerns a complaint that was made in the first session. There are also a couple of other issues that members may wish to raise. Are members content for the clerks to arrange further meetings, so that we can deal with that business? I believe that those meetings will be held before the summer recess.

**Alex Neil:** I am not available next week, although I will be available the following week.

**The Deputy Convener:** If I understand the timetable correctly, we will hold a meeting next Wednesday.

**Sam Jones:** There are to be meetings on Wednesday 18 June and Wednesday 25 June, both at 9 am.

**Alex Neil:** I am not able to make next Wednesday. That is rather short notice. It would be helpful if the meeting were postponed until the week following our receipt of the report from the standards adviser.

**The Deputy Convener:** We do not have a lot of time before the summer recess. Normally, we would receive a report, discuss it, and then possibly hold a further meeting after that. We need a minimum of two meetings. With the exception of Alex Neil, would all members be able to attend a meeting next Wednesday?

**Donald Gorrie (Central Scotland) (LD):** What time did you say that the meeting next Wednesday is to be held?

**Sam Jones:** At 9 o'clock.

**Donald Gorrie:** And the other meeting?

**Sam Jones:** That will be at 9 o'clock on the following Wednesday.

**Alex Fergusson:** That will be our last opportunity before the summer recess.

**The Deputy Convener:** Yes. Is there any other time that would be convenient next week? I do not have a timetable for any of the other committees; in fact, I am not sure whether they are meeting next week.

**Sam Jones:** I think that there is a provisional timetable for next week, which I could circulate to members so that we can determine whether it would be possible to arrange another time. It depends on the availability of committee rooms and the arrangements of other committees.

**Bill Butler:** What would be on our agenda next week? Would we just receive the report and then have the rest of the week in which to look at it and begin our work? What is the purpose of the meeting?

**The Deputy Convener:** I hesitate to answer that from my previous experience on the Standards Committee, so I ask the clerk to say what will happen when we receive the report.

**Sam Jones:** If we receive the report in time for next week, the committee will be required to undertake its initial consideration of the report then. It will need to consider whether it wishes to take evidence.

**Bill Butler:** Given that, we should try to get all members to attend.

**The Deputy Convener:** Would members be available on Tuesday instead? Would that be a possibility?

**Sam Jones:** It might be, but I would need to consult colleagues in the committee office.

**The Deputy Convener:** Let us agree Wednesday next week as a provisional date for our next meeting.

**Alex Neil:** I could rearrange my schedule for Wednesday next week, but Tuesday would be much more difficult. If you are able to confirm that we will be meeting next Wednesday, I will make every effort to be here.

**The Deputy Convener:** That is very generous. Can we agree to meet at 9 o'clock next Wednesday morning?

**Members indicated agreement.**

**The Deputy Convener:** There are a number of outstanding issues that we will need to consider, but I do not think that today is the day to discuss the committee's future agenda. No legacy paper was left to us by the previous Standards Committee, but all members will be aware of the need to make progress on the matter of cross-party groups. Any member who has participated in cross-party groups will be aware of the current rule whereby all groups must have a member of each party that is represented on the Parliamentary Bureau. That rule was drawn up with four parties in mind, but we now find ourselves in different circumstances. We need to make progress on the whole cross-party groups issue, but I feel that we need to address that particular matter as soon as possible. I ask the clerks to prepare a paper on how we interpret the rule about the number of parties that ought to be represented for cross-party group purposes. That can be put on the agenda, if not for the next meeting then for the one after that.

**Donald Gorrie:** That is an important issue. Many cross-party groups are scrabbling about a bit. Some members felt that they over-committed themselves to cross-party groups during the previous session, and they are tending to reduce their commitments, which makes it harder for groups to secure a quorum. It is important that we make progress on this important matter as soon as possible. I would have thought that we could perm four parties from six, but I do not want to write the report on this myself.

**The Deputy Convener:** Indeed. A number of approaches have been suggested. My understanding is that the research paper on cross-party groups that we commissioned will not be ready until towards the end of the year. Everybody is in something of a holding position at the moment. The enthusiasm that we had during our freshers week, when we signed up to all the cross-party groups we could, has perhaps now evaporated.

We will discuss the matter at the next meeting, but I propose that we postpone a full discussion on the committee's agenda, possibly until we have dealt with the initial, on-going complaint, and certainly until all members of the committee have had a chance to suggest items for discussion.

**Alex Neil:** Are there no other outstanding inquiries or complaints?

**The Deputy Convener:** That is a good question. No legacy paper was left to us, but we could ask the clerks to prepare a paper for discussion at a future meeting. A number of items are outstanding. As part of our inquiry into lobbying, we drew up a bill that included the statutory registration of lobbying groups. Those provisions have not been implemented or passed into legislation. I think that the members' interests order under which we are currently operating is a temporary order.

Those matters were agreed on by the previous Standards Committee, but we still need to consider a number of outstanding items. We have to work out what our schedule will be. We could ask the clerks to draw up an issues paper and a briefing paper, so that all members can be aware of all the items to which we might need to return at some stage. I will allow room for members to suggest other matters that we might wish to address.

**Alex Fergusson:** I think that I read in the papers that the acting Scottish parliamentary standards commissioner has stayed on to deal with at least two cases. I presume that they relate to individual complaints against MSPs.

**Sam Jones:** The acting commissioner is dealing with only one complaint that remains outstanding from the first session.



**Alex Fergusson:** Sorry—I misunderstood the notes that I was reading.

**The Deputy Convener:** We passed the Scottish Parliamentary Standards Commissioner Bill in the previous session, and we have appointed the new Scottish parliamentary standards commissioner. However, according to the terms on which we did that, the old, temporary commissioner had to finish off all the work in which he was involved.

**Alex Fergusson:** Sorry—I was simply trying to establish the number of outstanding cases.

I have another question: do we take it as read that Wednesday will be the day on which the Standards Committee will meet? If that were to be the case, it would gain my great approval.

**The Deputy Convener:** That is in fact quite a controversial point and I do not think that we should agree on it today. I assume that all members of this committee are members of other committees. I see that at least some of us are. At the same stage during the previous session, the committee office drew up a rough timetable for committee meetings. We ought to cast our eye to any timetable that has been drawn up and then make some suggestions.

**Bill Butler:** That is very wise. We should wait and see.

**Karen Whitefield:** Would it be helpful if the clerks were made aware of which other committees members of this committee are on, so that they can assess whether any clashes might arise?

**The Deputy Convener:** Indeed.

**Sam Jones:** We have access to that information. When the committee office draws up the timetables, it tries to factor out as many committee clashes as possible.

**The Deputy Convener:** That is good to know. Members may still have a view on how often and when we meet, so we could put that on the agenda as one of the issues to be discussed next time.

If members have no further items to raise today, I close this first meeting of the Standards Committee in the new session.

*Meeting closed at 14:44.*



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