

STANDARDS COMMITTEE

Tuesday 25 November 2003
(*Morning*)

Session 2

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STANDARDS COMMITTEE

10th Meeting 2003, Session 2

CONVENER

*Brian Adam (Aberdeen North) (SNP)

DEPUTY CONVENER

*Mr Kenneth Macintosh (Eastwood) (Lab)

COMMITTEE MEMBERS

*Bill Butler (Glasgow Anniesland) (Lab)

*Alex Fergusson (Galloway and Upper Nithsdale) (Con)

*Donald Gorrie (Central Scotland) (LD)

*Alex Neil (Central Scotland) (SNP)

*Karen Whitefield (Airdrie and Shotts) (Lab)

COMMITTEE SUBSTITUTES

Lord James Douglas-Hamilton (Lothians) (Con)

Marilyn Livingstone (Kirkcaldy) (Lab)

Alasdair Morgan (South of Scotland) (SNP)

*attended

THE FOLLOWING ALSO ATTENDED :

Susan Deacon (Edinburgh East and Musselburgh) (Lab)

Patrick Harvie (Glasgow) (Green)

CLERK TO THE COMMITTEE

Sam Jones

SENIOR ASSISTANT CLERK

Sarah Robertson

LOCATION

Committee Room 4

Scottish Parliament

Standards Committee

Tuesday 25 November 2003

(Morning)

[THE CONVENER *opened the meeting at 11:00*]

Item in Private

The Convener (Brian Adam): Good morning and welcome to the 10th meeting of the Standards Committee in this session. I extend a warm welcome to Susan Deacon and Patrick Harvie, who are here for item 2. In case, like me, members have forgotten to switch off their mobile phones and pagers, it would be a good idea for them to do that now.

Our first task is to decide whether we are going to take items 5 and 6 in private. My inclination is to avoid taking items in private when possible; however, the advice that I have received is that it is a legal requirement that we take items 5 and 6 in private. As we are a relatively new committee, it might be helpful for future meetings if we get guidance on that matter and take that guidance in public. Are members agreed on that?

Members *indicated agreement.*

Cross-party Groups

11:02

The Convener: We move to item 2. Susan Deacon has submitted the appropriate documentation on behalf of the proposed cross-party group in the Scottish Parliament on sexual health. Is there anything further that you would like to say to us in support of the proposal?

Susan Deacon (Edinburgh East and Musselburgh) (Lab): I thank the Standards Committee for giving me the opportunity to attend the meeting. It is quite nice, if slightly intimidating, to be back at the Standards Committee, although it is not for a bad reason. I hope that the papers that members have in front of them are self-explanatory. Patrick Harvie and I are proposed as co-conveners of the cross-party group, and we would be happy to clarify any matters in the papers.

We have sought to establish a fairly broad-based group, as you can see from the range of external interests that are represented in the group. The group has clear cross-party support. It will provide a forum in which to discuss the many and varied issues arising in the area of sexual health. The establishment of the group coincides with the publication of the draft strategy of the Executive's expert group. We hope that the cross-party group will bring together politicians and practitioners in the field to discuss the issues as the consultation takes place and, in the months and years to come, as the strategy is implemented.

Patrick Harvie (Glasgow) (Green): The couple of meetings that we have had so far to discuss the proposal to establish the group have been very successful. We have the makings of a vibrant and active cross-party group.

The Convener: Do committee members wish to ask questions of the proposed co-conveners?

Donald Gorrie (Central Scotland) (LD): This is more of an observation than a question. I certainly support the application, but a quick look through the list of cross-party groups reveals that 11 of them cover different aspects of health. I wonder whether it might not be better for some groups to be consolidated. Like other members, I am over-committed to membership of cross-party groups and am not always a brilliant attender of them. Perhaps the people involved in different aspects of health could give some consideration to amalgamating some groups. However, those remarks are not directed at this application, which I think is very fair.

The Convener: Would the proposers of the new group care to respond?

Patrick Harvie: Both Susan Deacon and I would argue that sexual health is a particular case, in that it has no vocal patient advocate group nor is it likely to have one. Particularly for sexual health, there is a need for a cross-party group to take forward some of the issues. I am sure that Susan Deacon would agree with that.

The Convener: For the benefit of Donald Gorrie and everyone else, I should say that work on the future of cross-party groups is on-going. I know that the group of which Alex Neil is convener has already absorbed some predecessor cross-party groups, so it may well be that Donald Gorrie's suggestion is taken on board.

Susan Deacon: This issue also arose when I was a member of the Standards Committee, so I am aware that work is on-going. My view is the same now as it was then. Approaching the issue as co-convener of the proposed group, I do not think that there can be forced marriages—or perhaps I should say forced partnerships—between cross-party groups, but there is room for synergies and joint working. For example, in a few weeks' time, the cross-party group in the Scottish Parliament on children and young people will have a meeting about the sexual health of young people. Members of our proposed group have been invited to that meeting. I think that we will be keen to explore that kind of joint working.

Alex Fergusson (Galloway and Upper Nithsdale) (Con): As the convener of the cross-party group in the Scottish Parliament on ME, I endorse that comment. We are keen to pursue working with other groups, such as the cross-party group in the Scottish Parliament on chronic pain and other groups with which we might have some synergy. Although I understand Donald Gorrie's point about the fact that there are at least 11 separate health-related groups, I think that they all have a relevance. However, there are huge opportunities for working with other cross-party groups in a rather closer way. Although we may be getting off the subject slightly, that is an important issue that we will probably discuss later.

I totally support the proposed group and wish it every success.

The Convener: Are members content to accord recognition to the cross-party group on sexual health?

Members indicated agreement.

The Convener: I thank Patrick Harvie and Susan Deacon for coming along. They will receive a letter from the clerks that will restate the committee's decision and formally recognise the new group.

Item 3 concerns the letter that we have received from Keith Raffan, who is the convener of the cross-party group in the Scottish Parliament on drug misuse. I am the vice-convener of that group. I know that other committee members were members of the group in the previous parliamentary session, although I am not too sure how many have renewed their membership in this session. Perhaps those who have renewed their membership could indicate that fact.

Donald Gorrie: I am a member of that group—or at least I think that I am.

Alex Fergusson: You are, and so am I. I was a member of the cross-party group on drug misuse in the previous session and I have continued my membership, although I have the difficulty that it always seems to meet at the same time as the cross-party group on ME. As Donald Gorrie said, there are so many cross-party groups, it is difficult to attend them.

Karen Whitefield (Airdrie and Shotts) (Lab): I notice that the group has provided the original application. As a member of the group who attended its meetings, I can say that attendance was always pretty difficult because, although people wanted to attend, several other meetings often took place at the same time. From the application, I notice that the treasurer, like a number of the members who are listed, is no longer a member of the Parliament. Although I support the group and have no desire to see its valuable work not continue, I wonder whether it might be appropriate for the committee to write back to the group to ask for confirmation of its membership, as there seem to have been a number of changes.

The Convener: I understand from the clerks that that has already happened.

Do members have any comments on the thrust of Mr Raffan's letter, which is his request to broaden the group's scope?

Bill Butler (Glasgow Anniesland) (Lab): Just before we move away from Karen Whitefield's point, I should point out that the membership list in question includes two people who are no longer MSPs. Do we assume that they are simply deleted from the list?

The Convener: What we have is simply a reflection of the group's initial application rather than its current position, which has been notified to the Standards Committee. Does that clarify things?

Bill Butler: Yes. I am obliged for that, convener.

The Convener: As far as the application before us is concerned—

Alex Neil (Central Scotland) (SNP): I think that we should support the application to extend the group's remit, because the relationship between drugs and alcohol is now well established. Instead of having a separate cross-party group on alcohol, which I am sure would be the consequence of not approving the proposed extension of the remit, we should be sensible and bring these closely related subjects under one umbrella.

Donald Gorrie: I, too, agree that the remit should be extended. In the previous session, I made an abortive attempt to find support for a cross-party group on alcohol. However, I should point out that I was not suggesting that we should have something like the beer society at the House of Commons.

Alex Neil: That sounds like a better idea.

Donald Gorrie: Well, it is the most popular body at the House of Commons. [*Laughter.*]

Bill Butler: You surprise me, Donald.

Donald Gorrie: At that time, we agreed informally to go along with the cross-party group on drugs. It would be helpful if we formalised the proposal that the group should cover both issues.

The Convener: In that case, I seek the committee's agreement to approve the proposal. Are members agreed?

Members *indicated agreement.*

The Convener: Have there been any difficulties with compliance as far as the cross-party groups that have re-registered are concerned? Will we examine that matter in our review of cross-party groups?

Sarah Robertson (Clerk): The clerks have checked all the membership requirements of all the cross-party groups that have re-registered and we are ironing out one or two difficulties.

The Convener: But that does not apply to this cross-party group.

Sarah Robertson: That is right.

Scottish Parliament and Business Exchange

11:12

The Convener: We move on to item 4, which concerns the Scottish Parliament and Business Exchange. First I should remind members that, until very recently, I was a director of the exchange. As I understand it, the committee's interest in the scheme springs from an obligation to ensure that members who participate in it act in a manner that does not conflict with the code of conduct. The committee's ninth report in 2002 states:

"The Standards Committee wishes to make it clear that there has been no evidence or allegation of impropriety in relation to the Exchange."

As a result of various meetings between the business exchange and the previous Standards Committee, the exchange has carried out a review at the end of its operation. The report before us is a consequence of that review.

The committee needs to decide whether to respond to the exchange's conclusions and whether we accept its offer to copy the committee into its quarterly reports to the Scottish Parliamentary Corporate Body.

I am keen to hear other members' comments. Although my own background with the business exchange might help with this matter, I want to hear what other members who were not involved have to say.

Donald Gorrie: I have read most of the papers, although I cannot claim to have read every page. However, I think that we should pursue the interesting idea of broadening the exchange's membership, as it would help to remove any suspicion that it is a sort of clique in which members scratch each other's backs.

Representatives of the business exchange have offered to come and speak to us, so I thought that it might be useful to get them to explain to us the mechanisms by which the scheme could be widened out. Are commercial businesses the only ones involved, or are community businesses, co-operatives, do-gooding organisations and universities included? I would like to explore that.

11:15

The Convener: All those things are either under review or happening. At one of the recent meetings, someone representing the small business sector was appointed as a director. The broadening-out that you talk about has happened, but that is not to say that we cannot talk to

representatives of the exchange further. Indeed, I believe that they have offered not only to submit quarterly written reports to the SPCB but to appear before it to give an account of the organisation. I am confident that that offer would also be made to the committee.

Alex Neil: I think that the business exchange has received a lot of unfair publicity. There has been a lot of hysteria around the subject but it has been based on little substance. The danger is that, if we over-regulate the body to the extent that we look like we are continually down the throats of the people involved, we might frighten off the business community and severely damage what is a good and—with regard to the experience of Westminster—well tested and successful way of building relationships between parliamentarians and business.

I think that we should agree that we should accept a copy of the quarterly report and perhaps have an informal presentation on the work of the exchange around the time of the submission of the annual report.

We should leave the organisation alone and watch how it progresses. If further issues arise, we can intervene at that point. We have enough on our plate without further delving into the workings of the exchange in a way that would send out the wrong message. The SPCB already has tight procedures in place with regard to audit and so on and I believe that that will ensure that the £100,000 of public money that will be invested in the organisation over three years will be spent wisely.

Taking this matter any further would over-egg the pudding, duplicate work and send out the wrong message.

Mr Kenneth Macintosh (Eastwood) (Lab): As a member of the previous Standards Committee, which published a report on the business exchange in the first session of Parliament, perhaps I could give the committee an idea of—*[Interruption.]* Someone has dropped a clanger in the committee room above us.

I whole-heartedly endorse what Alex Neil said. When the previous Standards Committee considered the issue of the business exchange, the atmosphere was a bit fevered. Our colleague Margaret Jamieson had been the subject of rather hostile press coverage for trying to participate in the exchange, which was found to be wanting to the extent that it did not protect her sufficiently in relation to the confidentiality agreement that she was asked to sign. She referred the matter to the Standards Committee, in fact, so it was thanks to her that we dealt with it.

While we were considering that matter, the media were reporting that many of the people who

were involved in the exchange on the business side were lobbyists. Actually, they were not so much lobbyists as people from the parliamentary affairs departments of the big companies. I was not surprised about that, as those are the people who tend to deal with parliamentarians.

At that time, however, there was undoubtedly a rather suspicious and fevered look—I was going to say hysterical, but that is not the right word—at the ways in which the exchange operated. I served on the committee at the time and thought that that was a bit unfair, but we had reservations about the way in which it was structured.

The business exchange responded to that. We were concerned about lines of accountability and about whether there was sufficient protection both for individual MSPs and for business people taking part in the exchange. There is no point in having an exchange if people are not protected. The whole point of an exchange is to protect those who take part from suspicions that their behaviour is anything other than open. Any of us as individuals can go and visit a business or set up for ourselves an exchange with a business; we do not need an official body to do that. The point of having such a body is to offer an extra degree of protection and a formal structure in which to operate. That makes the process more transparent and makes it easier for everyone to see what is going on.

In my view, that is a good thing, as it sends out a positive message to the business community that members of the Parliament are interested in knowing what is going in the business community. I know that there are often reports to the contrary, which say that we do not have enough entrepreneurial background and are not interested in business activity but are too interested in the public sector. There is a need for a business exchange and it has to work properly. With regard to concerns about accountability, the business exchange has improved and tightened up its procedures, and we can see that what happened to Margaret Jamieson will not be allowed to happen again.

The previous Standards Committee was also concerned by what it described as the “hybrid nature” of the exchange. The Scottish Parliament and Business Exchange is a separate company and is not totally answerable to Parliament. Rather, it is answerable to its board of directors, and it is through the MSPs on the board that it is answerable to Parliament. It is therefore answerable to two bodies, as it were, and is not solely under the control of the Parliament. There was some concern about that, which has been addressed in the paper. The paper points out that changing the structure and bringing the exchange under the control of the Parliament would be a big and unnecessary expense. It would also be

breaking the relationship, as we would no longer be treating the businesses as equal partners. Both those points are very fair.

The other issues raised, which are to do with accountability, are more important. They are certainly the issues that I was more concerned about during the previous Standards Committee's initial discussion of the matter. The business exchange has offered to come along to address the Parliament on an annual basis and to give us a quarterly report. That is very encouraging and I think that we should take it up on that. The exchange has obviously gone over the procedures and had a look at how it is operating. It is widening its reach in terms of both businesses and MSPs. It is also trying to rebuild confidence, which we should encourage. We should actively support the exchange in doing that, as there is a need for that body.

Donald Gorrie suggested that we should hear from witnesses from the exchange. I am quite relaxed about that. I would not want to send out any signals to say that we have doubts about its continuation. However, if we have any further questions about how it operates or what it is doing, it might be a good idea to ask a member of the board of directors to come to the committee. If we are going to do that, I suggest that we also ask one of the MSPs involved to come too. That is only fair, as the MSPs can answer better to the Standards Committee. Ultimately, it is MSPs' behaviour that we are regulating and not the behaviour of the companies involved.

Bill Butler: I am content with the report. I hear what Ken Macintosh is saying. It is useful for me and other new members to hear the background and history of the matter. However, I do not think that there is any necessity to ask anybody to come to the committee. I tend to agree with Alex Neil that if we have the written quarterly reports for scrutiny and information, and then the annual presentation to the committee, that will be fine at this stage. If anything were to arise, we would obviously take it into consideration and act accordingly. At this stage, however, I am not minded to call anybody even to come and have a chat with us. I think that we should just follow Alex Neil's suggestion.

Alex Fergusson: The business exchange has made its intentions quite clear through the paper. I think that its intentions are honourable and correct and that we should give it a chance to prove that its actions are as good as its words. For the time being, we should leave it in peace to get on with it. We have the option to call witnesses later if we want to do so, and I am content to go along with that.

The Convener: Members may not have been aware that, as Kenneth Macintosh rightly said, the

Standards Committee first took an interest because of the circumstances surrounding Margaret Jamieson's placement. It is a great measure of the confidence that Margaret has in the exchange that she is now one of the board of directors; she must feel that matters have been resolved satisfactorily.

Donald Gorrie: I was interested in what was said. If the business exchange is already broadening its membership, there is no need to ask somebody to come to the committee to say whether it will do that. I am happy about that, and I accept the points made by Alex Neil and others. In no way did I want to suggest that we were hostile to the exchange, and I suppose that that interpretation could be made if we asked somebody to come to the committee. If the exchange continues along the lines that you have described, I am content with that.

The Convener: If members are content with the report from the exchange, we will be delighted to see its quarterly reports, and we shall take it up on its offer to have people appear before us, at an appropriate point, if the need arises.

Alex Neil: Informally over cheese and wine, perhaps.

Donald Gorrie: Who would pay?

The Convener: We shall move into private session for item 5.

11:26

Meeting continued in private until 11:54.

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