

STANDARDS COMMITTEE

Tuesday 13 January 2004
(*Morning*)

Session 2

£5.00

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2004.

Applications for reproduction should be made in writing to the Licensing Division,
Her Majesty's Stationery Office, St Clements House, 2-16 Colegate, Norwich NR3 1BQ
Fax 01603 723000, which is administering the copyright on behalf of the Scottish Parliamentary Corporate
Body.

Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by The
Stationery Office Ltd.

Her Majesty's Stationery Office is independent of and separate from the company now
trading as The Stationery Office Ltd, which is responsible for printing and publishing
Scottish Parliamentary Corporate Body publications.

CONTENTS

Tuesday 13 January 2004

	Col.
CROSS-PARTY GROUPS.....	135

STANDARDS COMMITTEE

1st Meeting 2004, 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:

Dr Peter McLaverty (Robert Gordon University)

Murray Tosh (West of Scotland) (Con)

CLERK TO THE COMMITTEE

Sam Jones

SENIOR ASSISTANT CLERK

Sarah Robertson

LOCATION

Committee Room 1

Scottish Parliament

Standards Committee

Tuesday 13 January 2004

(Morning)

[THE CONVENER *opened the meeting at 10:32*]

Cross-party Groups

The Convener (Brian Adam): I invite members to switch off any mobile phones and other noise-makers that they may have, and I open the first meeting of the Standards Committee in 2004. We have received apologies from Alex Neil—for whom Alasdair Morgan will substitute this morning—who is at the Subordinate Legislation Committee. He will join us a little later.

The first item on the agenda is an application to establish a cross-party group on affordable housing. I welcome Murray Tosh, who has come to talk to us about that. Members have all seen the application. Murray, would you like to say a few words in support of the application?

Murray Tosh (West of Scotland) (Con): Thank you for your invitation to attend this morning's meeting. A small group of MSPs have been talking about a cross-party group on affordable housing for some months, and we have finally been able to put together a proposal, which is before the committee today. You have the remit of the group in your papers, so I will not say much about it. The group's principal purpose would be to raise awareness among MSPs of some of the strategic issues that surround affordable housing, which have arisen from time to time in parliamentary debates and parliamentary questions. We would like to raise the profile of the issue, and so propose a group with the stated remit.

In addition to the organisations that are named in the application, since the information was provided to the clerks we have received indications that the Chartered Institute of Housing and the Convention of Scottish Local Authorities would like to be involved in the work of the group. All the voluntary sector people who are prominent in the field of promoting affordable housing are keen to be involved in the work that we will do.

The Convener: Do members wish to ask questions of Mr Tosh?

Alex Fergusson (Galloway and Upper Nithsdale) (Con): I do not want to ask a question. I just want to point out that, as a signatory to the proposed group, I do not propose to say anything

at this point, but you will not be surprised to learn that I support the proposal.

The Convener: As far as I can see, the group complies with the regulations that are set before us. Is the committee of a mind to recognise the group?

Members indicated agreement.

The Convener: We will write to you in due course.

Murray Tosh: Thank you. I would like to express my gratitude to the clerks of the committee, who were very helpful in preparing the paperwork and telling me what I needed to do and say.

The Convener: Thank you for your attendance.

The second item on the agenda is an application for a cross-party group on Cuba. As I understand it, Tommy Sheridan and Michael Matheson, who were both to have come to the meeting to speak in support of the application, unfortunately cannot be with us. However, since the group existed in the previous session of Parliament, and we have the appropriate paperwork before us, does anyone have any questions for the clerks in relation to the application?

Bill Butler (Glasgow Anniesland) (Lab): As a signatory to this CPG I do not wish to say anything—although to echo my colleague Alex Fergusson's remarks on the previous item, I see nothing other than something to commend.

The Convener: Can I take it that as the application for the proposed group complies with the regulations on cross-party groups, the committee is of a mind to approve it?

Members indicated agreement.

The Convener: We move to item 3. Sue Morris and Linda Strangward are unwell, so we will have the pleasure of hearing from Peter McLaverty of the Robert Gordon University, who will give us a bit more background on the draft report on cross-party groups that has been prepared for us. I invite Peter McLaverty to make an opening statement.

Dr Peter McLaverty (Robert Gordon University): I apologise for Sue Morris and Linda Strangward being ill, but these things happen. I will recap briefly the scope of the research that we undertook, say a little bit about some of the key issues that emerged from that research, and examine some possible solutions to some of the concerns that were raised in the various consultations and interviews that we conducted.

The research included an analysis of parliamentary documents and a range of documents relating to cross-party groups. We collected information from the files that the

Standards Committee keeps on cross-party groups, and searched the academic literature for information on cross-party groups and similar organisations in other Parliaments and Assemblies. We also interviewed a number of people, such as MSPs, other members of cross-party groups and members of parliamentary staff. That was the scope of our research.

I will say a little about what we found out about cross-party groups at the end of session 1. The groups were initiated by MSPs; they were not part of the original structure of the Parliament, but came out of MSPs' concerns. By the end of session 1, 49 cross-party groups were registered. During session 1, few applications were rejected by the Standards Committee. We decided that we would try to put the different cross-party groups into typologies and group them around similar criteria. We came up with four typologies, which were subject matter, membership, secretariat provision, and funding sources and uses of funding.

I will now say a little about the purposes and activities of cross-party groups in the first session. There were a variety of purposes, as set out in the application documents to set up cross-party groups; those purposes included providing information, communicating information, raising the profile of a particular topic, campaigning for a particular topic, and research. The main way in which cross-party groups engaged was by holding meetings, but they also held other events, such as conferences and social events. A small number of cross-party groups engaged in visits that were relevant to the topic of the group. Cross-party groups also had an input into parliamentary business in various ways.

Positive views of cross-party groups came out in the research. There was general support for the cross-party group system, and a general belief that it served a useful purpose and was working fairly well. It was generally agreed that cross-party groups contributed to the furthering of the Parliament's founding principles by engaging outside groups and individuals, which showed that the Parliament was open and encouraged access by people from outside.

Conveners and secretaries generally had considerable knowledge of the rules governing the operation of cross-party groups and what the groups should and should not be doing, although among non-conveners and non-secretaries knowledge of the rules was fairly limited. The secretariats of most cross-party groups came from external organisations of one kind or another, but there was general agreement that that did not create problems, did not bias the system, and did not give the organisations that provided the secretariats unfair influence over what the groups

did or what happened within the Parliament more broadly.

Some of the concerns that were raised about cross-party groups related to what the role of such groups ought to be. There was no consensus on what cross-party groups should be doing and how they should relate to the broader parliamentary structure. There was much uncertainty about where the groups should fit in with the wider parliamentary structure and how they should feed into it.

Concerns were expressed to the effect that it was possible for cross-party groups to undermine the committee system, especially as the mass media did not seem to have a clear grasp of the difference between cross-party groups and parliamentary committees. There was a feeling that it would be possible for conveners or other members of cross-party groups to speak as if they were speaking on behalf of the Parliament, and perhaps to usurp the role of committees.

There was a feeling that the groups appear to be dominated by professionally staffed, larger, national-type organisations, and that they tend to exclude people from disadvantaged groups, people from outside the central belt, and groups that work at local level. Those may be some of the drawbacks of the cross-party group system and the way in which the groups operate.

Some key issues have arisen from the research. The main issue that arose with everybody whom we interviewed was that MSPs did not have enough time to spend on cross-party group work. They were overstretched and, as a result, the system was perhaps not working as well as it might do, because the MSPs could not give the time that was required.

Some people thought that there was lack of clarity about the purpose of the cross-party group system. There was lack of clarity about what the term "parliamentary in character" meant and about how that term was supposed to affect how cross-party groups operated, the things that they did, and how they went about their work. Many people felt that they were not clear about the term "parliamentary in character".

10:45

On the extent of CPG regulation, monitoring and reporting, we found that regulation for cross-party groups is similar to that for all-party groups at Westminster. Cross-party groups seem to be more heavily regulated than such groups in most other European Union Parliaments and Assemblies.

We found that the information in the cross-party group files is neither comprehensive nor complete. That is not a criticism of the clerks; the problem is

that the reporting mechanisms just do not give complete information. Moreover, given that the committee clerks monitor that information, there might be a question about whether they have the time and resources to do that work satisfactorily. People wondered about the purpose of the regulation and, in particular, about the information that is being gathered; they asked what should be done with the information and how it should be used. At the moment, the information that is collected seems to be kept in the files and little more is made of it, especially in the annual reports.

As for possible solutions, there was a general view that it was up to MSPs to address any problems with time constraints. That could not be done by changing the operation of the cross-party group system. However, some suggestions were made about what might be done within the system. For example, some suggested that cutting the number of CPGs might help to solve the problem, although there was not much support for that approach. It was also suggested that the Parliament's working time could be extended to make more time for CPG activity. Furthermore, people suggested that groups that had a fairly similar remit or that covered similar topics could be linked together in an umbrella system to allow them to meet together occasionally instead of having to meet individually all the time. Other possible solutions would be to reduce the groups' activities to ensure that they did not meet as often or to reduce the number of MSPs from different parties that are required for a cross-party group to be registered.

It would be a good idea for the Standards Committee to define the purpose of cross-party groups. We suggest that any such definition should be based on that which was outlined in the committee's 2002 consultation document, which said that the purpose of groups is

"to enable Members of the Scottish Parliament to establish a mechanism for briefing themselves on a subject of genuine public interest; and ... to bring together Members of the Scottish Parliament from across the parties and outside organisations/members of the public who share an interest in advancing a particular subject or cause."

Adopting such an objective for cross-party groups would make things clearer for many people who work in them.

Other possible solutions would include defining the term "parliamentary in character". That definition should be based on the perception that the CPGs are a parliamentary forum. Furthermore, a minimum number of MSP members should be required to set up a CPG and groups should interact with external actors. However, that interaction should focus on the Parliament's business, as it would be parliamentary in character. It is important to stress that such

interaction should take place, because it would help the groups to play a part in furthering the Parliament's founding principles.

As far as regulating, monitoring and reporting are concerned, we suggest that the committee should consider making the publication of the annual report compulsory to ensure that information about groups' activities can be collected. Moreover, in order to fulfil the requirement for groups to be parliamentary in character, the requirement for two MSPs to attend cross-party group meetings should be enforced. It is also important for the CPGs to record changes of membership in the files and perhaps there should be a time limit in that respect.

Finally, our research suggests that there might be a case for appointing a CPG development worker, if only on a part-time basis, who might promote good practice within and across cross-party groups; maintain cross-party group files; monitor cross-party group activities; ensure that the rules are being implemented; analyse the information that comes from the CPGs; and help the groups to play a part in the Parliament's efforts to involve the public. In that respect, a CPG development worker could liaise with the participation and outreach services.

The Convener: Thank you very much. The object of the external research was to examine the operation of the CPGs—I think that members will agree that your research has been fairly extensive—with a view to the committee reviewing the rules and code and developing a model of best practice.

It is probably fair to say that the primary finding of the research was that MSPs did not have enough time to give to CPG work. I am glad to see that Dr McLaverty is nodding in support of that comment. Is it also fair to say that there is little support for the suggestion that the committee should rewrite the cross-party group rules wholesale or add major new rules?

Dr McLaverty: I do not think that there was much support for that approach. Instead, there was a feeling that clarification was required on certain matters such as the purpose of the CPGs and how they were to operate within the terms of the phrase "parliamentary in character". However, there was not much support for increasing the level of monitoring or for introducing new rules.

The Convener: In essence, you are giving the system a fairly clean bill of health, but you feel that it would help to clarify one or two areas.

Dr McLaverty: That is right. One or two aspects would work better if people had a clearer understanding of what was expected.

Alex Fergusson: I will probably have a few more questions to ask later. However, one

question came to mind during your presentation, when you mentioned that a possible solution would be for cross-party groups to focus on parliamentary business. Will you expand on that point? Do you mean that cross-party groups should, in essence, be involved with devolved issues? Would such a step reduce substantially the number of such groups?

Dr McLaverty: I do not think that that was the implication. Even though the Parliament cannot pass legislation on reserved matters, it can still discuss them. As a result, I see nothing wrong with having cross-party groups on such matters. It is up to MSPs to decide whether it is a good idea.

What we mean by that point is that, if the term “parliamentary in character” is to mean anything, cross-party groups should not be concerned about trying to mobilise support outside the Parliament. Indeed, they should not focus on doing things outside the Parliament that do not relate closely to the Parliament’s business; their emphasis should be on what is happening within the Parliament.

Alex Fergusson: You mentioned that campaigning was one of the purposes of the CPGs. Is it possible for the groups to have a campaigning role and still to focus only on parliamentary activities as you have just defined them?

Dr McLaverty: It depends on what the CPGs are trying to do with their campaigning. For example, a group might seek to find support for, raise the profile of, or clarify information with regard to, a particular issue. Such campaigning might well be focused on the Parliament and relate back to the Parliament’s business by allowing others to gain a greater understanding of issues. The points that you mention are not totally distinct. That said, campaigning that was not based around parliamentary activity probably would not be suitable.

The Convener: Can you give us an example of campaigning that would be inappropriate?

Dr McLaverty: Off the top of my head, it is difficult to think of an issue that does not bear on the Parliament.

Campaigning would not be acceptable if it was not linked to anything that the Parliament was doing and was centred on gathering and mobilising support and doing things outside the Parliament with no real emphasis on what was happening within it. It is hard to think of an area in which that would happen, but we feel that any campaigning that takes place should be related to what is happening within the Parliament rather than focused on mobilising people outside the Parliament to do things that are not directly related to the Parliament’s work.

The Convener: Even though that area might be reserved instead of devolved.

Dr McLaverty: That is right.

Alasdair Morgan (South of Scotland) (SNP):

Dr McLaverty, I invite you to think about the way in which you are using the present tense to talk about this matter. For example, you have referred a couple of times to linking campaigning to what is happening in the Parliament and to what the Parliament is doing. Do you not mean that campaigns should be linked to what the Parliament could be doing or has the power to do?

Dr McLaverty: Yes, absolutely.

Alasdair Morgan: After all, a cross-party group is very often created because people feel that the Parliament and the Executive should be paying attention to an issue but are not.

Dr McLaverty: I agree with that.

Mr Kenneth Macintosh (Eastwood) (Lab): I have a couple of questions about issues that might have arisen in the course of your research. Cross-party groups stand in a funny area; they do not have full parliamentary approval but are not, as it were, ex-parliamentary. Although we have resolved some of those issues, others—such as the use of the parliamentary logo—remain.

Cross-party groups have a certain standing. However, the media sometimes does not discriminate between the groups and full parliamentary committees. I am trying to work out how much of a problem that is. What about the rules that we have now drawn up about, for example, the use of the parliamentary logo or of certain resources? The parliamentary logo is a good example of the kind of authority that cross-party groups might try to assume. Did you find that to be a sizeable or on-going problem for MSPs, members of the public or the media?

Dr McLaverty: Although some interviewees raised the issue in the way that I described in my presentation, it was not generally seen as major and was not raised by the majority of the people whom we interviewed. Some people were concerned that cross-party groups might be usurping the position of parliamentary committees by taking a stance and perhaps giving themselves an imprimatur that they do not have. They felt that, as a result, there needed to be a clearer dividing line between the CPGs and the committees. However, as I said, most of the people whom we interviewed did not raise the issue.

Mr Macintosh: That has been a problem in the past and, because of the continuing lack of clarity about the exact nature and position of cross-party groups, it remains a potential problem. However, you think that the issue of the use of the logo has been resolved.

Dr McLaverty: The logo was not mentioned.

Mr Macintosh: Another on-going concern that members have expressed is that some of the cross-party groups are overly party political. Obviously, everything associated with the Parliament is by its very nature political. However, some groups have perhaps overstepped the mark—I was about to say boundary, but I am not sure that such a thing exists or where it is drawn in this respect. Was such a concern repeatedly expressed?

Dr McLaverty: That point was raised by one or two people, but it was not a general consideration.

11:00

Mr Macintosh: Most of the CPGs were seen to operate in a genuinely consensual and cross-party manner.

Dr McLaverty: A number of people said from experience that that was one of the CPGs' strengths, although there was a feeling that the situation varied from group to group. Some people raised the issue of the groups' being overly party political, but that was not seen as being a general problem.

Mr Macintosh: I have other questions, but I will let in other members first.

The Convener: I will abuse my position as convener by asking some more questions.

Is there a distinction between the confusion between cross-party groups and parliamentary committees and the confusion about the various interpretations of the Scottish Executive and whether its role is administrative or political and whether it is the Government? Should we draw a distinction between the confusion that may exist—in the minds of the media and the people—and clear-cut attempts to usurp the role of parliamentary committees?

Dr McLaverty: I think that there is general confusion about those divisions. I do not think that the confusion about the distinction between cross-party groups and parliamentary committees is very different from the confusion about the difference between the Executive and the Parliament.

However, some concerns were expressed that outsiders' confusion about the difference between CPGs and parliamentary committees could be used by CPG conveners to lend what they say greater authority than it should have. There was a sense that that had happened on one or two occasions, and that there is a danger that it might happen in the future.

The Convener: Is there specific evidence that that has happened or are you talking simply about a worry that it might happen? If there is such evidence, perhaps you could include it in your final report.

Dr McLaverty: The concern was expressed in relation to a matter about refugees.

Mr Macintosh: It is probably slightly unfair to ask Dr McLaverty to include that, given that we asked him to do a survey for us.

The Convener: Fine. Do you feel that reference to that specific matter ought to appear in the final report or did you deliberately not include it in your draft final report?

Dr McLaverty: It would be difficult to include such a reference in the final report because we did not talk to some of the people who were involved in the accusations that were made. I would not feel comfortable about putting that in the report without my having interviewed those people to hear their side of the case.

The Convener: At this stage, we are considering the draft final report. We will move on, because Donald Gorrie has been patiently waiting.

Donald Gorrie (Central Scotland) (LD): Has Mr Macintosh finished?

The Convener: We will come back to him.

Donald Gorrie: I read the written report with great interest. I must have missed something, because I did not notice any material about CPGs' tending to exclude certain people—disadvantaged groups, groups that work at local level and people from outwith the central belt—which was one of the points in the summary that you gave today. I wonder whether MSPs or people from outside the Parliament said that. Was that a serious issue? If it is genuinely the case that CPGs tend to exclude certain people, that is obviously a matter of concern.

Dr McLaverty: Some MSPs raised the issue when they were asked how far CPGs helped to promote the Parliament's founding principles. Although they said that CPGs helped to do that, one or two members said that they thought that membership was fairly restricted and that people from disadvantaged groups and disadvantaged areas, and people from outside the central belt were not heavily involved in the groups. We mentioned that in the report, but perhaps we did not do so as clearly as we should have done.

Donald Gorrie: I had not picked that up. I might be verging on developing an argument rather than asking questions, but did anyone relate that to most groups' lack of financial support? Was the point made that the fact that CPGs have no money means that the only people who come are those who can afford to come?

Dr McLaverty: No, that issue was not raised.

Mr Macintosh: The relevant part of the report is on page 35.

Karen Whitefield (Airdrie and Shotts) (Lab): I want to discuss your proposed solutions on regulation, monitoring and reporting. You made a number of recommendations. Will you provide us with a little more information on why you felt that those recommendations were necessary, given that the people who were interviewed generally felt that CPGs were working quite well?

What would be the benefit of requiring an annual report, to whom would it be submitted and what would happen to it? Did you recommend that two MSPs should be present at every meeting because there was a sense that, although a number of MSPs were present at most CPG meetings, there were occasions on which only one MSP was present and the discussions were led by groups that were affiliated to the CPGs rather than by MSPs? If we were not to take up your suggestion that we employ a development officer, who do you think should be responsible for collating all the information and what would be the purpose and benefit of that?

Dr McLaverty: I will deal first with the issue of stipulating that two MSPs should be present at every meeting. At most CPG meetings, there were more than two MSPs present—we are not saying that there was a general tendency for only one MSP to turn up. We think that the suggestion is important in order to make sense of the idea that the groups should be parliamentary in character. Given that CPGs help to involve outside groups and members of the public in the Parliament's work, it is important that MSPs be engaged as fully as possible in CPGs' work, to avoid the situation that you described in which the outside groups talk to themselves at CPG meetings. That is not the purpose of CPGs.

Someone whom we interviewed said that it would be good for CPGs to have to produce annual reports because that would encourage them to reflect on what they had been doing, to think about whether they had achieved what they wanted to achieve and to consider where there might be problems and how they could improve matters in the future. If submission of annual reports were made compulsory, that would serve the purposes of clarifying what different CPGs were doing and of identifying where there were differences of emphases and different views about what CPGs should be doing. It would also help the members of CPGs to assess whether the groups were achieving what they wanted them to achieve. The proposal would be useful in that respect.

On the appointment of a development worker, we have not really thought about how he or she might be placed within the Parliament's structure, which I appreciate is an important issue. Some of the people whom we interviewed felt that it would be good if cross-party groups could be helped to

adopt best practice and that there should be some thought about how they could best relate to outside groups, organisations and members of the public. A development worker could play a role in that. There are questions about where such a worker would fit in the parliamentary structure, which we need to think through.

Karen Whitefield: If we went ahead with your recommendations, but did not have a development worker, who should be responsible for collating information?

Dr McLaverty: The collection and handling of information would be one of the development worker's roles.

The Convener: How can we get the balance right between the desire of most interviewees for a very light regulatory touch, and the additional regulatory recommendations that you make? For example, how could we enforce a rule about two MSPs' having to attend a CPG's meeting without our having to obtain a list of everyone who attends every meeting? How could we enforce the proposal on notification of changes in membership? Should there be some kind of sanction?

Dr McLaverty: I think that there is a case for saying that, if two MSPs are not present at a number of a group's meetings, the group's continued registration should be questioned, because it would not be performing the role that a CPG should perform.

The Convener: How will we know whether two or more MSPs have been present? Will we insist that every CPG produce minutes with a sederunt within a particular time frame? Should there be a monitoring mechanism, which could be in the hands of the clerks or a development worker, and should a report come back to the Standards Committee? Is that the kind of enforcement approach that you are suggesting?

Dr McLaverty: That would be the logic of what I am saying.

The Convener: How is that compatible with a light regulatory touch?

Dr McLaverty: Our proposals are light in that what CPGs should do would not be heavily prescribed, but I accept that there would not be a light regulatory touch on MSPs' attendance at CPG meetings or on related issues.

Bill Butler: I am still a bit concerned about how that would be policed, which is what we have been asked to do.

The time constraints on MSPs in relation to CPGs have already been mentioned and we know that some CPGs get secretarial assistance in kind and so on. You talked about compulsory annual reports; how detailed should those reports be?

Dr McLaverty: They should give information about groups' activities, including information about who attended various meetings and events. Reports could say what the groups thought that they had achieved and how far they had moved towards their objectives, for example.

Bill Butler: Should such annual reports be submitted to the Standards Committee and, if so, what should we do with them? Should we merely note them or should they be published widely for public consumption? What would be their purpose?

Dr McLaverty: I take your point. One of the reports' purposes should be to encourage reflection by the CPGs on what they have been doing and on whether they have been doing the right things, which is quite important. There is a case for saying that the reports should be published. Given that the Parliament believes in transparency and openness, one could say that CPGs' annual reports should be publicly available.

Donald Gorrie: Did anyone to whom you spoke suggest the adoption of best practice rather than an approach that is based on regulation? Groups could be encouraged to reflect on what they had done and they could put that in an annual report. If the reports were put on a website, for example, that would help to promote the groups' causes because there would be more publicity.

Also, it would not be possible to cancel a CPG meeting if only one MSP were to turn up for it, because people might have come from places such as Dumfries or Thurso. However, I presume that it would be possible to carry on with the meeting without its counting as an official meeting of the group; it would simply be a discussion. Has anyone suggested encouragement of the adoption of good practice rather than regulation?

Dr McLaverty: I suppose that that is one of the roles that the development worker could carry out. It was suggested that one of his or her jobs would be to promote good practice, to see what seemed to be working well in some groups and to consider how it could be adapted to the needs of other groups.

11:15

Mr Macintosh: I thank you for the work that you have done. There is a danger in that we are assuming that you have been asked to come up with a blueprint for a solution and to make a series of recommendations when, in fact, you have not; you have been asked to do research. I assume that most of the proposals have come out of suggestions from MSPs. In effect you are just recounting what you have heard from others.

I want clarification on a few points. Donald Gorrie mentioned accessibility of the groups. There is a concern that the groups have limited accessibility to members of the public because they are Edinburgh based and Edinburgh-centric and are dominated by voluntary organisations and lobby groups. I am not sure whether that came out in your research; perhaps you could comment. I do not suppose that you were able to examine in any detail the membership of groups to see where individual members came from geographically and socially. It is my impression—from anecdotal evidence—that membership of the groups tends to comprise articulate middle-class people who have access to Edinburgh, and lobbying or business organisations. Is that backed up by evidence that you took?

Dr McLaverty: That is the impression that we got from the interviews and it is certainly true in relation to most of the organisational members of cross-party groups. It is more difficult to trace individual members of the groups because we do not have much information about them and we do not have their addresses. Therefore, I cannot comment on individual members.

Mr Macintosh: Are there barriers to people finding out about the groups? Parliament broadcasts its work widely and is reported widely in the media and, obviously, there are constituency MSPs and others throughout the country. Are there obstacles to people's knowing about cross-party groups? I know that there is a website, but other than through that, I do not know how people would find out about cross-party groups. It might not have come out in your evidence, but was that mentioned as a problem? I would have thought that if we were to ask somebody in a small town in the Borders, they would not know much about cross-party groups and they would not know how to find out about them.

Dr McLaverty: I suspect that that is probably true. There is an issue about whether people know that CPGs exist. I suspect that, if we asked a dozen people on the street here, only two or three would know that there is such a thing as cross-party groups. I do not think that they are widely known about.

Mr Macintosh: Is the website used a lot? Perhaps you did not examine that as part of the survey.

Dr McLaverty: We did not examine how much the website is used. The information on the website about the groups is fairly comprehensive; there is a page for each group and each group can be accessed through MSPs.

Mr Macintosh: Concern was expressed at one stage about the disparity in the levels of funding

for the groups. You seem in the survey to have given them a fairly clean bill of health in the sense that concern about the way in which the groups are funded did not emerge. Is that fair?

Dr McLaverty: Yes, that is true generally. There did not seem to be much concern about funding among the people whom we interviewed.

Mr Macintosh: On a more practical issue about how the groups operate, the groups have no access to Parliament's resources—individual MSPs do, but the groups do not. That seems to be okay as a way of working and it does not seem to have been a barrier to the groups' efficiency. Has that been a barrier?

Dr McLaverty: The research does not show that people think that lack of access to parliamentary resources has been a barrier to the groups' working effectively. There was no evidence to support that.

Mr Macintosh: You spoke about the positive suggestion that was put to you that a development worker would be a good idea. There is wide variety in the efficiency of the groups. I have observed from anecdotal evidence that some groups are rigorous and thorough—their minutes are up-to-date and produced quickly—but that other groups are less efficient.

Dr McLaverty: That is certainly true. The information in the annual returns varies considerably from group to group. Some groups are not very good at getting in their annual returns.

Mr Macintosh: Did that depend on who supplied the secretariat to the group? You have broken down the groups by whether their secretariat was provided by an MSP or MSP researcher, by an outside organisation or by a voluntary group or whatever. Did you draw any conclusions about the sort of support that is available for CPGs and how that related to their efficiency?

Dr McLaverty: We did not consider that in any great detail in relation to the groups' annual returns. We did not study the relationship between whether a group had an external secretariat or internal secretariat and the details in their annual returns.

Mr Macintosh: It was a bit unfair to ask you that, because I do not necessarily think that you should be asked to make judgments on how efficient certain cross-party groups are. Is there a way of assessing the benefits of a certain type of set-up?

Dr McLaverty: There might be. We can certainly go back and see whether there is such a relationship.

Mr Macintosh: There is a wide variety of groups: some are quite small and focused, while

others have large memberships including MSPs and other people. At one point in our discussions, it was proposed that we should have two types of cross-party group. Does the difference between the largest and smallest groups, or between the most efficient that meet most regularly and those that are less active, justify the idea that we could have two separate classifications of group, or would that be an unhelpful road to go down?

Dr McLaverty: I am not entirely sure how having two different classifications of group would help, or what purpose it would serve. Is the suggestion that they would be regulated differently and that there would be different expectations of them?

Mr Macintosh: I think so. The thought was expressed that some CPGs were run more like parliamentary committees than others about which there was more concern. I am not promoting the suggestion that there be different classifications of group; I am just saying that the point was made. Although there is a wide variety of groups, it does not seem to me that the variety is so great that the current rules—or a tightening of the rules—would not be able to encapsulate them all.

Dr McLaverty: That is my general position. I would not have thought that there was a strong case for having two separate categories of group. I do not know where the line would be drawn or what the criteria for each category would be that would make such a distinction worth while.

Mr Macintosh: A second suggestion—I think it was mine—was that because of the problem in the first session, which is still a problem, of MSPs' being unable to attend cross-party groups, there could be two classifications of MSP membership. Many members will want to be active in several cross-party groups, while others will want to be a member of a group purely to get information, to be provided with the minutes and to see what is going on. My feeling was that when members add their name to a cross-party group, they raise expectations among its membership in relation to their attendance. I was trying to work out whether having two classes of membership would provide a way to handle that. I am not convinced that it would. Did that come out in your research?

Dr McLaverty: Nobody said that there should be two classes of MSP membership.

Mr Macintosh: To be fair, you said clearly at the beginning that attendance at the groups would be up to the MSP.

Dr McLaverty: That was the general finding of the research.

The Convener: There are, of course, members who kindly lend their names in order to allow groups to exist under the current regulations, for

which groups are grateful. Some such members are in this room—I am not looking at anyone in particular, Mr Gorrie. The question of efficiency is not necessarily the right question; it is more a matter of whether groups are delivering what the membership wants. A highly organised group might deliver precisely what its membership wants as, equally, might one that is organised more informally. Did you get that mix of views, or were most of the concerns expressed about the groups that were organised more informally? Was it felt that there should be a little more formality and regulation?

Dr McLaverty: The general feeling was that all groups should be treated the same and with a light touch. We interviewed a number of people who thought that the current regulations are too onerous and that there should be less regulation than there is at the moment. Others felt that the rules were not being implemented as clearly as they ought to be. There was no feeling that groups should be treated in different ways, regardless of whether they are defined as formal, informal, efficient or inefficient. I got no feeling from the interviews that were conducted that people felt that there should be different classes of CPG operating in different ways.

Alex Fergusson: On page 7 of the draft report, you list other key findings from the research. I am afraid that I left my copy of the report behind; I thank the official report staff for lending me theirs. I picked up on the last bullet point in that section, which states:

“The Scottish system is currently more regulated by Parliament than most of its counterparts elsewhere.”

The first bullet point in that section states:

“Cross-party groups do not fit neatly into the wider framework of the Scottish Parliament’s institutional make-up.”

Some of your recommendations are designed to get the groups to fit more neatly into the institutional make-up, yet you say that elsewhere there is even less regulation than there is in the Scottish Parliament’s set up. Does that mean that elsewhere cross-party groups, or their equivalents, fit even less neatly into the institutional framework of their Parliaments? If so, are they less effective or more effective? Have you done enough research to be able to comment on that?

Dr McLaverty: I have not done enough research to be able to comment on how effective similar groups in other Parliaments are. There does not seem to be anything in other Parliaments that is directly comparable with the Scottish Parliament’s cross-party groups. There are, elsewhere, groups in which parliamentarians from different parties come together, but it is not clear that they are set up on the same basis as are the

Scottish Parliament’s cross-party groups and it is not clear that they have the similar relationships with outside groups and members of the public. I am not clear about that and research on it is limited; there is not a lot of information about. I am not sure that there are many real equivalents to the cross-party groups outside Westminster and the UK.

11:30

The overwhelming way in which intergroups, as they tend to be called—where people from different parties work together—are regulated is by custom and practice: there are no formal rules. I suppose that the Scottish Parliament is in a different position. Its groups cannot be regulated by custom and practice because there is no custom and practice. It is difficult to know whether what CPGs can do is more restricted than what intergroups can do in other Parliaments. There was not enough scope for me to do that sort of comparison and getting the necessary information would have meant going out to people in other Parliaments and interviewing them.

Alex Fergusson: I accept that we cannot be ruled by custom, because there is none, which is refreshing. In the setting up of a new parliament it is to be encouraged that regulatory criteria for such groups be kept at an absolute minimum in order to allow such groups to flourish as best they can. Is that, in effect, what you agree with at the end of it all?

Dr McLaverty: I agree, but people need to be clear about what cross-party groups are for. Among those whom we interviewed there was some uncertainty about the purpose of cross-party groups and about how they relate to wider parliamentary activities. That needs to be clarified. There was a lot of uncertainty about what “parliamentary in character” means, and about whether cross-party groups are doing what they ought to be doing. There is a need to clarify that. Although I do not think that the Standards Committee or anybody else should dictate the substance of what cross-party groups do, the rules should be made to work; I presume that the rules exist to ensure that cross-party groups work in the best possible way. There is a need for monitoring.

The Convener: Mr Macintosh will have the privilege of asking the last question.

Mr Macintosh: I agree that cross-party groups can benefit or damage the Parliament, which is why we need to be careful about how they operate. They could be a huge asset or they could damage our reputation. While not forgetting the remarks that were made earlier about accessibility—in particular accessibility for individuals and people from disadvantaged

communities, which is a problem—do you agree that the cross-party groups have been welcomed as another method of accessing the Parliament?

I notice at the end of your report your comment on the general enthusiasm of everybody to whom you talked about cross-party groups. Do you agree that the cross-party groups have been a way in which the Parliament has communicated with civic Scotland and others, shared ideas, and been true to the founding principles of the Scottish Parliament?

Dr McLaverty: I agree very much with that. That was the attitude that came out of the interviews with MSPs, with people from other organisations and with individuals. There was a general feeling that cross-party groups were a good innovation. There might be one or two uncertainties about what the groups should be doing and about how they relate to the wider parliamentary structure, but the general feeling was positive: the groups are a good development and the Parliament would be much weaker without them.

The Convener: On behalf of the committee, I thank you for giving us so much of your time today, and I thank you for your draft report. We wish your colleagues a speedy recovery and we look forward to receiving the final report. As you have seen, there is a wide variety of views on the committee about how we will proceed. You have left us with the dilemma that we knew from the beginning would arise, which is how we will balance the light touch while holding cross-party groups properly to account.

Meeting closed at 11:33.

Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice at the Document Supply Centre.

No proofs of the *Official Report* can be supplied. Members who want to suggest corrections for the archive edition should mark them clearly in the daily edition, and send it to the Official Report, 375 High Street, Edinburgh EH99 1SP. Suggested corrections in any other form cannot be accepted.

The deadline for corrections to this edition is:

Wednesday 21 January 2004

Members who want reprints of their speeches (within one month of the date of publication) may obtain request forms and further details from the Central Distribution Office, the Document Supply Centre or the Official Report.

PRICES AND SUBSCRIPTION RATES

DAILY EDITIONS

Single copies: £5

Meetings of the Parliament annual subscriptions: £350.00

The archive edition of the *Official Report* of meetings of the Parliament, written answers and public meetings of committees will be published on CD-ROM.

WHAT'S HAPPENING IN THE SCOTTISH PARLIAMENT, compiled by the Scottish Parliament Information Centre, contains details of past and forthcoming business and of the work of committees and gives general information on legislation and other parliamentary activity.

Single copies: £3.75

Special issue price: £5

Annual subscriptions: £150.00

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

Single copies: £3.75

Annual subscriptions: £150.00

Standing orders will be accepted at the Document Supply Centre.

Published in Edinburgh by The Stationery Office Limited and available from:

The Stationery Office Bookshop
71 Lothian Road
Edinburgh EH3 9AZ
0870 606 5566 Fax 0870 606 5588

The Stationery Office Bookshops at:
123 Kingsway, London WC2B 6PQ
Tel 020 7242 6393 Fax 020 7242 6394
68-69 Bull Street, Birmingham B4 6AD
Tel 0121 236 9696 Fax 0121 236 9699
33 Wine Street, Bristol BS1 2BQ
Tel 01179 264306 Fax 01179 294515
9-21 Princess Street, Manchester M60 8AS
Tel 0161 834 7201 Fax 0161 833 0634
16 Arthur Street, Belfast BT1 4GD
Tel 028 9023 8451 Fax 028 9023 5401
The Stationery Office Oriel Bookshop,
18-19 High Street, Cardiff CF1 2BZ
Tel 029 2039 5548 Fax 029 2038 4347

The Stationery Office Scottish Parliament Documentation
Helpline may be able to assist with additional information
on publications of or about the Scottish Parliament,
their availability and cost:

Telephone orders and inquiries
0870 606 5566

Fax orders
0870 606 5588

The Scottish Parliament Shop
George IV Bridge
EH99 1SP
Telephone orders 0131 348 5412

RNID Typetalk calls welcome on
18001 0131 348 5412
Textphone 0131 348 3415

sp.info@scottish.parliament.uk

www.scottish.parliament.uk

Accredited Agents
(see Yellow Pages)

and through good booksellers