

STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE

Tuesday 13 May 2008

Session 3

£5.00

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2008.

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 RR
Donnelley.

CONTENTS

Tuesday 13 May 2008

	Col.
CROSS-PARTY GROUP	207
ANNUAL REPORT.....	208
DECISION ON TAKING BUSINESS IN PRIVATE.....	209
COMPLAINT	210

STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE

7th Meeting 2008, Session 3

CONVENER

*Keith Brown (Ochil) (SNP)

DEPUTY CONVENER

Cathie Craigie (Cumbernauld and Kilsyth) (Lab)

COMMITTEE MEMBERS

*Marlyn Glen (North East Scotland) (Lab)

Jamie McGrigor (Highlands and Islands) (Con)

*Christina McKelvie (Central Scotland) (SNP)

Hugh O'Donnell (Central Scotland) (LD)

*Dave Thompson (Highlands and Islands) (SNP)

COMMITTEE SUBSTITUTES

*Trish Godman (West Renfrewshire) (Lab)

Alison McInnes (North East Scotland) (LD)

Alasdair Morgan (South of Scotland) (SNP)

Elizabeth Smith (Mid Scotland and Fife) (Con)

*attended

CLERK TO THE COMMITTEE

Gillian Baxendine

SENIOR ASSISTANT CLERKS

Mary Dinsdale

Jane Sutherland

ASSISTANT CLERK

Catherine Fergusson

LOCATION

Committee Room 5

Scottish Parliament

Standards, Procedures and Public Appointments Committee

Tuesday 13 May 2008

[THE CONVENER *opened the meeting at 14:16*]

Cross-party Group

The Convener (Keith Brown): I welcome everyone to the seventh meeting in 2008 of the Standards, Procedures and Public Appointments Committee. I remind members, witnesses and members of the public to switch off their mobile phones and BlackBerrys.

We have apologies from Cathie Craigie, Hugh O'Donnell and Jamie McGrigor. I welcome Trish Godman, who is the committee substitute for Cathie Craigie.

Before we consider item 1, I place on record our thanks to Peter McGrath, the former clerk to the committee, who has moved on to be clerk to the Rural Affairs and Environment Committee, and I welcome Gillian Baxendine, who is our new clerk.

The committee is asked to agree to the establishment of a cross-party group on Russia, which has not previously been active. Members are aware that in considering whether to approve a proposed cross-party group they should take account of a range of matters, such as the group's purpose and whether it has been formed on the basis of public interest.

The proposed new CPG's treasurer is Des McNulty, who was going to represent the group at this meeting but is not able to be here. I should mention that I intend to be a member of the group.

If members have no comments or questions, are you happy to approve the establishment of the CPG?

Members indicated agreement.

Annual Report

14:17

The Convener: Our annual report is still in draft, so it has been issued as a private paper. The draft report is factual and records, for example, how many times the committee met and the reports that we published during the past year. Although the report is a private paper, we can discuss it in public. I invite members' comments.

Marlyn Glen (North East Scotland) (Lab): Given that we ask other committees to mainstream equalities, it is important that we complete the section on equal opportunities as well as possible. In addition to mentioning the public appointments equalities strategy and other equalities issues, can we say something about mainstreaming equalities? For example, in our consideration of section 8 of the code of conduct for members of the Scottish Parliament, we have tried to ensure that MSPs and constituents are treated with equal opportunities in mind, which is about mainstreaming equalities rather than considering equalities separately.

The Convener: I made a similar point at the European and External Relations Committee's meeting this morning, because its annual report is very light on equal opportunities. I would be happy if we added something on mainstreaming, if members agree with that approach.

If there are no other comments, are members happy to agree the draft report, subject to Marlyn Glen's suggestion that we expand the section on equalities to include our discussions on section 8 of the code of conduct?

Members indicated agreement.

Decision on Taking Business in Private

14:19

The Convener: Do members agree to take in private item 7, which relates to a draft report on a complaint? It is normal practice for such draft reports to be considered in private, because they might not reflect the committee's final view.

Members *indicated agreement.*

The Convener: The committee previously agreed that item 4, on the title and remit of the Audit Committee, and item 9, on our review of section 8 of the code of conduct, will be considered in private. We do not need to agree to take items 5 and 8 in private, because the code of conduct requires our consideration of complaints to take place in private. I will announce when the meeting will move back into public session for item 6, and members of the public and press will be invited back into the room when that happens.

14:20

Meeting continued in private.

14:26

Meeting continued in public.

Complaint

The Convener: We have everyone back who was due to return. I welcome back to the meeting the public and the press. For agenda item 6, the committee will announce its decision at stage 3 on a report from the Scottish Parliamentary Standards Commissioner.

A complaint was lodged by Mr and Mrs Banks, who state that in June 2004, they made £25,000 available to Mr Campbell Martin and his ex-wife to assist in the purchase of a house. The money was paid into Mr Martin's bank account and, shortly after, £20,000 of it was used to supplement a mortgage to purchase the house. Mr and Mrs Banks complained that the provision of the money was not declared in Mr Martin's entry in the register of interests while Mr Martin was a member of the Scottish Parliament.

The complaint refers to a failure to declare in 2004, when the Scotland Act 1998 (Transitory and Transitional Provisions) (Members' Interests) Order 1999 (SI 1999/1350) was in force. Article 4(6) of the order and paragraph 6 of its schedule set out the circumstances when a member had to register a gift of heritable or moveable property or a gift of a benefit in kind whose value exceeded £250. The member had to register the gift within 30 days of acquiring it.

The standards commissioner has concluded that the former member breached article 4(6) and paragraph 6 of the schedule to the Scotland Act 1998 (Transitory and Transitional Provisions) (Members' Interests) Order 1999. Mr Martin did not seek to deny that he benefited from the gift, but said that he did not realise at the time that it required registration. Mr Martin accepts the commissioner's findings and conclusion that he should have registered the gift of £25,000 from Mr and Mrs Banks.

The committee has considered the commissioner's report. It accepts his findings on the facts of the complaint and agrees with his conclusion that Mr Martin breached the members' interests order. That said, the committee notes that the area procurator fiscal instructed no criminal investigation and that the £25,000 was repaid with interest, albeit as a result of an out-of-court settlement in 2007. In addition, the members' interests order was replaced for session 3 by the Interests of Members of the Scottish Parliament Act 2006, which requires members to apply the prejudice test to gifts that exceed £520 in value. When that test is applied, it is arguable whether such a gift would require registration if a member received it in the current session.

As Mr Martin is a former MSP, the committee cannot consider applying sanctions, so the committee's consideration of the complaint is complete. The committee expects to publish its report on the complaint on Friday 16 May.

That concludes item 6. As agreed under item 3, the committee will go back into private session to consider its draft report on the complaint. I will wait for the public and others to leave before we continue.

14:29

Meeting continued in private until 15:58.

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, Scottish Parliament, Edinburgh EH99 1SP. Suggested corrections in any other form cannot be accepted.

The deadline for corrections to this edition is:

Wednesday 21 May 2008

PRICES AND SUBSCRIPTION RATES

OFFICIAL REPORT daily editions

Single copies: £5.00

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.

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

Single copies: £3.75

Annual subscriptions: £150.00

Standing orders will be accepted at Document Supply.

Published in Edinburgh by RR Donnelley and available from:

Blackwell's Bookshop

**53 South Bridge
Edinburgh EH1 1YS
0131 622 8222**

Blackwell's Bookshops:
243-244 High Holborn
London WC1 7DZ
Tel 020 7831 9501

All trade orders for Scottish Parliament documents should be placed through Blackwell's Edinburgh.

Blackwell's 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
0131 622 8283 or
0131 622 8258

Fax orders
0131 557 8149

E-mail orders
business.edinburgh@blackwell.co.uk

Subscriptions & Standing Orders
business.edinburgh@blackwell.co.uk

Scottish Parliament

RNID Typetalk calls welcome on
18001 0131 348 5000
Textphone 0845 270 0152

sp.info@scottish.parliament.uk

All documents are available on the Scottish Parliament website at:

www.scottish.parliament.uk

Accredited Agents
(see Yellow Pages)

and through good booksellers