



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE

Tuesday 18 January 2011

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**STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE**  
**1<sup>st</sup> Meeting 2011, Session 3**

**CONVENER**

\*Gil Paterson (West of Scotland) (SNP)

**DEPUTY CONVENER**

\*Marilyn Livingstone (Kirkcaldy) (Lab)

**COMMITTEE MEMBERS**

Robert Brown (Glasgow) (LD)

Aileen Campbell (South of Scotland) (SNP)

\*Nanette Milne (North East Scotland) (Con)

Peter Peacock (Highlands and Islands) (Lab)

\*Stewart Stevenson (Banff and Buchan) (SNP)

**COMMITTEE SUBSTITUTES**

\*Alasdair Morgan (South of Scotland) (SNP)

Mary Mulligan (Linlithgow) (Lab)

\*Mike Rumbles (West Aberdeenshire and Kincardine) (LD)

Elizabeth Smith (Mid Scotland and Fife) (Con)

\*attended

**CLERK TO THE COMMITTEE**

Gillian Baxendine

Alison Walker

**ASSISTANT CLERK**

Catherine Fergusson (Clerk)

**LOCATION**

Committee Room 3



## Scottish Parliament

### Standards, Procedures and Public Appointments Committee

*Tuesday 18 January 2011*

[The Convener *opened the meeting at 14:15*]

#### Interests

**The Convener (Gil Paterson):** I thank everybody for their attendance and welcome them to the Standards, Procedures and Public Appointments Committee's first meeting this year. I intimate apologies from Aileen Campbell, Robert Brown and Peter Peacock. Alasdair Morgan is substituting for Aileen Campbell.

I welcome to the committee Stewart Stevenson, who I hope will have a good experience. Does he have any interests to declare?

**Stewart Stevenson (Banff and Buchan) (SNP):** I have no declaration of interests beyond that which is recorded in my entry in the register of interests.

## Decisions on Taking Business in Private

14:15

**The Convener:** Under item 2, I invite members to consider whether to take in private items 6 to 8. Item 6 is on the operation of cross-party groups. Item 7 concerns follow-up work on the committee's report on the accuracy of contributions in parliamentary proceedings. Item 8 relates to correspondence on the "Code of Practice for Ministerial Appointments to Public Bodies in Scotland". Do we agree to take those items in private?

**Members indicated agreement.**

**The Convener:** I welcome Mike Rumbles, who is substituting for Robert Brown. As this is Mike Rumbles's first appearance as a sub, I ask him whether he has any interests to declare.

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** I have no declarable interests.

**The Convener:** You are welcome to the meeting.

Item 3 is consideration of whether the committee should take in private its legacy paper and directions to the Scottish Parliamentary Standards Commissioner at future meetings. Does the committee agree with that proposal?

**Members indicated agreement.**

## Commissioner for Public Appointments in Scotland (Reports)

14:17

**The Convener:** Item 4 is consideration of responses from the Scottish Government to two reports by the Commissioner for Public Appointments in Scotland. The first response, which is from the permanent secretary, is on a report about the appointment of a convener of the Advisory Committee on Sites of Special Scientific Interest. The response sets out details of the process that Government officials followed. The committee is invited to consider the options in paragraphs 6 and 9 of paper 1. Do members have comments?

**Alasdair Morgan (South of Scotland) (SNP):** I find it difficult to get too excited about the issue. I am happy to go along with the permanent secretary's response.

**Stewart Stevenson:** The commentary that the Government was dilatory in seeking a new member of the advisory committee should perhaps be balanced against the knowledge that a public recruitment round generally costs more than—and often substantially more than—£10,000. When no clear requirement arises for a committee to be fully resourced, we should be cautious about setting out anything that suggests that every vacancy should be filled at once. That is the clear lesson that I take from reading the papers that are in front of us.

**The Convener:** That comment is reasonable. If such a line had been followed in industry, most folk would say that it was the right approach. The effect was not material—the process was involved. I concur with Alasdair Morgan. Are members happy to take no further action?

*Members indicated agreement.*

**The Convener:** The second response is from the Cabinet Secretary for Justice and relates to a report on appointments to the Scottish Legal Aid Board. The cabinet secretary sets out information about discussions that are taking place between his officials and the commissioner's office to address some of the issues that are raised in the report, and about some administrative changes that have already been made.

As it seems that members have no comments on the content of the cabinet secretary's letter, do members agree that we should publish the correspondence on the issue on our web page?

*Members indicated agreement.*

**The Convener:** Thank you very much for that.

## Cross-party Groups

14:20

**The Convener:** Agenda item 5 is our annual update on cross-party groups. Paper 2 has information about the number of cross-party groups, their meetings and their membership. Do members have any comments?

**Alasdair Morgan:** The end of paragraph 7 of paper 2 states:

"This information is set out below and has been extracted from 13 of the 16 annual return forms".

We have 78 cross-party groups, so does that mean that 62 of them have not replied?

**The Convener:** Yes, it looks as if that is exactly what has happened.

**Alasdair Morgan:** That leads me to wonder whether, although the statistics that are happily quoted in the subsequent paragraphs—paragraphs 8 to 10—of paper 2 show that there is a reasonable level of activity, attendance and so on, it is only the groups who responded that, by definition, are working and performing well. Potentially, a large number of the rest are really moribund and quite frankly failing to comply with the rules. That is a potential conclusion, although it is certainly not proven by the evidence.

Something that gnaws at me is that although people often seem quite happy to set up cross-party groups and to put their names to them, given that we have a chamber of 129 members—fewer if we exclude the Presiding Officer and Government ministers—who are available to attend cross-party groups, how can 78 groups function in one four-year session? I think that that is an issue.

**Mike Rumbles:** From anecdotal evidence, it seems to me that cross-party groups are not functioning as they were set up to function by the Parliament in the first session, which also gave this committee responsibility for their oversight. Alasdair Morgan is absolutely right that cross-party groups' rules say that a certain number of MSPs should attend each meeting. I am absolutely certain that those rules are being flouted. To have returns back from only 16 of the 78 groups says everything. I would certainly support something from this committee going back to the cross-party group conveners to say that that is unacceptable.

**Marilyn Livingstone (Kirkcaldy) (Lab):** I think that everybody is aware that I chair the cross-party group on construction and the cross-party group on survivors of childhood sexual abuse. I hope that I put my returns in—I think that I did. I also attend the cross-party group on Alzheimer's. The two groups with which I am heavily involved and the one that I attend are doing substantive pieces

of work. Some groups are working hard and raising issues. For example, my group on survivors of childhood sexual abuse got the minister to set up survivorScotland and to provide funding of £2 million to help to support people who were abused in childhood and found out in adulthood that they needed a lot of help and support. A lot of work has been done on that.

A lot of professionals give up their time to come along to the cross-party groups. We should not look at them all in the same way, because we know that some cross-party groups are working. I agree that some are obviously not as active, but I do not want to throw out the baby with the bath water, because I think that some do a really good job. Quite a few groups come to mind that do a lot of work, such as the one on ME.

I do not know how we should approach the matter. I do not want to stop the cross-party groups that are working hard doing their jobs, but if we have 78 and some do not meet, are not quorate when they meet, or do not send in annual returns, perhaps we have to ask about that.

How many times have the clerks asked groups to reply?

**Catherine Fergusson (Clerk):** Ordinarily, we do not take a role in monitoring cross-party group activity. We do not actively chase up cross-party groups, so that has not been done.

**Marilyn Livingstone:** So no groups have had a reminder that they have not sent in the returns. It is the responsibility of the group to submit returns.

**Catherine Fergusson:** Yes, within the terms of the code of conduct, it is for the group and the group's MSP members to ensure compliance.

**Nanette Milne (North East Scotland) (Con):** There is an issue. I actually think that there are too many cross-party groups in the Parliament. For my sins, I am involved in far too many of them for my own good. At present, I am an office bearer for five or six groups, which are mainly health-related ones. By and large, the ones that I am on function reasonably well, but it is difficult to get a quorum at some meetings. For instance, on the funerals and bereavement cross-party group, which I co-chair, the other chairman and I are the two MSPs who turn up at the meetings; the other members very seldom come. The meetings are useful and a few things have happened that have resulted in legislation, so the group has been worth while. However, there are not enough MSPs in the building when many of the groups meet to service the number of groups that exist.

At about this stage in the previous session of Parliament, I suggested at a meeting at which members of several cross-party groups were present that perhaps some of the health-related

groups could be consolidated into one, but of course that met with no approval whatever, because if people have their own cross-party group, they do not want to get rid of it and become part of another one. For instance, there could be a long-term conditions cross-party group, rather than having one for diabetes, one for asthma and ones for other conditions. I am not sure what the answer is, but I agree that, in relation to the ability to service groups, members are thin on the ground.

**Mike Rumbles:** I agree entirely that the cross-party groups are worth while and that they do lots of good work, so my points are not meant as a criticism of their work. However, when the groups were set up in the first session of Parliament and this committee's predecessor was given the job of oversight, the whole point of setting rules and regulations was to prevent trouble in the future. It is not that anybody is doing wrong now, I am sure—although, all right, they might not have three MSPs attending each meeting—but we should do something about the issue, because the rules are set to ensure that problems do not arise. The fact that we are not receiving returns indicates that there is a view among cross-party groups that that is not worth while or necessary.

I can suggest a way forward. I might be wrong but, as I understand it, when each Parliament is dissolved and a new Parliament is called, the cross-party groups are set up again. It might be useful to suggest in a legacy paper for whoever is on the next committee that has oversight of cross-party groups that dealing with the issue will be an important task for the new committee when it is set up post May. There might not be a problem now, but if we do not get cross-party groups operating as they should, there could be a problem down the line. That is an important task to offer the next committee in our legacy paper.

**Alasdair Morgan:** I will say much the same as Mike Rumbles. With dissolution being so close, realistically, the current committee can do little. We should point out to our successor committee that there is a potential issue. That will not necessarily solve the matter, because the danger is that, with a new session of Parliament and the first flush of enthusiasm, many members will set up cross-party groups. We should point out to the successor committee that it should not get carried away with everybody's enthusiasm and that it should look a bit more carefully at the issue. It should certainly scrutinise the issue on an on-going basis, rather than wait until year 4 and then decide that it cannot do anything because it is too late.

14:30

**The Convener:** Although there is an issue with the number of CPGs that have completed their

returns to the committee so far, that does not reflect the effectiveness of cross-party groups or the numbers that meet quorate and carry out their functions properly and with good turnouts. The three cross-party groups that I am on are extremely well attended by MSPs and outside bodies. I do not know whether any of them have submitted returns, but not submitting returns is not the same as not functioning properly.

It is good that we have the matter on the agenda and we will discuss it further for the reasons that have been mentioned. We need to insist that cross-party groups file their end-of-term paperwork so that we have the numbers and can scrutinise them in some fashion.

**Stewart Stevenson:** On the reports that have been submitted, quite impressive numbers of non-MSP members attend CPGs—23 on average in each group, albeit that that is from a limited base of reports.

My recent experience as a minister, and before that as a back bencher, is that CPGs play an important role in drawing people to Parliament and engaging with it. The difficulty that we seem to have is non-compliance with a set of rules. Is that related to the fact that no sanction is associated with non-compliance? We are not talking about a draconian sanction but, to be blunt, if a group does not conform to the requirements, there should be a process of deregistration. I suggest that the successor committee should consider that in the next parliamentary session, therefore it is an appropriate matter for our legacy report.

**Marilyn Livingstone:** If my memory serves me right, CPGs get 90 days to re-register in the new parliamentary session without coming back to the committee. Existing groups can carry on if they do that, but new groups will have to put their case to the successor committee.

I would not be as harsh as Stewart Stevenson. It strikes me that, in our legacy paper, we perhaps need to ask that conveners of CPGs be reminded of the rules. I do not know whether it would be too much for the clerks at this stage to send out a reminder to those groups that have not submitted an annual return.

I get the feeling that a large number of groups are operating and bringing external people into the Parliament, which is good. Perhaps it is simply a case of reminding people that they need to submit a return. People sometimes just need a reminder, if that is not too onerous a duty to place on the clerks. The committee might then consider annually which groups are not complying or not operating. That might be the way to address the issue.

**The Convener:** That is good. The discussion is useful. We will talk about the issue in our business

leading up to our legacy paper. Are members happy with the suggestion that, in future years, the committee should remind cross-party groups that they should update their information and produce reports?

**Stewart Stevenson:** I will make a counter-suggestion. Given that we may not be totally certain at any time about who is running a group, would it not be sufficient simply to make all MSPs periodically aware of the requirements of being an official of a cross-party group?

I am not terribly comfortable with transferring responsibility for monitoring what is going on to the clerking team when it is clear that the responsibility lies at the door of the MSPs who are involved. I am talking about a straightforward reminder to all members to make clear their responsibilities—as we are clear that the legal obligation to declare their interests lies with members. We should not do anything that takes away responsibility from the members who are involved in CPGs, but we should be helpful by reminding all members of the Parliament of the duties. That would be simple, straightforward and would not require more than about three minutes extra work for the clerks.

**Nanette Milne:** That is quite a good suggestion. When I started becoming involved with cross-party groups as a new MSP, I was not aware of some of the rules. I know that I should have been, but they were not really brought to my notice.

**The Convener:** Members seem to be happy with Stewart Stevenson's suggestion. Are we going to recommend to our successor committee that it should bring the report back to consider it?

**Stewart Stevenson:** I would be content with that.

**The Convener:** Is everyone else happy with that?

**Members indicated agreement.**

**The Convener:** Okay. We now move into private session.

14:36

*Meeting continued in private until 15:40.*



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