



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE

Tuesday 31 January 2012

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STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE
2nd Meeting 2012, Session 4

CONVENER

*Dave Thompson (Skye, Lochaber and Badenoch) (SNP)

DEPUTY CONVENER

Helen Eadie (Cowdenbeath) (Lab)

COMMITTEE MEMBERS

*Margaret Burgess (Cunninghame South) (SNP)

Bob Doris (Glasgow) (SNP)

*Alex Fergusson (Galloway and West Dumfries) (Con)

*Margaret McCulloch (Central Scotland) (Lab)

*Paul Wheelhouse (South Scotland) (SNP)

COMMITTEE SUBSTITUTES

Roderick Campbell (North East Fife) (SNP)

Mark Griffin (Central Scotland) (Lab)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Hanzala Malik (Glasgow) (Lab)

CLERK TO THE COMMITTEE

Gillian Baxendine

Catherine Fergusson

Alison Walker

LOCATION

Committee Room 2

Scottish Parliament

Standards, Procedures and Public Appointments Committee

Tuesday 31 January 2012

[The Convener opened the meeting at 14:15]

Decision on Taking Business in Private

The Convener (Dave Thompson): Good afternoon and welcome to the second meeting of the committee in 2012. I remind members to switch off mobile phones and suchlike before we start. We have apologies from Helen Eadie and Bob Doris.

The first agenda item is for the committee to agree to take items 4, 5 and 6 in private. Are members content with that?

Members indicated agreement.

Cross-party Groups

The Convener: Item 2 is to deal with two applications to establish cross-party groups. The first is a proposed cross-party group on the middle east and south Asia. At our meeting on 17 January, we considered the application and agreed that we would invite the proposed convener, Hanzala Malik, to come along today to answer one or two questions about the group. Welcome to the Standards, Procedures and Public Appointments Committee, Hanzala.

Hanzala Malik (Glasgow) (Lab): Thank you, convener.

The Convener: Do members want to start with a question or two about the composition of the proposed cross-party group?

Alex Fergusson (Galloway and West Dumfries) (Con): Welcome, Hanzala. The committee is not against the group, but we are looking for a little clarification, if that is the right way to put it. It is quite unusual for a cross-party group to have a single non-MSP member. We wonder whether you can give us some more detail about Umbreen Khalid. Does he represent an organisation or is he just an interested individual? Could you give us a bit more detail on his—her, rather; I beg your pardon—her relevance to the group?

Hanzala Malik: I am happy to do that, but first I thank the convener and the committee for the opportunity to clarify the issues.

Umbreen Khalid is a part-time researcher for me. She also works for the Council of Ethnic Minority Voluntary Sector Organisations, but she is not on its committee. We have not yet invited members of the relevant communities to join the group because we are waiting to be registered. We will invite everyone to join; the group is about including people rather than excluding them. There will be an open invitation to join us, so there will be public participation. That is the whole point of the group's being established.

Alex Fergusson: Thank you for that, and I understand that. The Standards, Procedures and Public Appointments Committee has to recognise formally the existence of cross-party groups; I wonder whether we are sufficiently able to do so when we do not know who the non-MSP members are likely to be. Could you give us a flavour of who are likely to become members? I can imagine who some of them will be, but with a completely open invitation, it is quite hard to tell.

Hanzala Malik: We are looking for people from communities that are established—communities that are now indigenous communities in this part of the world. People will come from organisations

that are, for example, part of a local authority or are established with the Office of the Scottish Charity Regulator. We will be inviting members from organisations that have democratically elected committees, so the invitation will be to all organisations that are accountable to a board and are totally open and transparent so that—as we hope—we will not get any loose cannons.

Paul Wheelhouse (South Scotland) (SNP): Welcome, Hanzala. You will be aware that there are other cross-party groups including groups on China, Palestine and so on. What will your cross-party group do that will be different from what those other groups are trying to achieve?

Hanzala Malik: China and Taiwan are outwith the sphere of influence that we would operate in, so they are not relevant to what we are doing. Palestine is within our area, but we are absolutely comfortable with the idea of not doing anything in that respect and leaving it to the cross-party group on Palestine to deal with. If anybody wants to work with us, co-operate with us or share information with us, we will be happy to do that, but we will not cross the line. We will support already-established groups if they want that, but otherwise we will not get involved. Therefore, we will not engage with activities in Palestine but leave that to the relevant cross-party group.

Paul Wheelhouse: So, in effect, you are going to eliminate any possibility of duplication?

Hanzala Malik: Yes.

Paul Wheelhouse: That is very helpful.

Hanzala Malik: We would not want to offend anybody; there is no point in stepping on people's toes unnecessarily.

Margaret Burgess (Cunninghame South) (SNP): Do you envisage communicating with the cross-party group on Palestine to keep track of what it is doing, to share business agendas to ensure that there is no crossover, or to see where your groups might come together on certain issues?

Hanzala Malik: That is a valid question. We discussed that and concluded that because various cross-party groups are already established and doing work on various parts of the world, we would not want deliberately to do anything in relation to those areas, but would make ourselves open to them so that if they need to engage with us, we could happily assist. That is all that we would do. We would let them take the lead because we would not want to interfere in their work.

Margaret Burgess: Thank you.

The Convener: I imagine that an awful lot of communities throughout Scotland—from the

middle east, south Asia, and so on—could fall within the scope of your group. When they respond to the invitation to come along to the group and say that they are willing to be permanent members, do you intend to register them as such?

Hanzala Malik: We have approximately 150 different communities in Scotland today. I do not imagine that they would all want to join us, but following the invitation it would be open to them to do so. Once they have shown an interest and attended our meetings, we will be happy to register them. It is important that people know who are the regular attendees and who are the actual participants. We want communities to become more aware of what we do in the Scottish Parliament and, more important, how we then sell the Scottish badge overseas. That means engaging with those communities in a reasonably formal way—so, yes; there would be a registration process of sorts.

The Convener: Are there any other questions from members?

Members: No.

The Convener: Are members happy to accept the registration of the cross-party group on the middle east and south Asia?

Members indicated agreement.

The Convener: Thank you for coming along today, Mr Malik.

We now move on to the proposed cross-party group on sexual health. Members will see that that group was active in the previous session and that all the criteria have been met. Are there any questions on its application?

Members: No.

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

Members indicated agreement.

Review of Cross-party Groups

14:24

The Convener: We now move on to consider our approach to the review of cross-party groups. You have before you a note that sets out a number of considerations for the committee. It invites us to agree the remit of our review, the consultation process and questions to be asked, a list of consultees who could be invited to submit evidence to us, and the timetable for the review. I intend to invite you to comment on each of those areas in turn. Before we do that, do members have any general comments on the review?

Alex Fergusson: The sentence at the end of paragraph 6 slightly intrigued me. It says:

“The Committee may therefore also wish to consider whether to seek views on its own role in overseeing the approval and operation of CPGs.”

For clarity and for the record, do we have a clear role in doing what we seek to do? I assume that the answer is yes, but given that sentence in the paper, the position should be clarified.

The Convener: I think that we have a role, but the clerk can confirm that.

Catherine Fergusson (Clerk): The rules on cross-party groups are set out in section 6 of volume 2 of “The Code of Conduct for Members of the Scottish Parliament”, which is within the committee’s gift. That section provides that any complaints about cross-party groups be made to the committee, because it is responsible for according recognition to and approving all groups.

Alex Fergusson: That is perfect.

The Convener: I was intrigued to read in paragraph 4 of the paper that

“over 1000 organisations are members of”

cross-party groups, not counting individuals who are members of groups. A huge amount of involvement with the Parliament takes place through cross-party groups. It is astounding.

Do members have comments on paragraph 8, which contains the proposed remit for our review?

Margaret McCulloch (Central Scotland) (Lab): I do not know whether my comment applies to paragraph 8. I go back to paragraph 6, which refers to

“the variation in regularity of activity between groups, the low levels of submission of annual returns and the number of groups in operation relative to the number of MSPs.”

I would like a few issues to be discussed. Is there any way to measure at the end of each year how successful a cross-party group has been and to put that in its annual report? That report could say

whether the group had achieved what its aims and objectives were at the start of the year, how many people had attended its meetings in general and whether it had served its purpose.

The Convener: That is a good point, which we will consider when we undertake the review and have responses. Such information should be in cross-party groups’ annual reports—although members will have noticed that many groups have not submitted annual reports. As we do the review and get comments from people, we will need to look at the issues in a lot more detail to consider what the groups should do in the future.

Paul Wheelhouse: To pick up Margaret McCulloch’s point, could we include the word “effectiveness” in the remit in paragraph 8? Perhaps it could refer to

“the processes for the registration; the operation;”

“the effectiveness,”

“and the regulation, of Cross-Party Groups.”

That would allow us to include in our review analysis of how effective the groups are, even if that just demonstrated that the groups are effective in their current form, which would ensure that people appreciate their value.

Margaret Burgess: I do not disagree with Paul Wheelhouse, but I am a bit concerned that, if we were to include the word “effectiveness”, we would have to decide whether the 78 or so cross-party groups had been effective. I am not quite sure whether we could measure how effective every cross-party group has been. We could look at an annual report to see what a group had done, how many people had turned up and whether they were MSPs. However, I do not quite know what consideration of effectiveness would involve.

Paul Wheelhouse: We do not necessarily need an empirical study of every cross-party group’s effectiveness for us to achieve the aims of the exercise; rather, we could establish from witnesses—even if only qualitatively—how effective the CPGs in which they had been involved were in delivering on the stated aims in their applications, as Margaret McCulloch said. It is not necessary to go into the nitty-gritty of every single CPG, but witnesses should be asked about how effective CPGs are in their operation and whether they have any recommendations that could make them more effective. It might be recommended that more MSPs or outside bodies should be able to attend them. There may be examples of things that could be done to make them more effective.

14:30

The Convener: It is legitimate for us to look in the review at the effectiveness of CPGs and how

we measure that. We may decide that, rather than look at every single CPG, we will want a more in-depth look at a sample of them each year. However, I am conscious that we are getting into the detail of the review rather than its broad outline and remit.

Are members content to add a wee piece on changes to improve the effectiveness of CPGs, as Paul Wheelhouse suggests? We can consider the detail of how we will do that later.

Alex Fergusson: I hope that the remit will be worded in a way that will not absolutely tie us to regular measuring of the effectiveness of cross-party groups. I am not saying that that is wrong, but it might turn out to be a poisoned chalice. It should be worded in an appropriate way that does not absolutely bind us to the introduction of something, although I am in favour of having a look at that.

The Convener: We could make the remit in paragraph 8 say

“propose changes to improve:”

“the effectiveness;”

“the processes for the registration; the operation; and the regulation, of Cross-Party Groups.”

We would look at changes to improve their effectiveness, but we would decide how to do that during the review.

Alex Fergusson: Could we say that we will “propose to identify changes” or refer to “changes where they are identified”? The remit currently binds us to proposing changes, but we may reach the conclusion that everything is working brilliantly and that we do not need to propose changes, although that is unlikely in the light of some of the contributions that have been made. However, we need a little bit of leeway.

Margaret McCulloch: Would not it be best to come back to the paragraph and amend or change it after the review is done?

The Convener: The paragraph will guide us on what we will look at. Until we agree on it, we will not have a remit to guide us and the clerks as we go through the review and take evidence, including oral evidence if that is necessary.

Alex Fergusson: I presume that the remit will be published in the call for evidence, so that will be what people will respond to.

The Convener: Yes.

Are members happy with the suggestion to make the remit of the review:

“To review the rules on Cross-Party Groups in the Scottish Parliament and propose”

“identified”

“changes to improve:”

“the effectiveness;”

“the processes for the registration; the operation; and the regulation, of Cross-Party Groups”?

Members indicated agreement.

The Convener: The next issue is consultation and what we should ask the stakeholders. That takes us to paragraph 9 and onwards. Do members have any comments on those paragraphs?

Paul Wheelhouse: I will make an observation on the first bullet point in paragraph 12. Even though this is not mentioned in the paper, given our experience of having to bring in Hanzala Malik today, I wonder whether it might, at that point in the review, be worth looking at the need for a form to identify whether there might be duplication so that applicants will have addressed that question and stated why there would be no duplication of other CPGs’ work before a CPG is created. That would take a step out of the process. We would not have to bring proposed conveners back in to explain that, because it would have been dealt with.

The Convener: That is probably covered by the first bullet point in paragraph 12, which talks about

“Registration of Cross-Party Groups ... Including ... documentation to be provided by CPGs”.

When we look at that documentation, perhaps we can discuss that point in more detail.

Paul Wheelhouse: Yes. That was my point: I would be grateful if we built into that part of the review an attempt to work out issues to do with duplication.

The Convener: The areas for consultation are fairly broad, and it is really up to committee members as we go through the review to drill down and broaden it within pretty wide parameters. Therefore, would you be content to leave the wording as it is, as opposed to suggesting a change to it?

Paul Wheelhouse: I would be happy to do that. It was more for the committee’s benefit that I suggested that we note the need to eliminate that problem.

The Convener: Okay. The clerks have made a note of that, so we will ensure that it is addressed.

Are members happy with the section on consultation?

Members indicated agreement.

The Convener: Annex A sets out a number of suggested questions to which we will ask folk to respond. Do members have any questions about the questions on the registration, operation and

regulation of CPGs that appear on pages 4, 5 and 6 of paper 2?

Margaret Burgess: I have two points. Question 7 states:

“The Rules on All-Party Groups at Westminster require that, where secretariat services are provided by a consultancy or by a charity/not-for-profit organisation, the relevant organisation must agree to make certain information available on request.”

It asks:

“Should a similar requirement be introduced for CPGs?”

With cross-party groups, it is sometimes the case that, rather than provide secretariat services, a consultancy firm or other outside agency funds the provision of such services. Should we be looking at a similar question to cover those circumstances? The rule that I have quoted is fine for Westminster, but I feel that it would not cover situations in which an organisation was paying for secretariat services rather than providing them.

The Convener: That is a good point. I think that question 7 will allow people who respond to us to pick up on that point. If they do not, we can ask that question as we go through the review and as we discuss matters further. The clerks will produce a paper covering all these points, which will allow us to go into things in more detail at a later stage.

Do members have any other points to raise about the questions on page 4?

Paul Wheelhouse: My point is along the same lines as Margaret Burgess's. There have been cases in which a figure has been provided for the costs associated with operating a CPG and we have had to go back and ask for further detail. Perhaps we could consult on whether it would be appropriate for the form to collect a standard breakdown of costs so that we could distinguish quite clearly whether costs are to do with the provision of Braille materials for visually impaired people, secretarial support or entertainment. Would that be feasible at that stage of the process, or would it cause a problem?

The Convener: That is a good point. The clerks have taken a note of that and will build it into the report that they produce.

If we are finished with page 4, we will move on to page 5.

Margaret Burgess: I do not think that question 10 is necessary. Given that the consultation is to be sent out to all the organisations and individuals that participate in cross-party groups, I do not feel that we should ask whether, to ensure that CPGs are MSP led, only MSPs should be entitled to vote.

The Convener: We are hoping to get as wide a range of views as we can. It is up to us to analyse the responses that we get from people.

Margaret Burgess: What I am trying to say is that, at the moment, everyone gets to vote at CPG meetings. That is how I think it should be—the whole point of CPGs is that people get their say. If we include question 10, we might be construed as sending out the wrong message to participants in CPGs.

Paul Wheelhouse: I ask for clarification. I have been at a number of CPG meetings but I have never seen a vote take place. What circumstances are we talking about? Are votes held for the election of office bearers or for other decisions? Perhaps more experienced members can elaborate for us new members.

The Convener: Votes do not happen often. The vast majority of cross-party groups work well on the basis of consensus, but occasionally there can be an issue that is more politicised. If there are differing views, there might be a vote on something like that.

I do not know whether the clerks have a record of how often that happens. I assume that they would have to trawl through the minutes of all the cross-party groups for the past 12 years. Do you fancy doing that, Catherine?

Catherine Fergusson: No. *[Laughter.]*

Margaret McCulloch: At one of the groups that I attend, there was a vote to replace the secretary, and also a vote on action that the convener had suggested. Everybody had a vote. At that meeting, there were only two MSPs, so that is a good example.

Margaret Burgess: That makes my point.

Alex Fergusson: I have a lot of sympathy with what both Margarets have said. I am slightly concerned by the phrase

“To ensure that CPG decisions are MSP-led”.

It is always an MSP who convenes the group and leads the meeting, so I am not sure that it is valid to assert that decisions might not be MSP led. I note that, if the question goes out to the at least 1,000 organisations that are represented on cross-party groups—

Margaret Burgess: We know what their answer will be.

Alex Fergusson: Yes—so I wonder whether we should ask it. It is also valid to point out that sometimes only two or three MSPs are present at a cross-party group. I am not sure that question 10 is a sensible question to ask.

The Convener: Okay. Is that the general view of members? I am getting the feeling that we

should take question 10 out. If we do so, it will not prevent anybody who responds to us from giving us their views on the issue, but at least we will not be leading them there. Are members happy to delete question 10?

Members *indicated agreement.*

The Convener: I wonder whether we should add to question 9 another sentence along the lines of, "Should at least two MSPs be present for the whole meeting?" The convener has to be an MSP, so there will always be at least one, but in practice, when time is tight another MSP might not stay for the whole meeting. Is it worth asking whether it should be the norm that two MSPs be present for the whole meeting? I do not think that the rules clarify for how long MSPs must attend.

Margaret McCulloch: If two MSPs had to be in attendance all the time and everybody was made aware of that as part of the rules and regulations, MSPs might consider more seriously the number of cross-party groups that they attend and would not just dip in and out of them for the sake of attending cross-party groups. They might make more of a commitment. It is a good question to ask.

The Convener: Are there any other views?

Alex Fergusson: I do not entirely agree, but I am not against putting the question. I think that the answers will be interesting. I am rather of the view that we could get really heavy on cross-party groups; we could be very constrictive and make them formal, with a lot of rules and regulations, and we could then become a sort of watchdog for cross-party groups, but I suspect that we do not want to end up there. I am not against the question being put, but I would be a little wary of the outcome.

Paul Wheelhouse: I agree with what everyone has said so far. In a sense, it is a measure of the effectiveness of a CPG if it has good attendance by MSPs. The cross-party group on rural policy, which Alex Fergusson co-convenes, is a good one, and people turn out to it for that reason—unless he is going to contradict me and tell me that it has had low attendance. I believe that CPGs should be able to attract people, but it is a fair question to ask. We will see what response we get.

The Convener: Another point is that many CPGs cover minority interests, so it will be more difficult to get people involved. However, such issues will be teased out during the inquiry.

14:45

Margaret McCulloch: Is there a requirement for a minimum number of attendees from among the non-MSP individuals and organisations?

The Convener: No, I do not think so. In theory, there could be just two MSPs present.

Margaret McCulloch: Should that be considered?

The Convener: We could look at that during the review. Would members be happy to include that suggestion in question 9?

Members *indicated agreement.*

Alex Fergusson: I think that the convener plus two other members of the cross-party group must be present.

The Convener: No: it is just two in total.

Alex Fergusson: Gosh! Thank you.

The Convener: Let us move to question 13. I suggest that the second half of the second sentence is unnecessary and we should leave it at "What are your views on these limitations",

without raising the issue of additional services and so on. We could leave it open and broad so that people can make their views known to us.

Is there anything else on page 5?

Members: No.

The Convener: What about page 6?

Alex Fergusson: I have a slight issue with question 15. I absolutely agree that groups be "prohibited from using the Scottish Parliament logo"

but the question invites a huge response in favour of their being able to use the parliamentary logo. That would be hard to turn down, although I think that we would wish to do so. Therefore, I suspect that the question would be better not asked.

The Convener: Do other members have views on that?

Margaret McCulloch: I agree with Alex Fergusson.

Margaret Burgess: So do I. That would cause us more problems.

Paul Wheelhouse: It would do so especially if a group has a lot of non-MSP members.

The Convener: Okay. We will take out question 15.

A slight change is suggested to question 17 to make it clear that any auditing of CPG activity would be undertaken at the direction of the committee and would relate to the administration of CPGs, including the notification of meetings, quorums and so on. The activity would assist CPGs and provide the committee with a better pool of information on which to base its oversight. Is the committee happy to let Helen Eadie and I have another think about that question?

Members indicated agreement.

Margaret McCulloch: I have a question about question 16. It says that the cross-party groups' annual returns include a whole load of information that is already put on the website. It then asks:

"Should Groups be required to include additional information, such as the topics discussed at each meeting, number of MSP and non-MSP attendees ... ?"

Is that necessary? Each time a committee meeting is held, that information is already put on the website. Would the suggestion just result in duplication and could it overburden the small cross-party groups?

Catherine Fergusson: At the moment, CPGs are not required to submit minutes in any way, although they can, and we publish them if they are submitted. The question is about whether there should be a way of gathering that information.

Margaret McCulloch: I take it that we will discuss that in detail later.

The Convener: Yes. The clerks will ensure that the matter is raised in detail in the paper that comes before us and we will see what responses we get. If we have oral evidence sessions, we can ask people about it. It would be useful to ask CPGs for that information. Nevertheless, as Alex Fergusson said, we need to be careful, as we go through the review, that we do not bureaucratised the process too much. The groups are really useful and we want them to have flexibility and fluidity. At the same time, however, we want to ensure that they are operating effectively and properly. We will need to tread carefully to get the right balance.

Margaret McCulloch: The review should set a standard that all the cross-party groups should adhere to. When we look at the matter in more detail, we should consider that.

The Convener: That is fine. Do members have any comments on the suggested list of consultees in annex B on page 2? Are there any that you want to add or take off? Are we happy with the list in annex B?

Alex Fergusson: If there are 1,000 member organisations in that, not many people have been missed out. It looks pretty good to me.

The Convener: Is the committee happy that we ask the conveners of CPGs to let their members know at meetings that they can give us evidence?

Members indicated agreement.

The Convener: The paper also suggests that the committee should decide whether to take oral evidence once we have considered any written submissions. The timetable can be adjusted to take that into account. I suggest that we wait for

written submissions before deciding whether to invite people to give oral evidence and that we then adjust the timetable accordingly. Is the committee happy with that?

Members indicated agreement.

The Convener: Finally, I think that we should put out a news release—I am sure that it will be front-page news in every newspaper—when we launch the call for evidence. The suggested date is 10 February. Are members happy for the news release to be delegated to me and the deputy convener, Helen Eadie?

Members indicated agreement.

14:51

Meeting continued in private until 15:28.

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