



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE

Tuesday 28 February 2012

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STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE
3rd 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)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Rob Gibson (Caithness, Sutherland and Ross) (SNP)

CLERK TO THE COMMITTEE

Gillian Baxendine

Alison Walker

LOCATION

Committee Room 1

Scottish Parliament

Standards, Procedures and Public Appointments Committee

Tuesday 28 February 2012

[The Convener opened the meeting at 14:15]

Decision on Taking Business in Private

The Convener (Dave Thompson): I welcome members to the third meeting in 2012 of the Standards, Procedures and Public Appointments Committee. I remind everyone present to switch off their mobile phones, BlackBerrys and so on.

Item 1 is a decision on whether to take items 5 and 6 in private. Item 5 is consideration of draft revised directions to the Public Standards Commissioner for Scotland and item 6 is consideration of the committee's work programme. Does the committee agree to take those items in private?

Members indicated agreement.

Cross-party Groups

14:16

The Convener: Item 2 is consideration of four applications for recognition of cross-party groups. The first proposal is for a cross-party group on Russia. The group was active in the previous session and, as members will see from the note before them, it met in September 2011.

Under the terms of the code of conduct, registration documents should be submitted within 30 days of a proposed group's initial meeting. However, the documents for that group were received only in February 2012, some five months after the initial meeting. We have with us Rob Gibson MSP, who is the convener of the proposed group. He is happy to answer any questions that we may have on that point, or on any other points in relation to the group. I welcome him to the meeting and thank him for coming along.

The committee feels that it is important that cross-party groups abide by the rules. I wonder whether you have any particular explanation for why the submission came in so late.

Rob Gibson (Caithness, Sutherland and Ross) (SNP): First, I apologise that the 30-day rule was not adhered to. In mitigation, there was a cross-party group—as you mentioned, convener—that to my knowledge held only two meetings in the previous session. I was partly involved in the second of those meetings, and I had great difficulty in getting a list of the people who had participated, despite the fact that there was a full room for an address by the then consul general of the Russian Federation.

Unfortunately, two of the members are no longer in the Parliament, and I had no means of getting the list of people who had been involved at that stage. Time dragged on, and I was prompted to remember it when the assistant in my office asked whether I had lodged the papers yet. Basically, I had not. There were activities going on that did not require a meeting to be formally called, and so time went by. That is the reason why the papers were submitted only in February.

Margaret McCulloch (Central Scotland) (Lab): How often did the previous cross-party group meet, and how many people attended?

Rob Gibson: I was at only one of the meetings, at which around 30 people were present, of whom three were MSPs. At that time, Jamie Stone was the convener and Des McNulty was a member. Neither of those members returned this session. John Scott and I were the other two active members in the group at that stage. We had a

small number of MSPs, but a large number of members of the public.

The Convener: You held a meeting in September to set up the new group—or the renewed group, if you like. I know that some of the other groups that have in the past omitted to submit their papers in time have gone on to have another meeting and submitted within 30 days of that meeting. Is there any reason why the committee should not ask you to do the same?

Rob Gibson: If you asked me to do the same I would be happy to do so. It is a matter of form, and we will hold another meeting if you require that. However, the September meeting was a competent meeting, at which there were four MSPs from three parties, and there is now the interest that is being shown by groups, such as at the University of Edinburgh, which expect us to be active and to contribute to the general life of the Parliament on the subject.

Alex Fergusson (Galloway and West Dumfries) (Con): I think that you remarked that the cross-party group in the previous parliamentary session had not met often. Is there a determination for this group to meet more regularly? I very much encourage the group, but we would want to know that a robust timetable of meetings was planned.

Rob Gibson: The intention is to have such a timetable, but formal meetings are sometimes not the best kind. For example, during the NATO Parliamentary Assembly two Russian generals who were in the Duma visited the Parliament and informally met the group's MSP members. Also, at the beginning of this session—in September—we had a debate about the Russian Arctic convoys, and not only the veterans but the consul general of the Russian Federation were present. So, activities go on informally.

Cross-party groups appear to be active if they hold meetings in the Parliament, but people who are interested might well be involved with issues emanating from elsewhere. At the University of Edinburgh, for example, people were invited to the recent Erickson lecture, and to last year's opening of the Princess Dashkova Russian centre, which is a cultural link between St Petersburg and Edinburgh. Such things are of interest to us in the cross-party group and they are the kinds of activities that take place.

Alex Fergusson: That is all absolutely valid and worth while, but can we take it that there will be a rather more regular series of meetings than just two in a parliamentary session, not least because I think that there is a requirement to have an annual general meeting?

Rob Gibson: There most certainly will be. I wish that I could remember an AGM in the

previous session, but I most certainly intend to run things in an orderly fashion, within the rules. I apologised at the start for not meeting the 30-day deadline.

The Convener: Do members have a view on this?

Helen Eadie (Cowdenbeath) (Lab): I hear what Mr Gibson is saying, and I accept his explanation. I know just how difficult it can be to follow all the rules and the regulations, but they are there, and we are their custodians. Nevertheless, I share Alex Fergusson's view that we should encourage the work of the cross-party group and endeavour to be as positive and helpful as we can. I was at that meeting when the Russian honorary consul was there—perhaps you did not have me on the list, Mr Gibson.

I remember Jamie Stone chairing the meeting, and I even think that there was a whisky tasting—I am not sure. I found it encouraging that the discussions were on-going, and I made connections through people from the University of Edinburgh in relation to aspects of other work that I do. I applaud your work and accept your explanation about why the registration did not happen. All of us around the table must do our best to adhere to the rules in the best possible spirit.

Rob Gibson: Convener, may I just point out that Vladimir Malygin, the then consul general, is not an honorary consul but a full diplomat? There are 14 full diplomats as consuls general in Edinburgh. I just wanted to ensure that we give him, and his successor Sergey Krutikov, his full status.

The Convener: Thank you very much, Rob. Following those explanations from the convener of the proposed cross-party group, I sense that members are inclined to accord it recognition. Am I correct in that view?

Members indicated agreement.

The Convener: Thank you very much for attending.

Rob Gibson: Not at all—thank you for the invitation.

The Convener: The second application for recognition concerns a proposed cross-party group on park homes. No such group was active in the previous session. Members will see that no non-MSP members have been listed on the registration form, which was the case with another application for recognition that we considered recently. We expressed some concern about that.

The clerks requested further information from the proposed group about its non-MSP membership. Its convener, Colin Beattie MSP,

confirmed that the intention is that a number of external bodies will be involved in the group, including park home owners associations and associations that represent the landlords of the sites of such homes. In addition, Mr Beattie proposes that a dialogue be held with the Westminster parliamentary group that has the same remit south of the border.

The organisations that the proposed group intends to involve in its work are listed in paragraph 19 of our paper but, as the paper makes clear, at the point at which we got the information from Colin Beattie, none of those organisations had been formally asked to participate. I have a general concern about the issue. It is probably one that we will have to look at in detail in our review of cross-party groups. It seems slightly strange that an MSP should set up a group before outside bodies have clearly indicated their intention to be involved. Normally, it is the other way round. We all know of bodies that lobby us to form a cross-party group because they have particular issues that they want to draw to our attention.

Are members happy with the written explanation that Colin Beattie has provided, which is fairly full, or do you want to invite him to come along?

Margaret Burgess (Cunninghame South) (SNP): I would veer towards our accepting the application, because we did the same with another group that did not have any public members. However, I think that we will have to look at the issue as part of our review. Reference has been made to AGMs and other things that cross-party groups do. Groups might do a lot of work without holding meetings. On that basis, I would be prepared to accept the application, on the understanding that we will look at how groups set up and operate in our review.

Margaret McCulloch: What would happen if we accepted the application, but when Mr Beattie contacted the organisations in question, none of them was interested? Where would the CPG be then?

The Convener: That is a good question. I imagine that, if the group did not get members, it would be difficult for it to function. I find it strange that the bodies concerned have not formally shown an interest.

Alex Fergusson: I should declare an interest, as my name is on the list of the proposed group's members.

I share members' surprise that no outside organisation is yet listed as a member, because it is my understanding that the proposal came about as a result of representations that were made—probably to all MSPs—by the British Holiday and Home Parks Association. I put my name down for

membership when I found out, to my astonishment, that my region of Dumfries and Galloway has the second-highest number of full-time residents of park homes in Scotland, most of whom are in my constituency, which makes up half that region. That is what fostered my interest in the issue. I am surprised at the lack of involvement of outside organisations, but I would be even more surprised if none showed an interest in taking part in the proposed group's work.

However, I understand members' concerns, and I would not object if they want to put consideration of the application on hold while we ascertain for sure that outside organisations will take part. Unfortunately, we set a precedent by approving recognition of a group—I cannot remember its name—that had no non-MSP members.

The Convener: It was Hanzala Malik's proposed group.

Alex Fergusson: Indeed. I leave it to members to decide, but I would have no problem with members putting the application on hold temporarily until it is ascertained that outside organisations want to take part in the proposed group's work. I would be extremely surprised if no such organisations wanted to do so.

The Convener: I know that Paul Wheelhouse wants to come in, but first I point out that, as members will have seen from the committee papers, our next meeting will not be until 27 March. If the group's application was put on hold, it would therefore be a month before we could discuss it again. We should bear that in mind.

14:30

Paul Wheelhouse (South Scotland) (SNP): I apologise for arriving late. I conveyed to the convener beforehand that I might miss the beginning of the meeting.

My point relates to what Alex Fergusson and Margaret McCulloch said. I do not object to the group's being formed and formally recognised, but I wonder why the local authorities that are mentioned in the application have been selected and others have not been invited to take part. As my colleague Alex Fergusson mentioned, Dumfries and Galloway has a high dependency on park home accommodation, and so do the Borders and East Lothian. I wonder whether there is scope for inviting Mr Beattie to widen the invitation to include all local authorities, which would let those who have an interest take part in the group.

The Convener: You are right. Most if not all of us have residents in park homes in our areas. It would be useful to have the convener of the proposed group here so that we could ask him the questions that we have raised and let him clarify

the position. We are stabbing in the dark and presuming things, so it is difficult.

Margaret McCulloch: Would there be a problem if we were to say that, because other applications are coming through that are not completed correctly, we will send everybody a message about cross-party groups and the information that is required to be completed on the form?

I know that a precedent has been set, but is there anything wrong with saying that, from now on, all application forms must be completed with the relevant information before they are processed? When applications that lack information come to the committee, it causes a delay, because the proposed group has to take it back and send it in again.

The Convener: That is an interesting point. The problem is that the rules do not stipulate that groups must include outside bodies. We need to look at that closely in our review of cross-party groups. At present, it is legitimate under the rules for MSPs to set up a group with no outside bodies as members. It is just that we have expressed concern about that, and we got Hanzala Malik along to explain to us what he was proposing.

What do members think? Do we want to approve the proposed cross-party group on park homes, or do we want to get the convener along and ask him a few more questions?

Helen Eadie: All the members who have spoken so far have made pertinent points. I particularly like Paul Wheelhouse's point that we should ask that all local authorities be invited to join the group. We have park homes in my constituency in Fife as well. I am a little surprised that the list is as definitive as it is, so I favour that approach.

The rules might not permit this at the moment, but following our review of cross-party groups, we might want to delegate it to the clerks to say that there is no point in a proposed group putting in an application to the committee unless it follows X, Y and Z rules, including rules on its membership. We want to tighten up the requirements, with the intention that membership of these groups is not just parliamentary in nature. Cross-party groups are all about getting the public in to engage with parliamentarians. That is the way I see it.

The Convener: Thank you for that. Margaret Burgess wants to comment, and then Bob Doris.

Margaret Burgess: I have a slight concern, following on from what Helen Eadie said. I am not clear what the committee's role is. Should we be telling the conveners of cross-party groups who they should or should not have on their groups, or who they should invite to become members?

Perhaps we should just suggest that they widen out who is involved. We have considered other cross-party groups that have just a couple of local authorities as external members, but we have never queried why there are no others, or asked whether the conveners have asked others to join. Have we ever delved into how or why people get invited to join cross-party groups? Perhaps the time to do that is during our review.

It might be that we should be looking at those things, but at the moment I think that, because we have approved other groups that have not had a full list of external members, including some that have had very few, we should agree to the cross-party group on park homes today. Perhaps we should say to its convener that we expect it to have external members, and we can then look at the matter in detail during the review.

Bob Doris (Glasgow) (SNP): I should point out that I, too, was late for the meeting. I apologise to fellow committee members for missing the earlier part of today's business.

I know that it is within the gift of the committee to allow registration of a cross-party group to go ahead or to delay it and allow the proposed convener to come along, but, given what Margaret Burgess and others have said, we have to be consistent. We have previously allowed there to be another cross-party group in the same situation, and we should acknowledge that the proposal does not break any rules. We are talking about our preferences rather than rules. The place to look at the rules on wider membership, wider community engagement and on ensuring that there are no barriers to membership for different organisations is perhaps in our review, as we have previously stated. We should consider consistency and that the issues that the proposal raises should be considered in the review rather than in relation to the cross-party group that we are considering in particular. We should allow the group to go forward.

The Convener: Are there any other views? I am getting the feeling that members are content to allow the group to go forward. All our comments will be on the record, and we can consider the issue that has been raised in more detail in our review. Are members happy to allow the group to be recognised?

Members indicated agreement.

The Convener: The third proposed group is the cross-party group on lupus, which was not active in the previous parliamentary session. Members have before them a note on its application, and they will see that it complies with all the criteria for registration. As members have no questions about the group, is the committee happy to accord it recognition?

Members *indicated agreement.*

The Convener: The fourth proposed group is the cross-party group on oil and gas, which was active in the previous session. Members have the application before them. The group meets all the criteria for registration. As members have no questions about the group, are they happy to accord it recognition?

Members *indicated agreement.*

Budget Process

14:37

The Convener: Agenda item 3 is on the budget process.

Members will know that, in February 2011, the committee received from the then convener of the previous session's Health and Sport Committee a letter of complaint about the arrangements for scrutiny of the Scottish Government's budget. This committee agreed to seek further information on that before it took a view on how to respond. Paper 2, which is before members, sets out that information, and says:

"The Committee is invited to consider its response to the letter from the Convener of the session 3 Health and Sport Committee."

There is a suggested course of action in paragraphs 21 and 22 of that paper, but members might want to comment in general on the report and the issue before we make any decisions.

Paul Wheelhouse: I am a member of the Finance Committee. As the paper rightly identifies, we have looked at the issue quite closely, and we raised concerns in our committee report to Parliament about the timing of level 4 data being made available, particularly for committees. We know that there is on-going dialogue between the Finance Committee clerks and officials in the Cabinet Secretary for Finance, Employment and Sustainable Growth's department to try to improve the process. The point has been well made by the Finance Committee on behalf of the subject committees that a number of those committees were particularly concerned about the late delivery of level 4 data, and we know that the cabinet secretary has indicated that he is prepared to enter into dialogue on that point.

The Convener: On the particular circumstances that the convener of the Health and Sport Committee raised, there was a pretty exceptional situation at the time. The United Kingdom general election delayed the spending review, and everything was pushed back a month or more from when it would happen in a normal year. I know that the Finance Committee has looked at the matter in some detail, and it recommended a number of changes, the full effect of which we have not really seen yet.

Are members content just to leave things as they are and not undertake a review of the situation but to wait to see the effect of the Finance Committee's recommendations?

Helen Eadie: Christine Grahame raised some good points that express many members' concerns about the budget scrutiny process. As

the Finance Committee will obviously make recommendations, it is only fair to allow them time to bed in, following which we can consider their impact. We had a really bad winter during the budget process in 2010. I was a member of the Health and Sport Committee at the time and I remember a number of meetings having to be cancelled because of the bad weather, which meant that we did not get the witness evidence that we needed for the budget process.

I am content that we do as the convener suggests, but we should underline to the Finance Committee that it should take on board the important concerns that Christine Grahame expressed on behalf of her committee at that time, particularly if the Finance Committee is going to do work on the budget process in session 4.

The Convener: We should draw to the Finance Committee's attention the comments by the convener of the Session 3 Health and Sport Committee and leave it at that.

Helen Eadie: Yes.

The Convener: If no other member wishes to comment, is the committee happy with the suggested course of action?

Members *indicated agreement.*

Hybrid Bills Process

14:41

The Convener: Agenda item 4 is on the hybrid bills process. The Forth Crossing Bill Committee published a report entitled "1st Report 2011: Observations on Hybrid Bill Procedure in the Scottish Parliament". The report included suggested improvements to the procedures relating to hybrid bills. A summary of the issues is attached at annex A of paper 3.

How do members wish to take the matter forward? Do you wish to consider the issues that were raised by the Forth Crossing Bill Committee in readiness for any hybrid bills that might be introduced in the future? We do not expect any hybrid bills in the next session of Parliament, but we might be as well to be prepared for future hybrid bills. Obviously, we can learn from the Forth Crossing Bill process and the committee's report on it—everything is in there.

Do members agree that as a first step we write to the Scottish Government seeking its comments on the report, then consider its response and decide how to take the matter forward?

Members *indicated agreement.*

14:42

Meeting continued in private until 14:49.

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