The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE

Tuesday 8 May 2012

Session 4

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STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE
6th 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)
*John Lamont (Ettrick, Roxburgh and Berwickshire) (Con)
*Margaret McCulloch (Central Scotland) (Lab)
*Paul Wheelhouse (South Scotland) (SNP)

COMMITTEE SUBSTITUTES

Roderick Campbell (North East Fife) (SNP)
Mark Griffin (Central Scotland) (Lab)
David McLetchie (Lothian) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Dr Chris Carman (University of Strathclyde)

CLERK TO THE COMMITTEE

Gillian Baxendine
Alison Walker

LOCATION

Committee Room 6

Scottish Parliament

Standards, Procedures and Public Appointments Committee

Tuesday 8 May 2012

[The Convener *opened the meeting at 14:30*]

Decision on Taking Business in Private

The Convener (Dave Thompson): Good afternoon, ladies and gentlemen, and welcome to the sixth meeting in 2012 of the Standards, Procedures and Public Appointments Committee. I remind members to turn off mobile phones and BlackBerrys.

The first item on today's agenda is a decision on whether to take items 3, 4 and 5 in private. Items 3 and 5 are consideration of written evidence that has been received regarding the committee's inquiries on cross-party groups and section 7 of the code of conduct. Item 4 is consideration of changes to public bills guidance on financial resolutions. Does the committee agree to take those items in private?

Members *indicated agreement.*

Cross-party Groups

14:31

The Convener: Agenda item 2 is evidence on the review of cross-party groups. I welcome to the meeting Dr Chris Carman, who is a senior research lecturer at the University of Strathclyde. Good afternoon to you.

Dr Chris Carman (University of Strathclyde): Thank you. Good afternoon.

The Convener: It is opportune that Chris is doing a bit of work at the moment on CPGs. Members have seen the papers that he has presented to us, which I think will be very helpful for our inquiry. I invite Chris to give us a wee presentation of his views, after which the meeting will be thrown open to questions.

Chris Carman: Thank you for having me. I appreciate the opportunity to come here and speak to the committee. I apologise for trickling things to you in stages, including this morning. However, we have gathered so much data over the years on cross-party groups that it kept occurring to me, "Oh—they might be interested to hear about this," so I kept feeding things through.

Cross-party groups serve several important functions in the Scottish Parliament. As you well know, they create a way for MSPs to learn from experts on important issues and to learn about issues that might be important but which are not necessarily on their radar screen. They also create a mechanism for MSPs to interact with one another on a cross-partisan, less formal basis than that of, say, committee meetings and an informal way for MSPs to connect with external groups, actors and individuals at the coalface, as it were, on various issues. CPGs serve a variety of important functions within the context of the institution.

It is because of those important functions that it is very important for the committee to conduct its review of the cross-party groups. As committee members well know, over the several years of the Parliament many different issues keep recurring. As you will have seen in one of my lengthier submissions, the same issues have been addressed over and over by successive standards committees. The issues are not easy—they are very difficult and all sorts of challenges arise in thinking how best to handle cross-party groups.

I will talk about some of the evidence that we have gathered on different organisations in different countries. I have conducted the research with colleagues Nils Ringe at the University of Wisconsin-Madison and Jennifer Nicoll Victor at the University of Pittsburgh. We call the

organisations that are like cross-party groups "legislative member organisations", which gives us a term that we can apply across different institutions. They all serve more or less the same function in the different legislatures.

I will talk about the patterns of those organisations in three Parliaments other than the Scottish Parliament, then I will talk about the patterns of MSPs joining cross-party groups. I will also flag up parts of the submission that I sent this morning regarding the interviews that we have conducted with MSPs. I will then see what questions you have.

All my comments are based on research that I began individually several years ago. On my very first trip to Scotland in 2004, I started gathering information on cross-party groups. That was one of the things—believe it or not—that brought me to Scotland in the first place; not many people can say that.

I gathered information on cross-party groups in the second and third sessions of Parliament. We conducted 26 interviews with MSPs, including several members of this committee, and gathered information on meetings from the annual reports, so we have quite a lot of data. Additionally, my co-authors have gathered data on the European Parliament and the US Congress, and we have some data from Westminster on all-party groups.

First, I will discuss the intergroups in the European Parliament and the caucuses in the US Congress, to give you a flavour of how such organisations work in the context of different institutions.

In the European Parliament there are 27 intergroups that service 736 members. Intergroups have effectively the same purpose as cross-party groups: they are designed to deal with issues in which members are interested and that they believe deserve special attention outside the committee structure. The intergroups must have members from the different party groupings.

Intergroups are not considered to be formal organisations in the European Parliament, although they must be sanctioned and created by the Parliament. They have no official status, which means that they cannot use official stationery, the European Parliament logo or other such things. Intergroups are becoming increasingly tightly regulated by the European Parliament. There were previously around 80 such groups, but that was believed to be too many and various mechanisms were created to encourage a reduction in the number.

One of the key mechanisms is the fact that intergroups are allowed to meet only during the monthly Strasbourg sessions on Thursdays between 10 o'clock and 12 o'clock and 2.30 and 6.30. Those are the only time slots in which intergroup meetings are officially supported by the European Parliament, which means that they are entitled to access to meeting rooms and translation assistance, and to administrative assistance provided by the Parliament. That is viewed as a very serious constraint. If there are only so many limited time slots, only so many organisations can exist and function well.

The second constraint is on how intergroups officially become intergroups. They must gain the support of at least three different party groupings in the European Parliament. Each party grouping is allowed to support or vote for the existence of only a certain number of intergroups, based on the size of that grouping. The largest party groupings can vote for up to 10 intergroups to exist, while the smallest party groupings can vote for about three.

In order for an intergroup to exist, it must get the votes from at least three different party groupings. There are only 27 intergroups, because the different parties co-ordinate their efforts on the intergroups that they believe should exist. They do so because of the constraints on meeting times and on membership, which limits—or brings down; there is no official limitation—the number of groups to the 27 that currently exist.

US caucuses are mostly found in the US House of Representatives—the larger chamber. There are 342 registered caucuses but, as far as we can tell, about 419 exist. A large number of them exist off the books. I should say that that is the same with intergroups. A fair few intergroups exist off the books and are not officially registered.

US caucuses are officially called congressional member organisations. For them to exist, all that needs to happen is for the members of Congress to submit a letter to the Committee on House Administration signifying that they want the caucus to exist, who the members are likely to be and who the officers are. That is basically it. A few pro forma forms must be filled out, and then the CMO exists. That is why there are about 342 of them for 435 members.

Once a CMO exists, its resources are tightly restricted. The house provides no resources to CMOs. Technically, the caucuses are not allowed to raise funds, use any official stationery or have websites. I say "technically" because, as tends to happen in the US Congress, they have found all the ways around the rules, so they have all sorts of external foundations that raise money for them. The amount of money that the external foundations raise is not tracked but it is huge.

Technically, the external foundations are supposed to be separate from the caucuses. However, there is one external foundation called the Congressional Black Caucus Foundation, so

obviously the foundations are tied to the caucuses. They support the efforts of the caucuses, administer them, encourage members to join them and raise money for them. The amount of money that they raise is unlimited.

Caucuses are designed to support members who are interested in different issues or topics and want information on them. They are designed to bring information into the chamber, which is a pattern that we find across all legislatures. The main purpose for all such institutions is to bring information into the chambers.

At Westminster, there are 444 approved and registered subject all-party groups. That does not include the country-level groups—basically, there is an all-party group for every country in the world as well. There is also an all-party group for many ethnic groups. In the previous parliamentary session, 602 MPs and 474 lords were members of the 444 all-party groups. There are 299 all-party groups, or 67 per cent, that receive externally provided administrative assistance, and 72 of them have had paid staff.

There are 63 all-party groups that raise funds from external sources. The situation is similar to that in the Scottish Parliament: if the groups bring in more than, I believe, £500, they have to report it. The funds that have been brought in range from £683 at the low end to £161,000, which one all-party group raised in the previous session. In the previous session, 34 all-party groups raised more than £10,000. In case you are curious, the all-party group that raised £161,000 is the health all-party group. Drugs companies that are external members pay about £7,000 each to be members of the group.

That is the shape of such groups in other legislatures. There is supposed to be a limit on how long I talk and I know that I have already used up my time. I will briefly say something about some of the other evidence that I have submitted.

14:45

On patterns of cross-party group membership in the Scottish Parliament, you will be well aware that the number of groups and the number of individual memberships have increased every session. That has been raised as an issue of concern every session.

I will give a broad overview of the patterns; we can come back to the specifics during questions. List members tend to join more cross-party groups than constituency members do. MSPs from smaller parties tend to be members of more cross-party groups than MSPs from the larger party groups. Interviews indicated over and over again that the smaller-party MSPs are trying to be good colleagues; cross-party groups need support from the smaller-party groups because of the rules by which they exist.

On average, female MSPs have tended to join a few more cross-party groups than men have done—I have no explanation for that. MSPs tend to join but not leave cross-party groups, so we find that more senior MSPs, who have served over three or more sessions, tend to be members of more cross-party groups than newer MSPs. I guess that cross-party groups are the "Hotel California" of the Scottish Parliament—members join but they never leave. MSPs from mandatory committees tend to join more cross-party groups than MSPs who are on subject committees.

I will highlight some of the information that is in the submission that I provided this morning. We conducted 26 interviews with MSPs. MSPs who could have been on a cross-party group—that is, MSPs who are not Government ministers—were contacted and asked to participate. A few more than 26 agreed to participate, but some interviews that we had planned were cancelled when we had the snowstorm that knocked out all travel between Glasgow and Edinburgh.

We asked MSPs why they join cross-party groups and what functions and roles they think that CPGs have in the Parliament. You will see from the tables that I submitted that the biggest reasons for joining cross-party groups are personal interest, constituency interest, being a good colleague and gathering information. In the tables, I pulled out some of the indicative quotations from the interviews.

The perceived benefits of cross-party groups mostly have to do with information gathering and building networks—the highlight is hearing from experts from external organisations. Some benefits are regarded as accruing to the Parliament rather than to individual MSPs; those benefits have to do with bringing together stakeholders from across an area and providing an arena for discussion.

On MSPs' participation, you will be well aware that one of the biggest problems is time constraints. MSPs said that attendance by MSPs is generally low. A concern that was raised is that MSPs not attending sends adverse signals to the external actors who do attend. Attendance tends to be highly dependent on the topic. If a sexy topic is coming up, members tend to attend more.

From what members told us, it is pretty clear that members sign up to more cross-party groups than they know that they can attend, partly to be good citizens.

I should leave it there. Sorry for taking up so much time.

The Convener: Thank you very much for that and for your submission, which contains lots of material. You and your colleagues have done a lot of work. I am not too bothered about the time, because when I was talking to you earlier I realised that you are from Texas. The last time that I was in Texas, the steaks were double the size of Scottish ones, so I presume that the minutes are double the size, too. It is quite all right that your 10 minutes became 20 minutes—it was fascinating.

I will open up the meeting to members to throw questions at you. Are you comfortable answering any questions on cross-party groups?

Dr Carman: Absolutely.

Paul Wheelhouse (South Scotland) (SNP): Thank you for your paper, Dr Carman. I was struck by the reference to the submissions from the members whom you interviewed that this committee needs to play a more active role in policing CPGs and perhaps in monitoring groups that do not submit reports or perform their parliamentary functions. Will you expand on that and say what role those members want the committee to play?

Dr Carman: I can speak about that from two different angles. One is about what members have told us and the other is about what I have observed in monitoring reports and the like. Members definitely have the sense that there are too many cross-party groups. That was voiced over and over again in the interviews. On the other hand, when we asked members what this committee should do about that, there was no consensus. If we asked whether the committee should say that certain cross-party groups cannot exist, we were told that that is not a good idea. If we asked whether the committee should force various groups to be combined, such as some of the health-related ones, we were told that that could be a problem because there is a real reason why a certain group needs to be separate.

The committee will not have an easy job. As I said, concern about the number of groups has been raised with the committee session after session. The reason why little can be done to crack down on the number is that that would involve the committee either taking hard choices on how to deal with the issue or figuring out other possible regulatory structures.

From considering the US Congress, one way that I do not suggest you should go is to say that we should not have cross-party groups or that cross-party groups cannot exist but people can figure out another way to go. As far as we can tell, in the US caucus system, after it was declared in 1994 that legislative service organisations—the previous iteration of caucuses—could not exist,

there was an explosion in their number and in the amount of money going into them. A lot of them started meeting informally and therefore could not be regulated.

The same applies to intergroups in the European Parliament. All sorts of intergroups exist informally and so are not regulated. I have been told by MSPs that there are the beginnings of informal cross-party groups, either because the membership requirements cannot be met or for other reasons. Groups have been meeting informally as quasi cross-party groups when a full one does not exist. You probably want to avoid that situation. It is probably better to bring in those groups than to figure out another way of regulating them.

I can say as an academic observer that the annual reports are problematic. As has been mentioned to the committee, many cross-party groups do not submit annual reports, or do not submit them regularly. The amount of information in the reports varies wildly from group to group. For example, the monetary value that is assigned to an hour of externally provided secretariat support varies wildly between groups, which makes my job harder in monitoring how they function. The number of MSPs who attend is not reported in the same way by all groups.

There are a variety of issues that probably should be considered within the context of the inquiry. In a way, I have said nothing helpful about how to do that, so I apologise for that.

Paul Wheelhouse: I appreciate that the topic is difficult.

Another issue that I picked up on is attendance, on which you repeated the point in your opening statement. I have attended a number of CPG meetings at which only two or three members have been present. From your observation of the papers, how common is that? Is it regular for very few MSPs—fewer than the minimum threshold of five that must sign up to a CPG—to attend a large number of CPG meetings? If so, what do we do about that?

I am a member of a cross-party group in which I am keen to take part but whose meetings always happen at the same time as the Scottish National Party group meeting. Whether that is deliberate or accidental, it is almost impossible to get a slip to get away to the CPG's meetings regularly. Do we need to ensure that meetings happen at different times rather than always at the same time, which prevents some members from taking part?

Dr Carman: The European Parliament established specific times at which intergroups could meet. That decreased the number of available time slots, which therefore decreased the number of groups that could exist, but it also

limited conflicts with other meetings across the institution. The general sense is that other meetings should not be scheduled when intergroup meetings are scheduled. That is not a formal requirement but an understanding.

Cross-party group conveners told us that they would hold inquorate meetings if they did not have the attendance of the required two MSPs, because they believe that cancelling a meeting sends a bad signal to the external people who have turned up, and because there is value in networking, communication and discussion among the external people, even if MSPs are not present. It is hard to say how often MSP conveners hold inquorate meetings. We can ask conveners whether they have done that, to which they will say, "Yes." If we ask how often, the answer is, "Well, we've done it a couple of times," so it is hard to put a number on that.

Similarly, it is hard to get the number of MSPs who attend meetings, because of the reporting requirements. Some cross-party groups provide a broad number for an entire session or year, whereas some give more specific breakdowns by meeting.

As I am sure members are all aware, another issue is that members dip in and out of meetings. Many cross-party group meetings tend to be held at the same time and members feel, "I should show up at that one—oh, but that one's also being held, and I promised somebody else I would make an appearance and show support for this issue." What counts as attendance? Does that mean a member showing their face in the room or sitting down and interacting with people? It is difficult to say exactly what counts as attending a meeting.

There is huge variation across the groups. Some groups are very large and have quite a few MSPs turning out for their meetings—for example, meetings of the cross-party group on sport regularly get quite a few MSPs. Margo MacDonald has been evangelical about that group and I have been told that she strongly encourages members to turn out.

Another group that tends to get a lot of members turning out—I have been told that not just by members of the group but by other members who say that they are strongly encouraged to go to meetings—is the cross-party group on epilepsy. As members will all be aware, that relates to an extent to the external support for the group, which has evangelical external members who regularly contact MSPs to say, "We would really like you there." On the other hand, some cross-party groups' meetings have far fewer regular attendees.

Attendance varies hugely and is not necessarily easy to predict from the issue topic or the issue domain—for example, health groups versus traditional Scottish issues versus music or cultural issues. It tends to be driven either by very strong evangelical—I will keep using that word—conveners or by external groups especially. The amount of influence that external groups have in cross-party groups certainly needs to be factored into the discussion.

15:00

Margaret McCulloch (Central Scotland) (Lab): Good afternoon. From what you say, it sounds as if we have to go right back to the very start and look at the standards and procedures that should be set down for groups and individuals who want to set up cross-party groups. Do you agree? It sounds as if things are very open ended and flexible and that people think, "We'll have a cross-party group," but do not think about the commitment that they will have to make to it. Do you agree that, if there were certain standards and procedures and a reporting structure, that could reduce the number of cross-party groups and MSPs' commitments? If MSPs or others are going to join a cross-party group, should they make a commitment to attend a certain number of its meetings each year? Perhaps the failure of people to do so or the failure to achieve the quorum over a certain number of meetings a year could mean that the group would cease to exist.

Dr Carman: That is a difficult question, and it is one of the main questions that the committee in its various configurations has dealt with. If you read the *Official Reports* of previous committee meetings, you will see that some of the discussion of that topic has been rather heated.

As members well know, the cross-party group system developed organically. There are benefits from having standards and procedures. As I have said, if you get rid of them, groups will exist outside of any control, which would obviously be a problem. You are going to make standards and procedures exist and make them clear. I am sure that the clerks are really happy to hear that there might be more things that must be monitored.

The membership requirements are highly problematic. Again, there is the issue of what constitutes attendance and what constitutes membership. If the groups are to maintain their cross-party nature, which is one of their great benefits, there must be a requirement for them to have members from different party groups. As long as the Scottish Parliament has some party groups that are comparatively very large and some that are comparatively very small, that will put pressure on members of the smaller party groups to sign up to cross-party groups. There is the great example of Robin Harper, who was a member of 29 cross-party groups in the previous

session. A large part of the reason why he was a member of 29 cross-party groups was that he thought that they dealt with valuable causes that needed support. He said that openly in a newspaper article, I think, rather than in an interview, so I am not disclosing anything that was said in private; indeed, I am not even sure whether he was even one of our interviewees. It could be perceived that, if members of smaller groups do not sign on to a cross-party group on a particular subject, they will be withholding a cross-party group from a group of people outside the Parliament who believe that it is an important issue that deserves support. How cross-party groups are regulated is therefore an issue.

One option is the way that the European Parliament has dealt with the issue, which is to require the party groups to vote on the intergroups. As I have said, the number of intergroups that a party group can support is based on the size of the party group and an intergroup needs the support of only three party groups—if three party groups vote for an intergroup, it exists. You could consider something similar here. What groups do the parties think are important? That shifts the focus to party issues, however, which gives rise to the problem whether the groups would be cross-party groups as they are now.

The issue that keeps coming up is how to limit the number of cross-party groups so that they can really work and perform their function, keeping their cross-party character while, at the same time, not putting undue burdens on MSPs. There are no easy answers to that. MSPs must be presented with all the different possibilities and asked which ones they want to take, even if it means holding their nose and doing it.

Margaret Burgess (Cunninghame South) (SNP): The paper and what you have said today have focused my mind on how difficult it is going to be to regulate or limit the groups. It will be a difficult job for any of us to decide which group will not exist. How are the intergroups or all-party groups in other legislatures required to report back to any committee or the institution?

Dr Carman: The intergroups must file an annual report, which provides information on the number of meetings, attendance and the resources that they have used—meeting rooms and those sorts of things. The fact that they can meet formally only during the Strasbourg sessions causes a lot of problems for the external people who might want to attend those meetings, because most of them are based in Brussels. It is not an inexpensive proposition to travel from Brussels to Strasbourg for one meeting of an intergroup. That causes problems for the intergroups bringing in external actors and getting their information into the

institution—part of the point of such groups is to get information, to learn from experts and so on. As a result, the intergroups have informal meetings in Brussels that are not supported by the European Parliament, which raises the issue of how those informal group meetings can be tracked.

The reporting requirements for US congressional member organisations almost do not exist. They have to declare that they exist, and that is about it. They are not allowed to raise money or receive donations, unlike cross-party groups, all-party groups and the like.

For all-party groups, the situation is similar to the situation here, although the Scottish Parliament's traditional openness and the amount of information that is available are of real benefit when looking at the cross-party group system. As you know, you can go on to the website to find out who all the group members are, internal and external. You cannot find that information for all-party groups. In order for an all-party group to be on the register, the names of 20 MPs or lords must be submitted in support of the group and they must come from across the parties, but that is about it for the open reporting requirements. We tried to get the lists of members, but they would not provide them. You simply cannot find out who the members of the all-party groups are. They are subject to reporting requirements about the amount of money that they bring in—as I have said, some of them do quite well in that respect—but that is about it as far as reporting is concerned.

Although I have suggested that the reporting requirements in the Scottish Parliament could be more stringent, there are not many other institutions that have more stringent requirements. It is not that the Scottish Parliament is not doing what everyone else is doing; effectively, it is doing that.

Helen Eadie (Cowdenbeath) (Lab): First, I must apologise for arriving after you began your opening remarks. It was owing to circumstances outwith my control.

I wonder whether you can comment on some of my own theories about cross-party groups. I am very lucky and privileged to have been an MSP since 1999 and, over the years, have been a member of a number of such groups. However, over the same period, the number of groups of which I have been a member has dwindled as I have realised that I cannot give the attention to cross-party groups that I had hoped to give.

In an ideal situation, it would be nice if conveners of cross-party groups were able to sit down at the beginning of the year and plan their diaries to ensure that other conveners could work in tandem and that there were no conflicts.

However, there are barriers in the Parliament to such an approach. For example, we are not allowed to book meeting dates far enough in advance to allow us to present to external agencies and MSPs any kind of logical or helpful schedule. What is your view on such barriers?

Secondly, you mentioned groups that cannot command full cross-party support. In my time as an MSP, there have been a number of Cinderella issues that have nevertheless provided a focus for attention; I can think, for example, of the issue of skin cancer and the regulation of sun beds, which was highlighted by Ken Macintosh and others. Although we were never able to get together a cross-party group on that, we still managed to help skin care campaigners in the community. I also remember that we could never get a cross-party group on Remploy, even though every parliamentarian in this Parliament supports the notion of helping disabled workers and those less fortunate than ourselves.

The danger is that, if we stop having cross-party groups that do not command big support, we will not be able to take forward issues that are important to these Cinderella groups or organisations. The incidence of skin cancer is now at epidemic proportions in the United Kingdom. You mentioned epilepsy, which is of growing importance and which commands support. However, we do not have the same widespread support for sheltered workshops for disabled people. While we are thinking about the structure, the rules and the standards that should apply to cross-party groups, we should remember that at the heart of all this are the people who want our help and to be able to access Parliament to ensure that we understand the issues that matter most to them. There are also structural issues to deal with.

Dr Carman: Absolutely.

With regard to barriers to scheduling, the immediate problem that I foresee in trying to plan out a more regular schedule at the beginning of the year is that you simply do not know what will happen during that year. In many of the interviews that we conducted, members would say that one of the advantages and benefits of cross-party groups is their ability to react quickly to issues. While committees are more lumbering beasts, cross-party groups can respond faster and be more agile. It seems to me that part of the immediate issue about scheduling meetings well in advance is that that makes it difficult to address issues that come up if a meeting has not been scheduled at an appropriate time.

15:15

The other immediate problem with having a meeting of the cross-party group conveners and planning diary dates and so on is that, to use a Texasism, people's eyes are bigger than their stomachs and they say that they want to have meetings on all kinds of issues before they realise, as time goes on, that the cross-party group is not going to support that sort of arrangement. Obviously, there are ways in which you could deal with that, but it would raise a variety of issues in terms of trying to schedule those meetings. Having defined meeting times, during which meetings can be held, might be one way to go.

The problem of not having cross-party groups on certain subjects affects those issues that do not receive wide, cross-party support. One of the first cross-party groups that people tried to form was one that was, basically, a Campaign for Nuclear Disarmament cross-party group. That was not allowed, because it could not get cross-party support. The solution was to reformulate it in a way that would allow there to be an open discussion about the wider issue. It may well be that, if some of the issues seem as if they are not getting the cross-party support, they need to be reframed in a way that enables them to attract that support. That said, there will be issues that it will be difficult to reframe in that way. That raises the issue about the membership requirements. If you tighten up the membership requirements, and that is what defines the issues on which cross-party groups can meet, that will mean that you will have fewer cross-party groups on some of the issues that might not get cross-party support.

The fundamental point is that there will be trade-offs. The number of cross-party groups and the range of issues that can be dealt have to be traded off against the membership requirements. Further, that must be traded off against the influence on the system of the external actors. A large reason for the existence of up to about a third of the cross-party groups is that they were promoted by external groups. That brings in another consideration. There are various trade-offs that come into a consideration of these issues.

Helen Eadie: The cross-party group on cancer meets on the same night as the heart disease and stroke cross-party group, which means that members have to choose between the groups, as they cannot possibly go to both meetings. That is why I suggested that there should be some kind of schedule, so that we could try to minimise the conflicts. I hear what you say about the ability to act quickly, but having regular meetings builds people's trust and confidence in the groups.

I ask you to take those points on board, as they concern something that we often forget. In any parliamentary session, there can be anything up to

70 cross-party groups, which causes problems. If we were to say that a specific number of MSPs must turn up, I reckon that less than a quarter of the MSPs would be able to go to any given meeting of a cross-party group. If the truth be told, everyone around this table could put their hands on their hearts and say that they simply do not have the MSPs turning up at meetings. However, that does not mean that they are not interested; it means that they have commitments that they cannot avoid, such as meetings of other cross-party groups or their party's group meeting.

Dr Carman: That is true. The window during which cross-party groups can meet is just as narrow here as it is in the European Parliament, if not narrower.

Helen Eadie: We have 39 weeks here.

Dr Carman: Right. The time slot is very small, which creates the problem. If the cross-party group does not provide sandwiches, members may have to go without lunch to attend it. To an extent, that creates competition among cross-party groups that is not necessarily positive. The slots or windows cause issues for MSPs in terms of which cross-party group they can go to, but they also cause competition for members among cross-party groups.

Bob Doris (Glasgow) (SNP): Given the nature of this evidence session, I will make a couple of observations. It would be good to get your opinion on them, because you spoke to a lot of MSPs in your research.

I chair the cross-party group on racial equality in Scotland. I formed the group in the previous session because people from a black minority ethnic community said to me that they could not believe that, among the various cross-party groups, there was not one on racial equality as that was an obvious issue for there to be a group on. However, the group has fairly low attendance from MSPs despite the fact that every MSP would say that the issue of racial equality is important.

We have a large non-MSP stakeholder membership, and one of the things that I struggle with is managing the expectations of non-MSP members. You made an interesting comment earlier when you said that cross-party groups can be more flexible and act more quickly than parliamentary committees. In my experience of a number of cross-party groups, non-MSP members can confuse the cross-party group system with the Scottish parliamentary committee system, given that the groups meet in rooms such as this one.

Is managing expectations a theme that you identified in your research? Did you find patterns of MSPs managing expectations in a positive way and getting through business? For example, in the racial equality cross-party group I ask whether

members want more information. On one occasion, they said that they wanted to know the breakdown of minority ethnic participants in modern apprenticeships in Scotland. I said that there was no reason why the secretariat could not write to Skills Development Scotland to get more information. I was conscious that we could not write giving our opinion of the situation because it is not for us to form such an opinion, but I knew that we could write to solicit more information. That has kept the members involved, despite the pretty low MSP turnout.

Has that been a theme that you have encountered in your research? Can you suggest any solutions in terms of guidance that we could provide?

Dr Carman: The problem of low attendance by MSPs is definitely a concern of conveners and members of cross-party groups generally. The question is what signals that sends to external organisations or individuals who devote a fair bit of their time to travelling through to Edinburgh to come to meetings. If I travel through, even from Glasgow, for a cross-party group meeting and it turns out that there are only one or two MSPs in the room, I might think, "Don't they think this is important? Why aren't they here?" Managing expectations is a real issue.

One of the things that conveners will try to do is ensure that the non-MSP members realise that many different things are going on at the same time as the cross-party group meeting. I have been told that, in the case of the intergroups, it is passively displayed how many other meetings are happening at a similar time. If you did that here, non-MSP members could walk into the concrete tube downstairs—the public reception area—and see a rolling screen showing the number of meetings. That would be a passive way of showing that a lot is going on. It probably would not do all that much, but at least it would be a signal that other things are happening.

You could also have an information sheet for external people who want to be involved in cross-party groups that addresses the issue of expectations. You could ensure that external actors know what the purpose of cross-party groups is, because that is not at all clear. When I am at cocktail parties and somebody asks, "What do you do?" I try not to bore them, so I say, "I have been looking at cross-party groups." They sometimes say, "Oh, I am on one of those." They then tell me about the cross-party group and everything that they tell me is wrong based on what I know about the way that cross-party groups are supposed to work. Plenty of members do not understand what the cross-party groups are supposed to do.

It is perhaps the expectations game; it is about managing the expectations of the external actors and ensuring that they realise that, when members do not turn up at the meeting, it is not that the issue is not interesting but that they have to do all these other things. That is one of the issues that are raised over and over again as being a concern.

John Lamont (Ettrick, Roxburgh and Berwickshire) (Con): I have a question and an observation.

My first question relates to the fact that, as you told us during your opening remarks, the Westminster all-party group on health raised £161,000. What on earth does it spend that money on?

Dr Carman: I do not know. The all-party groups do not have to report what they spend their money on.

John Lamont: Okay. That says it all.

The Convener: Could it be £100,000 to the convener? [*Laughter.*]

Dr Carman: I imagine that they have very nice parties.

It is not just the health all-party group. The all-party group on greyhounds regularly holds its meetings at race tracks. The all-party group on wine also supposedly has very nice meetings.

The most popular caucus in the US Congress is the wine caucus, which tends to be run by members from California, as you can imagine. That is a very popular caucus meeting. Benefits accrue from membership of some groups.

John Lamont: My second point is on low attendance among MSPs. I am sure that I speak for all colleagues when I say that my diary gets booked up quite far in advance. I am persuaded by the idea of having a certain block of time each week when we know that there will be cross-party group meetings. That would allow us to manage our diaries more effectively.

My constituency is close enough to allow me to travel to events in my constituency in the evening. Equally, that means that my constituents can get into the Parliament more easily. I find that I spend my time in the evenings and at lunch time speaking to school groups or undertaking other engagements with constituents who have taken the time to come into the Parliament.

Helen Eadie and Dave Thompson might have more experience to draw on than I do, so they might be able to comment. Over the five years for which I have been a member of Parliament, the number of MSPs who arrive on a Tuesday morning, stay for two nights and leave on a Thursday has declined. Fewer MSPs are going to

cross-party groups and to events and receptions in the Parliament. There is less engagement outwith the official parliamentary time. That is a bigger issue, which the Parliament must try to address. That is my observation on why MSPs are perhaps not as engaged with some of the events as they were in the past.

Dr Carman: I will make a completely off-the-track observation. The historical analogy that springs to mind is that, when the US Congress introduced air-conditioning in many of the public buildings, the number of members who interacted with each other went down, because they could go back to where it was comfortable in the public buildings. It also used to be the case that all the Democrats lived in one hotel and all the Republicans lived in another hotel. When they all started travelling home to their constituencies, the amount of interaction went down dramatically. That is a similar sort of thing.

A statistically significant predictor of the number of cross-party groups that members join is the region that they represent. Central belt MSPs tend to join slightly more cross-party groups than do members from, say, the west of Scotland. There is probably something to the idea that being close by allows a member to attend. Someone who does not have to spend a couple of hours on the train going home can spend that time attending a cross-party group.

15:30

As you were speaking, something popped into my head. Just as committees are being encouraged to meet around Scotland—at least, they were encouraged to do so in previous sessions—so could cross-party groups follow that model. As long as expectations are managed, there is not necessarily a reason why cross-party groups cannot do that. What if cross-party groups met in Stirling, Aberdeen or wherever? Thought might have to be given to issues such as the rules on MSPs' attendance at meetings, but it might be possible for cross-party groups to foster external networks among actors outwith the Parliament.

There is an issue to do with the window in which meetings can be held, which is declining, as you said. The time slots in which meetings can be held are quite small.

Paul Wheelhouse: On page 2 of your paper you say, quite correctly:

"According to the Scottish Parliament's Standards Committee, which regulates the cross-party groups, CPGs 'should be formed for two general purposes. These are: [1] to enable Members of the Scottish Parliament to establish a mechanism for briefing themselves on a subject of genuine public interest; and [2] to bring together Members of the Scottish Parliament from across parties and external

organizations/members of the public who share an interest in advancing a particular subject or cause'".

I am most interested in the first purpose—you will know where I am going on that. It is difficult for me to comment, but I think that some CPGs that have been around for a while are not necessarily fulfilling that purpose. When you look at the list of CPGs and their remits, do any stick out that you think do not fulfil the criteria? Let me bat that at you.

Dr Carman: I will use another Texasism: I do not have a dog in that fight. I am not inclined to offer a view on which CPGs are great ideas and which are not. Paul Wheelhouse has raised an issue that the committee has wrestled with; when is an issue really one of large public concern? Very few cross-party group applications have been denied based on that. Usually the question has been whether a proposed group can get support from across the parties; that is generally regarded as being the hurdle that has to be crossed. To an extent, that makes sense, because committee members are not inclined to pass judgment on whether a public issue is valuable or less valuable. It is a case of one person's treasure being another person's trash; different people have different ideas about what is important. I would be hard pressed to come up with a rule that you could put in place that would distinguish major issues from issues that are not major.

Many issues are cyclical: at one point in time, issue X is big and important, but at another point it seems to be less important. In an interview that we conducted in the US Congress, we considered a caucus on endangered species. The caucus had shrivelled over time because the issue was regarded as being less important and people had become less and less concerned about endangered species, for whatever reason. Then, the Gulf of Mexico oil disaster hit. Suddenly the impact of a huge oil spill on endangered species in the gulf became a major issue and, because it could move quickly and knew the experts, the caucus on endangered species became the vehicle in Congress for examining the matter. It brought in the experts and held a very large briefing for members of Congress.

The problem, of course, is the issue-attention cycle. At different points in time, issues are either really important or not so important—things come up and things go around. To take the view that an issue was important in the last session but need not be worried about in this session does not work terribly well.

I realise that that was another question that I did not answer.

Paul Wheelhouse: I am not prepared to name CPGs, either, so I can understand why you did not.

Margaret McCulloch: On page 7 of your report, you say that, in 2001,

"MSP Tricia Marwick expressed ... concern"

about the number of cross-party groups. At the time, there were 36. I do not know what we are up to now: is it 60-something or 70-something?

The Convener: There are 77 cross-party groups.

Margaret McCulloch: Bearing in mind the amount of resources that are needed to cope with the groups—by which I mean actual MSPs and physical resources such as accommodation and so on—I wonder whether it would be feasible to limit the number of cross-party groups per session. At the end of the four or five years, the Standards, Procedures and Public Appointments Committee could look at the existing cross-party groups, the effectiveness of their operation, the number of MSPs who attended, their end-of-year reports and their achievements over that period and decide whether groups should remain in existence or make way for new ones coming on board.

Dr Carman: On the surface, one can see how that might be an option to think about. As you were speaking, I jotted down a number of issues that I can see arising from such a move. For a start, you would have to find the magic number of groups; after that, you would have to deal with certain spill-over issues such as reporting, which we have already discussed. If you were seeking to weigh different groups against each other, you would have to become militant in putting in place very specific reporting requirements. You would also need a fair bit of information, which would not only have to be dealt with by members but would have to be collected, processed and so on by committee staff.

You would also have the problem of keeping records. As it stands, all the previous session's records have been deleted; indeed, I think that I have one of the only existing data sets about cross-party groups in the second and third sessions. The fact that those records do not exist is an issue; no matter what the decision whether to retain a group might be, the records should be kept, if only for historical reasons. You would also have to ensure that reporting requirements were consistently applied.

What about outside support? Some groups are supported, if not by well-endowed external organisations or organisations with deep pockets then by organisations that have the organisational capacity to ensure that the groups are kept on the radar screen.

However, there are plenty of issues that should be addressed that do not have such organisations behind them. If the oil and natural gas companies provide the buffet lunches to which members of the cross-party group on oil and gas can come, we could easily come up with a situation in which that group has a natural advantage over some of the cross-party groups that do not have such external support but are seen by members as being about worthwhile issues. I have been to a couple of those lunches and they are kind of nice. Do committee members want to have to weigh how much value is put on external support versus internal support?

The achievements of cross-party groups have been mentioned. One of the questions that we asked in our interviews was this: What can cross-party groups do and what have they achieved? Some members told us how a certain cross-party group ended up initiating a certain piece of legislation and had a major impact on a certain issue. Other cross-party groups told us that they had fostered an external community of groups that previously did not get along but which now have meetings and communicate among themselves. How do we weigh the value of those different achievements?

Although, on the surface, I can see why the committee might want to put a cap on the number of cross-party groups and have conveners bid for approval at the beginning of a new parliamentary session, there are all sorts of potential pitfalls that would be hard to wrestle with by going down the route of a cap and then an evaluation. For instance, it would create a difficulty with new issues that might arise. How would we deal with an issue arising that did not exist previously but for which a cross-party group would be a good idea?

Margaret McCulloch: Yes, but unless we do something, there will be cross-party groups that exist in name only, are not effective and are taking up the numbers. Do we not need a system, procedures, criteria and monitoring to make the groups more effective and productive?

Dr Carman: There are methods of monitoring, but they would require that more regularised reporting requirements be enforced on cross-party groups. Simply requiring cross-party groups to submit annual reports is a measure that could be considered in dealing with them because some simply do not submit those reports.

My natural inclination is to come down in favour of something that is more along the lines of the European Parliament's approach, which is to put in place constraints and let the system work out how it develops. If you put constraints around the system and let, say, the party groups vote, that would take from this committee the pressure of deciding what issues are and are not valuable and

would, I suppose, leave that decision to a more democratic approach.

Helen Eadie: Convener, if I may just—

The Convener: We will need to round the discussion off fairly soon, but carry on, Helen.

Helen Eadie: The danger of that proposal is that an evangelical member might break away from the party group. Lots of members might break away from cross-party groups because some of them are simply so passionate about certain issues; I am thinking of Margo MacDonald. She is already an independent, but there are others like her in the Parliament, so I would not dismiss that as a possibility.

15:45

Dr Carman: Yes. There is also the problem of what to do about informal groups that meet outwith the system. If you develop a way to cut down the number of groups, you may end up just cutting down the number of groups that you can regulate. Other groups may go ahead and find a way to exist, but your regulations would not control what they do so you could end up with unintended problems that were even worse.

The Convener: Thank you for your presentation and for your answers to the questions, Dr Carman. You have certainly given us plenty of food for thought. My vice-convener has an informal group of her own.

Helen Eadie: I have had two: one was on the skin care campaign and the other was on Remploy. No one would join the groups, but that did not diminish the importance of their work. We got legislation through on skin cancer beds—or, rather, sun beds.

The Convener: Such groups already exist, but I understood from Dr Carman's answers that there is a danger that we could end up with an explosion of totally unregulated informal groups—as there has been with caucuses—which could lead to problems.

It strikes me that the number of MSPs or MPs may act as a restricting factor. Dr Carman said that around three quarters of the total number of UK MPs are involved in all-party groups, which is roughly the same ratio that we have in the Scottish Parliament. I think that it was the same for MEPs before the new restrictions came in, so perhaps there is a natural constraint. MSPs and MPs will eventually say, "I can't be on any more groups". If anyone tries to form a group above a certain number of groups, MSPs will not be willing to get involved.

We will consider all those things over the next few months as we continue the inquiry.

15:47
   Meeting continued in private until 16:32.

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