



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE

Thursday 10 October 2013



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**STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE**  
**13<sup>th</sup> Meeting 2013, Session 4**

**CONVENER**

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

**DEPUTY CONVENER**

Helen Eadie (Cowdenbeath) (Lab)

**COMMITTEE MEMBERS**

\*George Adam (Paisley) (SNP)

Cameron Buchanan (Lothian) (Con)

Richard Lyle (Central Scotland) (SNP)

\*Margaret McDougall (West Scotland) (Lab)

\*Fiona McLeod (Strathkelvin and Bearsden) (SNP) (Temporary Convener)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Jackson Carlaw (West Scotland) (Con) (Committee Substitute)

Samantha Currie (Clerk)

Colin Keir (Edinburgh Western) (SNP) (Committee Substitute)

Neil Stewart (Clerk)

**CLERK TO THE COMMITTEE**

Gillian Baxendine

Alison Walker

**LOCATION**

Committee Room 6



## Scottish Parliament

### Standards, Procedures and Public Appointments Committee

*Thursday 10 October 2013*

[Fiona McLeod opened the meeting at 09:31]

#### Temporary Convener

**Fiona McLeod (Strathkelvin and Bearsden) (SNP):** Good morning and welcome to the 13th meeting in 2013 of the Standards, Procedures and Public Appointments Committee. I remind members to turn off their mobile phones. I have received apologies from Dave Thompson, Helen Eadie, Richard Lyle and Cameron Buchanan.

As neither the convener nor the deputy convener is present today, I am chairing this part of the meeting as the longest serving member of the committee. Under rule 12.1, the standing orders require that the committee must choose a temporary convener for the meeting. Therefore, I seek a nomination for someone to chair the meeting.

**Margaret McDougall (West Scotland) (Lab):** I am happy to nominate you, Fiona.

**Fiona McLeod:** Thank you very much. Is the committee agreed that I, Fiona McLeod, be appointed as temporary convener for today's meeting?

**Members** *indicated agreement.*

## Interests

09:31

**The Temporary Convener (Fiona McLeod):** Agenda item 1 is to enable Jackson Carlaw MSP, who is here as substitute for Cameron Buchanan, to declare any relevant interests.

**Jackson Carlaw (West Scotland) (Con) (Committee Substitute):** Would that I had any interests to declare, convener, but I simply refer members to the declaration that I have already made.

**The Temporary Convener:** Thank you very much. I welcome Jackson Carlaw to the meeting.

## Decision on Taking Business in Private

09:33

**The Temporary Convener:** Item 2 is a decision on whether to take in private item 6, which is on the provision of services to cross-party groups. Is the committee content that we take that item in private?

**Members** *indicated agreement.*

## Cross-party Group

09:33

**The Temporary Convener:** Item 3 is for the committee to take evidence from George Adam MSP on the proposed cross-party group on multiple sclerosis. I welcome George Adam to the committee and ask him to tell us a bit more about his proposed cross-party group on MS.

**George Adam (Paisley) (SNP):** Following a very successful MS awareness week event in the Parliament earlier this year, the Multiple Sclerosis Society Scotland wants to connect with the Parliament to inform everyone about the 10,500 people in Scotland who suffer—although those with the condition do not like to use that word—from MS. As my wife has MS, I know that there is nothing worse than seeing someone whom you love having the condition, and it is quite difficult. So, yes, I am emotionally compromised when it comes to this issue.

Along with the MS Society, I am keen to build on the work that the society did in the report that it published for MS awareness week, which in effect said that many things need to be done for people in Scotland and throughout the United Kingdom who have MS. The idea is to work within the system by working with MSPs, the Government and others to look at how we can fix things.

From 1999 until now, the MS Society had not been keen to have a cross-party group on MS—I do not know why, as I always thought that having a CPG was probably the best way forward—but, following quite a change in staff, the society is now keen to be involved. The cross-party group is about ensuring that efforts are directed towards making things better for people who are diagnosed with multiple sclerosis.

**The Temporary Convener:** Thank you for that comprehensive introduction. We all appreciate your personal involvement in the issue. I now invite questions from members to George Adam about his application.

**Jackson Carlaw:** Good morning. Wearing my other hat of health spokesman, I am conscious that the Parliament has a proliferation of cross-party groups on almost each and any condition that potentially exists. I have a lot of sympathy for, and indeed may support, your application, but can you tell me whether the interests of MS sufferers—or those who want to promote a better understanding of the condition—might be represented through the current cross-party group structure? Is there a cross-party group with which such people might have a natural affiliation? If not, what do you hope that a separate cross-party group on MS will achieve?

**George Adam:** I understand and appreciate the question because, having previously been a member of the committee, I am aware that there are quite a few health-related cross-party groups. However, multiple sclerosis is not only difficult for those individuals who have the condition but individual to each of those individuals. So many different things are involved, because everyone who has multiple sclerosis has different issues, that it would be quite difficult for someone with MS to be a lone voice in another health-related cross-party group.

I am passionate about taking up the work that the MS Society outlined in its report to the Parliament earlier this year. Since becoming an MSP, I have led an MS awareness week debate every single year, but I do not want to be saying the same old things and making the same complaints time after time. I would like to use that debate in future—if the whips and the Parliamentary Bureau allow me to have it—to talk about the state of multiple sclerosis and how we have moved things forward. I think that having a CPG is critical to ensuring that we achieve that.

As convener of the future CPG, I have discussed with my MSP colleagues on the group the need to ensure that we focus on an agenda that achieves something each year. Yes, we might just be chipping away to make things slightly better, as we cannot wave a magic wand that will change things overnight. The group is about working constructively in a focused way to ensure that we achieve an outcome at the end of each year, and I will ensure that we have an agenda that focuses on how we can make things different. The fact that we have a couple of MSP members who have family members with multiple sclerosis will help to ensure that we are focused on getting the best outcome that we possibly can.

**Jackson Carlaw:** Having listened to that response, I think that the group might be also be distinguished by your personal passion and commitment to it. I know that some MSPs have agreed to host or facilitate a cross-party group on behalf of others who have an interest in a subject, but I think that you are driven with a personal determination to see progress through the group. That may also be a unique aspect of the group that you are proposing.

**George Adam:** Also, my wife, Stacey, is a very strong-willed individual.

**The Temporary Convener:** Are there any other questions for George Adam?

**Margaret McDougall:** Good morning. On the financial benefits, I note—officers can correct me if I do not have this right—that there is a limit of £500 for CPGs. The application says that the proposed CPG on MS will have benefits of £1,000

to £1,500 per year. Is that within the limits of a cross-party group?

**The Temporary Convener:** In the financial benefits section of the application, we ask that benefits of more than £500 per annum should be declared.

**Jackson Carlaw:** If those benefits are from a single source.

**The Temporary Convener:** Yes. The application form asks for details of any benefit

“which has a value, either singly or cumulatively, of more than £500.”

**George Adam:** Let me explain the costs, as I am aware that this question usually comes up.

The idea is that the MS Society will provide the secretariat. The society is serious about ensuring that it can do that, so it has taken into account the cost of the members of staff who will work for the CPG over that period. I told the society that we need a realistic figure because, having been a member of the committee, I know that the CPG needs to provide something of value. The society took that very seriously when it produced the figures.

**The Temporary Convener:** If there are no other questions from members, I thank George Adam both for his passionate evidence and for the very complete application form that he has submitted. It is important for us to be able to make our decisions based on that information.

Under item 4, the committee will discuss the evidence that we have heard from George Adam on the proposed cross-party group on MS. George Adam may remain with us while we discuss the application or, if he wishes, he may leave us—I think that he has chosen to leave.

I invite comments from members on the application for a cross-party group on MS.

**Colin Keir (Edinburgh Western) (SNP) (Committee Substitute):** What comes through is not just the completeness of the application form, which provides all the information that is asked for, but the very clear commitment on the part of many of the MSPs who really want this CPG to work. On that basis, I am quite happy to support the application.

**The Temporary Convener:** If there are no other comments, do members agree to accord recognition to the proposed cross-party group on MS?

**Members indicated agreement.**

## Cross-party Groups (Guidance)

09:41

**The Temporary Convener:** Item 5 is for the committee to agree guidance for cross-party groups on the completion of annual return forms. I invite comments from members on paper 2, which has been circulated.

I have my own comments, but I will keep mine until the end. Would it be helpful to go through the guidance page by page?

**Margaret McDougall:** Is this a new form?

**The Temporary Convener:** The guidance is on the completion of the annual return form. This is the second year in which we have required cross-party groups to submit an annual return form. Over the past couple of years, as part of the committee's work we have tried to be much more formal about cross-party groups. To ensure that everyone understands the form, we want to provide guidance on some of the areas where we were not receiving consistent information.

Let us go through the guidance page by page. Do members have any comments on page 1?

On page 2, halfway down annex A, the paragraph in bold type contains a typo. The wording currently says:

"The following three sections of the form should contain information on what has happened since the previous annual return form was submitted of the Group:".

That should say "by the Group" rather than "of the Group".

Do members have any comments on page 3?

On page 4, I have a comment on the second paragraph, which currently refers to

"how much time they spend working for the Group and the hourly rate they are normally paid."

I think that we should consider changing "are normally paid" to "would normally charge". When Richard Baker gave evidence on the cross-party group on France, he suggested that the proposed wording would reveal people's salaries, which is not the purpose. Therefore, I suggest that wording such as "would normally charge" might work better. Do committee members agree?

**Colin Keir:** That seems sensible. However, as convener of the CPG on aviation, I know that Edinburgh Airport Ltd's people provide the secretariat for that group in addition to the help that is provided by my staff. I cannot imagine a company such as Edinburgh Airport charging for that.

**The Temporary Convener:** Can we perhaps find a better form of words? The sentence currently begins:

"The individual who does the secretariat work on behalf of that organisation should estimate how much this time would cost based on how much time they spend working for the Group".

**Margaret McDougall:** Could we just finish the paragraph there?

**The Temporary Convener:** Yes, we could just leave it to the CPG to decide whether the secretariat's work should be calculated at an hourly rate or on the basis of a charge that might be made. Does that make sense? Does that help Colin Keir?

**Colin Keir:** I will tell you when I have looked through it.

09:45

**The Temporary Convener:** On page 5, annex A gives an example of a completed form. Do members have any comments on that? I think that the annex will be included in the guidance.

Do members have any comments on page 6?

On page 7, I have a comment about the "Deputy Convener" box, which currently says both "MSP" and "Individual". I worry that including "MSP" in the example might imply that a cross-party group needs an MSP as a deputy convener. Does that make sense?

**Samantha Currie (Clerk):** Each cross-party group needs two MSP office bearers. We wanted to show people that two MSP office bearers are required.

**The Temporary Convener:** We should perhaps leave that as it stands. I am being too picky, so ignore me.

**Margaret McDougall:** Convener, in the financial benefits box at the bottom of page 7, the example that is currently given is:

"AN Individual provided secretariat support on behalf of A N Organisation. This is estimated at 20 hours per year at a cost of £10 per hour."

Should we perhaps change that wording as well?

**The Temporary Convener:** Yes, given the previous change that we have made to page 4, we should perhaps change that to "A N Individual provided secretariat support on behalf of A N Organisation, which they calculated at". Would that work? That follows from the change that we made on page 4.

**Jackson Carlaw:** Convener, I am slightly lost. Regarding your initial observation about page 7, I agreed with your point because of the wording of the paragraph on group office bearers at the



bottom of page 3. The presumption arising from that paragraph is not that the deputy convener need be an MSP. The second MSP office bearer could be the secretary or the treasurer instead.

**The Temporary Convener:** In the example form on page 7, could we write “MSP/Individual” in each of those boxes?

**Neil Stewart (Clerk):** Yes, that would cover it.

**The Temporary Convener:** So we could put “MSP/Individual” next to “Deputy Convener” and “Secretary”.

**Jackson Carlaw:** Yes, I think that that would meet the point that you made.

**The Temporary Convener:** Okay.

Do members have any comments on page 8?

With those changes having been made, do members agree the draft guidance, which we can then publish?

**Jackson Carlaw:** I am minded to agree the guidance, but I am interested to discuss whether we should publish it.

**The Temporary Convener:** I was just coming to that. The next question that I was going to ask is whether members agree that the draft guidance should be published in volume 3 of the code of conduct. The guidance would be included not in standing orders but in the guidance on the code of conduct.

**Colin Keir:** Sorry, I have a question first about page 8, which says:

“Each member will be charged £5 per year to cover the costs of catering for each meeting”.

At this point in time, the cost of catering—basically, some coffee at every meeting—for the CPG on aviation is covered by the airports. Will the guidance say that each member should be charged something?

**The Temporary Convener:** No, this is just an example of how to fill in the form. For the CPG on aviation, that issue would be covered in the financial benefits section.

**Colin Keir:** Sorry—I had completely forgotten that you were putting this out as an example. I apologise.

**The Temporary Convener:** Yes, this is just an example. However, you are right that we must get the example right in order for the guidance to be followed.

Do we agree that the draft guidance should be published in volume 3 of the code of conduct?

**Jackson Carlaw:** Is there existing guidance that this amends?

**The Temporary Convener:** I will check. I do not think that there is. No, there is not—that is why we are producing this draft guidance.

**Jackson Carlaw:** What alternatives are there to publishing it? Would it be in order for the draft guidance to be made available to every group convener? I say that because I have been involved in a couple of CPGs in which there has been a degree of mischief when people have sought to create difficulties within the group arising from interpretations of guidance. I am intrigued to know whether the option is open to us for the draft guidance to be made available to the conveners so that they will understand the responsibilities attaching to the group as opposed to its being made available more widely, which has the potential to create difficulties that need not arise.

**The Temporary Convener:** It is up to the committee to decide whether we publish the draft guidance. However, whether or not we publish it, it is our intention to send it to every convener and to the secretariat of every cross-party group so that it gets directly to the people who need it.

**Colin Keir:** I tend to agree with Jackson Carlaw. The draft guidance is just a set of suggestions as to what best practice would be, so is publication in the standards really the right thing for them? I can see where Jackson Carlaw is coming from. If the form is to be filled in by the secretariat, the secretariat can surely clear it with the officers before submitting it.

**The Temporary Convener:** I must correct you on one thing. The guidance will be published in the code of conduct, not in the standards. That is slightly less formal.

**Colin Keir:** I appreciate that. I would not jump up and down whether we include it or not. I am just suggesting that it does not need to be there.

**Jackson Carlaw:** I suggest that we implement the guidance for a 12-month period and then write to the conveners of the cross-party groups to establish whether they have found it helpful and to ask whether they would have any objection to its being incorporated into the code of conduct at that stage. It may need to be amended, and rather than publish it we may want it to be considered advice that we are giving conveners in the first instance that is to be reconsidered after 12 months, when they can tell us whether they have found it helpful. If so, and if they see no difficulties arising from it, it can then be published in the code of conduct at that point.

**The Temporary Convener:** Are there any thoughts on Jackson Carlaw’s suggestion?

**Margaret McDougall:** Do we not already have to complete a form for cross-party groups?

**The Temporary Convener:** This is the form. What we are talking about is the guidance on how to complete the form. We were not getting consistency in the completion of the annual report.

**Margaret McDougall:** I do not have a problem with going for a one-year trial period.

**George Adam:** I am quite happy with that as well.

**The Temporary Convener:** That seems to be a useful compromise—"compromise" is the wrong word. This is about ensuring consistency from the people completing the form so that, when the public look at the form, they can read across all the different cross-party groups.

It seems sensible for us to follow Jackson Carlaw's suggestion that we pilot the draft guidance. We are agreed that we will not publish the draft guidance in volume 3 of the code of conduct but that we will send it to the conveners and secretariats of the cross-party groups, and the committee's clerks will be part of the pilot when, next year, they monitor how consistently we got the information back.

09:54

*Meeting continued in private until 11:07.*

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