



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE

Thursday 12 March 2015

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STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE
5th Meeting 2015, Session 4

CONVENER

*Stewart Stevenson (Banffshire and Buchan Coast) (SNP)

DEPUTY CONVENER

*Margaret McDougall (West Scotland) (Lab)

COMMITTEE MEMBERS

*George Adam (Paisley) (SNP)

*Cameron Buchanan (Lothian) (Con)

*Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab)

*Gil Paterson (Clydebank and Milngavie) (SNP)

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

*attended

CLERK TO THE COMMITTEE

Gillian Baxendine

Alison Walker

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Standards, Procedures and Public Appointments Committee

Thursday 12 March 2015

[The Convener opened the meeting at 09:30]

Decision on Taking Business in Private

The Convener (Stewart Stevenson): Good morning, ladies and gentlemen, and welcome to the fifth meeting in 2015 of the Standards, Procedures and Public Appointments Committee. I remind everyone to switch off mobile phones because they affect the broadcasting system.

Agenda item 1 is a decision on taking business in private. Do members agree to take in private item 2, which is on correspondence that has been sent to the Presiding Officer by Jim Murphy MP?

Cameron Buchanan (Lothian) (Con): No. Could we take the item in public? I do not see why it should be taken in private. Could you comment on that, convener?

The Convener: I will explain. I thought that, at this meeting, we might discuss the correspondence in private. I am in your hands—I am quite happy to take the item in public if members wish it. That will be fine.

Cameron Buchanan: I would like us to take it in public, because I do not see why it should be taken in private.

The Convener: That is absolutely okay. We will take item 2 in public, in that case. Let us not worry about it.

Correspondence

09:31

The Convener: Item 2 is to consider correspondence that has been received by the Presiding Officer from Jim Murphy MSP.

Cameron Buchanan: MP.

The Convener: I beg your pardon. That is perfectly correct. It is Jim Murphy MP.

We also have a copy of the letter that the Presiding Officer has sent to Jim Murphy in response, in which she says in the last paragraph that she will pass the letter to the committee for us to consider. Does anyone wish to comment?

Dave Thompson (Skye, Lochaber and Badenoch) (SNP): As everyone here knows, we have in the Scottish Parliament a very good and very tight system that deals with the sort of issues that Jim Murphy raises. I presume that the matter has been raised on the back of situations involving members of the UK Parliament who have been found to be doing things that they possibly should not have been doing.

Mr Murphy wants us to tighten things up, but the committee is already looking at the matter in other ways, and that work has been going on for some time. We can obviously take his comments into account, but I would be slightly concerned if people thought that we were reacting to the correspondence and that there were things going on here that were of the same nature as those that have been happening elsewhere. We have a system here that is very open and transparent. I am pretty confident in the current system, to be honest.

In addition, through the lobbying bill and all the rest of it that is currently going through Parliament, we are tightening up. We have a history of looking regularly at ourselves and our systems, and improving things as we go along.

Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab): The interesting thing about Dave Thompson's comments is that, when we discussed the introduction of a code of conduct and a register for lobbyists, one of the reasons why we were minded to do so was that we wanted to ensure—although we recognised that there had in this Parliament been no incidents of which we were aware—that we were doing everything in our power to put in place a mechanism, as we discussed in private, that would prevent such incidents where possible, and which would, if an incident did happen, allow us to react. We would therefore not be in the position where we would change the system simply in reaction to an incident.

What Jim Murphy is suggesting is very similar to that; he is asking that we consider paid directorships and consultancies. I accept what my colleague Dave Thompson said about the fact that we are not aware of there having been any incidents in this Parliament, but we should once again err on the side of caution and seriously consider how we would give power to the proposal.

Margaret McDougall (West Scotland) (Lab): I agree with what has been said. Jim Murphy mentions in his letter that he

“is ... proud ... of a Scottish Parliament which is above reproach”.

However, he is asking us if we will consider looking at the rules again.

The Presiding Officer, Tricia Marwick, states in her response that

“a very limited number of MSPs ... hold a second paid role”, and that, although that does not include any consultancy work, some MSPs have directorships, which are permissible.

As Patricia Ferguson said, we took the stance during our inquiry into lobbying that we would consider the matter not because something had happened, but because we thought that it would be good to have a rule in place if anything should happen. I think that we should look at the rules again and consider seriously what we do with regard to MSPs who have paid directorships or consultancies.

Cameron Buchanan: Part of the issue is that there are many more back-bench members in the House of Commons than there are here, where members do not always have time for such work. There are 600 members in the Commons and 129 of us, so the issue does not really come up here.

In addition, we are discussing so much in relation to lobbying that I do not think that we need worry too much about this issue at present.

The Convener: I will express my personal views, and then say something as convener. It is always proper that we are challenged as to whether our rules are correct, and Mr Murphy is properly asking us to look at the matter in relation to what may have happened elsewhere. I use the word “may” because, at this stage, there are processes to be undertaken elsewhere in relation to what has been in the public domain.

I am specifically uncomfortable about the fact that the letter, instead of focusing on what people do, focuses on what people are—in other words, on the fact that they are consultants or directors. I am interested not in labelling people, but in what people do. I am unclear why we should

discriminate against one category of employment, rather than look at all categories.

Speaking as convener, I say that I am aware that we will have an opportunity to discuss the matter when we look at the proposed members’ interests bill that we will consider, which would be the proper place to address it. If members are content, I propose that we respond. The Presiding Officer has written to us, and it would be proper for us to reply, copying in Mr Murphy so that he is aware of what we are saying to her.

I recommend to colleagues a response in which we note what is said and agree that we will consider the matter during our further consideration of the planned members’ interests bill. I am seeing a nod from Dave Thompson.

Dave Thompson: Yes. Thank you, convener—I am quite happy with that course of action. It is rather unfortunate that Mr Murphy has already made his mind up; as he says in his letter, Scottish Labour is committing in its manifesto for 2016 to such action being taken.

It may be necessary for us to take the same action, but I always like to have a good look at the facts and the issues, and to consider all the consequences before I make up my mind about such things. At the end of the day, when we look at the issue in considering our members’ interests bill, we may well decide that such action is worth pursuing. However, because it will be a commitment in the Labour manifesto, it is clear that Jim Murphy’s mind is made up. That is a shame: it would have been better for him to have come to the committee with a more open approach and asked us to look at the issue and get back to him. There is plenty of time for parties to sort out manifestos before the 2016 election.

The Convener: I will not succumb to the temptation to engage in a matter of politics, which will be dealt with in the proper place. I hope that we consider things objectively. As the lobbying bill goes ahead, there is also the opportunity to consider that facet of the matter, and that may be a proper place for it to be dealt with.

We have a number of opportunities to deal with the matter in our work programme, and it would be the proper thing at this stage to write to the Presiding Officer and to copy in Jim Murphy.

Gil Paterson (Clydebank and Milngavie) (SNP): I need to declare an interest: I own a family business that I cannot shut down just because I am here. There is an income from time to time, but I may say that last year was not a good year: there was no income at all. The business fluctuates and there is nothing that I can do about that. It is like a farmer closing his farm: I now have just under 50 people working for me—I am here, but if I shut down the business, what happens to them? I have

declared 20 days of work a year in my entry in the register of members' interests. However, in the time I have been in Parliament, I have never spent a single whole day in my business; I have just spent the odd hour there.

I take the same view that we have taken when considering people who engage with us. I do not think that there is anything wrong with a belt-and-braces approach. I am encouraged by what the convener said about looking at what we do, rather than at the names that are given to things.

Until recently I was a board member of Rape Crisis Scotland. Although I was a board member, I got no expenses or wages—nothing. A cup of tea is all I could declare from there—and sometimes a biscuit.

I am also a board member of an organisation that covers the whole United Kingdom. I do not get any expenses or remuneration from it either. I do it because I want to help.

When somebody is labelled as a board member, we should not assume that they are making big bucks from it. It is normally the opposite, and people are doing it out of their own pockets, if they are also members here.

The Convener: That is all duly noted.

I have proposed that we write to the Presiding Officer, saying that there are two opportunities to consider the issue.

Patricia Ferguson: You probably did not see me earlier, but I was indicating that I wanted in.

I clarify for Gil Paterson that Mr Murphy's letter talks about "paid directors or consultants", and that Gil Paterson's voluntary work would of course not come into that category and is something that should be cause for congratulations, rather than otherwise.

I also point out to Dave Thompson that although Mr Murphy has indicated that the proposed introduction of a ban will be in Labour's manifesto for 2016, that is a matter for the Labour Party. In his letter, he has written to the Presiding Officer to ask her

"to consider beginning the process of banning paid consultancy work and directorships by referring the issue to the Standards Committee to consider the appropriate changes to Parliament's Code of Conduct."

That is not about this committee making a judgment on the hoof; it is a suggestion to the committee to consider the matter. I think that that would be separate from the work that we are already doing. It may have links and some read-across, but I honestly think that we could consider the issue regardless of the other two pieces of work that we are doing.

Dave Thompson: I will follow on from Gil Paterson's point. This is not a simple matter. What is the definition of "paid consultancy work"? Directorships might be easy to define, but I am not sure about "paid consultancy work".

I am a vice-president of the UK Trading Standards Institute; my career was in trading standards. I hosted a consumer empowerment event this week, and I am hosting a young consumer event in a couple of weeks. I do not get paid for that post—to make the point that Gil Paterson made. I have claimed expenses from the institute once, when I went down to the UK annual conference in Brighton.

This is a hugely complicated issue. Would such expenses be caught under "paid consultancy work"? The matter needs a lot of detailed consideration. It is not an easy and simple thing to deal with, which is the implication in the letter.

We will, of course, get down to that detailed discussion when we consider the matter. I am quite comfortable about your suggestion, convener, that there will be opportunities for us to do that in our work programme.

09:45

The Convener: At the moment we have two views on the subject. One is that this should be a separate piece of work, and the committee has also expressed a view that we have two opportunities to look at the issue, as we take forward the proposed lobbying bill and members' interests bill. Do you wish to press the matter to a decision, Patricia? I think that the balance of the committee is against you.

Patricia Ferguson: I realise that, but colleagues are making the point that we need to consider the issue very seriously. We would do that best by considering it as work to be looked at on its own that could read across to other matters.

The Convener: It certainly could be looked at on its own; I do not think that anyone on the committee is saying otherwise. The question is whether it should be.

We might look at the issue in the context of the bills on lobbying and members' interests and conclude that we have to do work on it. I do not propose that if we decide today that our existing work programme can accommodate consideration of the issue, that would rule out our returning to it if we find that we have not dealt with it adequately. Procedurally, it is important to say that, so that we do not end up saying that if we go down the road of using our existing work programme we are barred from looking at the issue by other means if we agree to come back to it.

I propose that we use our existing work programme. Do we wish to divide the committee?

Margaret McDougall: We have heard from members round the table that we must consider the issue seriously, so perhaps it does require to be looked at separately. I do not know whether we could fit it into our work programme as it is.

The Convener: We will be looking at the rules on lobbying in May. I am suggesting that we consider the issue at that time.

Dave Thompson: I suggest that we come back to our next meeting with a short report from the clerks that indicates the opportunities for fitting the issue into the work programme, rather than make a decision right now.

The Convener: Let us put it this way: we are looking at the lobbying rules in May—the committee has already agreed to do that. I am content to do what Dave Thompson suggests, but it is unlikely that the clerks will say that we can consider the issue any earlier—I put it no more strongly than that—given that May is only six or seven weeks away.

Dave Thompson: Rather than decide now and divide the committee, we could come back and have a look at a bit more information about the work programme and how the issue would fit in. If it fits in neatly, that would lead us to consider the matter as part of other work. If it looks as if it would not fit in neatly, the points that are being made about considering the issue as a separate piece of work might gain more momentum. It would be useful to get a short note from the clerks at the next meeting, when we could decide either way.

The Convener: Are other members going to fall in behind Dave Thompson's suggestion? Patricia, would you be happy with a note from the clerk at the next meeting?

Patricia Ferguson: My concern about including the matter with our other work is that we are quite far along with the two issues. This issue is fundamental. We were at pains during the lobbying inquiry to make it clear that we were talking not about MSPs but about lobbyists. This issue is about MSPs. My concern is that if consideration of the issue was rolled up into other work, we would be so far along that it would be very difficult to make it work cohesively.

I am not sure whether it is worth having the clerks look at where the subject could fit in, because if there is a willingness to fit it in, it will fit in. I am not sure what would be gained from having the clerks look at it.

The Convener: My preference would be to decide today that we incorporate the work in our

existing work plan, in which we have two opportunities in two elements of work.

Cameron Buchanan: That is my preference, too.

The Convener: Does the committee want to divide? I think that the committee is clearly of the view that we fit the work in. However, we should note on the record that if existing opportunities to look at the issue are not adequate, that will not block off our ability to return to the issue at a later date and schedule specific work. I make that absolutely clear.

Are we content to proceed on that basis today?

Members indicated agreement.

Patricia Ferguson: Yes, as long as we are committed to taking forward the work.

The Convener: I am committed to doing that. The point has properly been made to us, and we will proceed on that basis.

I am very grateful; that has been helpful.

09:51

Meeting continued in public until 10:19.

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