



OFFICIAL REPORT
AITHISG OIFIGEIL

Standards, Procedures and Public Appointments Committee

Thursday 31 March 2022

Session 6



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Pàrlamaid na h-Alba

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STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE
9th Meeting 2022, Session 6

CONVENER

*Martin Whitfield (South Scotland) (Lab)

DEPUTY CONVENER

*Bob Doris (Glasgow Maryhill and Springburn) (SNP)

COMMITTEE MEMBERS

Edward Mountain (Highlands and Islands) (Con)

*Collette Stevenson (East Kilbride) (SNP)

*Tess White (North East Scotland) (Con)

*attended

COMMITTEE SUBSTITUTES

Sue Webber (Lothian) (Con) (Committee Substitute)

CLERK TO THE COMMITTEE

Katy Orr

LOCATION

The Alexander Fleming Room (CR3)

Scottish Parliament

Standards, Procedures and Public Appointments Committee

Thursday 31 March 2022

[The Convener opened the meeting at 09:30]

Decision on Taking Business in Private

The Convener (Martin Whitfield): Good morning. I welcome everyone to the ninth meeting in 2022 of the Standards, Procedures and Public Appointments Committee. I remind members who are participating virtually to type R in the chat function on BlueJeans if they would like to come in on any issue.

Under agenda item 1, the committee is invited to take items 3, 4 and 5 in private. Item 3 is for the committee to consider its next steps in relation to its inquiry into future parliamentary procedures and practices; item 4 is for the committee to consider draft code of conduct rule changes; and item 5 is for members to consider draft correspondence. Do members agree to take those items in private?

Members *indicated agreement.*

Committee Substitutes

09:30

The Convener: Item 2 is consideration of the rules that relate to committee substitutes, which were varied in the period from the beginning of the pandemic until the dissolution of Parliament at the end of session 5. The purpose of that was to provide more flexibility if committee members were unable to attend committee meetings and to ensure that committee work was not adversely affected by the pandemic.

The chair of the Conveners Group has written to the committee following a discussion on committee substitutes. In his letter, he has suggested that the committee might wish to consider having two named substitutes rather than one. The current situation regarding substitutes is covered in rule 12.2.A of the standing orders, which is on “Participation by substitutes”. It says:

“Where a committee member—

(a) is unavailable for a committee meeting (or any committee activity taking place other than at a meeting) because of illness, family circumstances, adverse travel conditions beyond the member’s control, a requirement to attend to other Parliamentary business or urgent constituency business”,

a substitute member may participate in their place.

I invite comments from members.

Bob Doris (Glasgow Maryhill and Springburn) (SNP): I think that committee members were looking at one another to see who was going to comment first. I do not know whether I drew the short straw.

I thank the Deputy Presiding Officer and the Conveners Group for writing to us to raise the issue, which is important. As someone who was previously a member of the Conveners Group, I know that the conveners of the Parliament’s committees offer a very well-considered and well-rounded view, so we must take seriously their desire for continuity of committee membership, including substitutes.

That said, I can see that the Conveners Group is trying to be helpful. It acknowledges that, during the pandemic—which, sadly, is not quite over yet—significant flexibility was required. In fact, complete flexibility was absolutely necessary. For the time being, that flexibility continues, but at some point it will have to draw to a close or be formalised in a way that is more in keeping with the continuity that conveners seek, by having two named substitutes. Therefore, I think that we should give serious consideration to that suggestion.

I would be very interested to find out what the Parliamentary Bureau's thoughts are in relation to the Conveners Group's suggestion, which I am very open to, and I would like to find out why the bureau thinks that it might be beneficial to have such open-ended flexibility embedded in parliamentary practices. I am not so sure that that is required, but it is, of course, the job of members of this committee to look at the evidence and to come to a well-considered and well-rounded view. I think that we need a wee bit more information before we can do that.

The Convener: Thank you. That is helpful. Would Sue Webber like to comment?

Sue Webber (Lothian) (Con): Yes, thank you. It is uncanny timing that I am here as a substitute.

I reiterate what Mr Doris said; I think that having continuity and consistency of substitutes is key. Having such consistency on the Standards, Procedures and Public Appointments Committee is particularly relevant. Although giving some committees more flexibility than others might have to be scoped out, I have certainly found it helpful to have consistency, and I hope that the committee has also found it helpful to have a consistent substitute here.

The Convener: Absolutely—your consistency in attendance has been incredibly helpful.

Collette Stevenson (East Kilbride) (SNP): I have been a substitute member on the Net Zero, Energy and Transport Committee. That was excellent, especially during the 26th United Nations climate change conference of the parties. However, obviously, I am a member of this committee, and I am also a member of the Criminal Justice Committee. If I were then to substitute on a Tuesday, that would be challenging from a planning perspective. I would need to weigh that up and consider whether it was going to be long term. If a member were to be substituting in the long term and would be a member of three committees while trying to balance constituency work, they would have to weigh that up and have a good conversation with their whip or business manager.

It would be good to get feedback from the clerks on how often substitutes are used and the amount of work that the clerks do in scrambling about trying to find substitutes.

The Convener: That is helpful.

The letter to the committee states:

"No issues appear to have arisen as a consequence of the temporary relaxation of the rules".

However, we do not actually know what the situation is.

There seems to be an inclination towards an agreement that we should request the Parliamentary Bureau to give its view, and perhaps we could request the clerks to look into how frequently substitutes have been used during the period. That would put us in a better position to make suggestions.

Sue Webber: When the clerks report back to us, would it be possible for them to tell us the reasons why substitutions took place? Even if we knew whether the reasons were health, Covid or constituency related, that would allow us to get a sense of where the challenges lie. I understand that that might not be possible, for personal reasons.

The Convener: That might be a challenge. In essence, there are only the reasons that are set out in rule 12.2A. Because agreement is usually reached in discussion between the convener and the individual involved, I am not sure that information on the reasons will be held centrally. However, the reason for using a substitute has to be one of the reasons that are set out in the standing orders, and I would be confident that that is the case.

Bob Doris: Sue Webber has raised an interesting point. In relation to illness and family requirements, one would absolutely expect confidentiality and privacy for members. However, some of the other reasons, such as required parliamentary business, could be open to interpretation. An example might be a ministerial visit in a member's constituency. Some MSPs might deem that to be required parliamentary business, but others might not, and it might be a grey area for others. It might be useful to know how often that reason has been used.

I am in no way suggesting that we should police the situation, but that would allow us to get a feel for whether the flexibility has been used for fairly obvious and evident public health reasons due to the pandemic or for other purposes. Members are entitled to use the flexibility, but that would allow us to get a sense of the spread of reasons why it has been used—with complete anonymity for the MSPs involved, of course.

The Convener: That is helpful. We will ask for a slightly wider report from the clerks that goes beyond just the statistics to what other evidence is available on when the flexibility is being used. Are members happy with that?

Members indicated agreement.

The Convener: Before I close the public part of the meeting, I would like to extend my thanks to Samantha Currie, who has served this committee as one of its clerks since 2012. In that time, she has organised 287 committee meetings, published 124 committee reports, ensured compliance for

more than 300 cross-party groups and published 24 revisions to the standing orders. The clerks are an essential cog in the machine of the committees, and Sam has gone above and beyond over her time. Her knowledge of CPGs is possibly among the most detailed in the Parliament. Therefore, Sam, on behalf of myself and the whole committee and, indeed, all previous members of the committee you have worked with, I say an enormous thank you, and wish you all the very best in the future.

I now close the public part of the meeting.

09:40

Meeting continued in private until 10:41.

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