



OFFICIAL REPORT
AITHISG OIFIGEIL

Standards, Procedures and Public Appointments Committee

Thursday 8 February 2024

Session 6



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Pàrlamaid na h-Alba

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STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE
3rd Meeting 2024, Session 6

CONVENER

*Martin Whitfield (South Scotland) (Lab)

DEPUTY CONVENER

*Ivan McKee (Glasgow Provan) (SNP)

COMMITTEE MEMBERS

*Stephen Kerr (Central Scotland) (Con)

*Evelyn Tweed (Stirling) (SNP)

*Annie Wells (Glasgow) (Con)

*attended

CLERK TO THE COMMITTEE

Catherine Fergusson

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament
Standards, Procedures and
Public Appointments Committee

Thursday 8 February 2024

[The Convener opened the meeting at 09:30]

Decision on Taking Business in
Private

The Convener (Martin Whitfield): Good morning, and welcome to the third meeting in 2024 of the Standards, Procedures and Public Appointments Committee. I have received no apologies.

Under agenda item 1, do members agree to take in private item 4, which is on-going consideration of the committee's work programme?

Members indicated agreement.

Cross-Party Groups (Annual
Monitoring Report)

09:30

The Convener: The committee has been provided with the annual update on cross-party groups' compliance with the code of conduct. Members have received the papers and I thank the clerks for the extensive work that goes into not only the annual report but the maintenance of the records on cross-party groups.

Cross-party groups are an essential part of the Parliament, in the sense that they allow people from outside this place to have contact with their MSPs and to bring to bear their experience, lived experience and information. CPGs form an important part of MSPs' work.

It is worth remembering that, at the moment, CPGs are not part of parliamentary procedure here at Holyrood. However, the committee is responsible for monitoring the keeping of the code of conduct as it relates to CPGs.

I invite comments from members before we make decisions. If members are happy, I will start with Stephen Kerr and work my way up the table.

Stephen Kerr (Central Scotland) (Con): I put on record the fact that some CPGs might have struggled with some of the code's requirements because of the number of ministerial changes that occurred in the reporting period. Some people who are now ministers were prominent members of those CPGs. I assume that we will take an appropriately lenient approach to those CPGs by giving them time to get their affairs in order again so that they conform to the minimal requirements that are set out for the existence of CPGs.

The Convener: I am not sure whether "lenient" is a word that I would use—

Stephen Kerr: How about "flexible"?

The Convener: I would certainly take an individual approach to the reasons for specific CPGs not having complied.

A significant number of CPGs have complied with all the requirements that are imposed on them. However, there are individual circumstances, and you have mentioned the most common, which is that, having been elevated to a ministerial post, a member runs around to find colleagues to take over the responsibilities that they had. I am sure that the committee will be more than happy to reflect on the individual causes of problems. Such groups will not automatically have their recognition removed; the matter is considered case by case. Whatever we do needs to reflect that.

Stephen Kerr: In the event that a CPG consistently does not meet the requirements, what is the procedure?

The Convener: If, for some reason, a CPG wanted to cease to exist—whatever cause brought that about—it would have to come to the committee for formal recognition of that, which triggers changes to the website and to the requirement for the clerks to collect its minutes, for example. In addition, although CPGs are not a formal part of the parliamentary process, they enjoy certain privileges—for example, under the Lobbying (Scotland) Act 2016—so removing recognition from a CPG is a formal step that rests with the committee. I hope that that is helpful.

Stephen Kerr: It is helpful.

Ivan McKee (Glasgow Provan) (SNP): I seek clarification on that point, convener. You described a process whereby a CPG decides that it wishes to cease to be a CPG. Is there a process whereby, in some circumstances, the committee may decide that it wishes to derecognise a CPG, even if that CPG has not volunteered to be derecognised?

The Convener: I chose the route of explanation to be as empathetic as possible for CPGs. If a CPG has failed to comply and if, having been given an option and depending on the facts, the committee's view was that the CPG could not maintain or return to its existence, the recognition would be removed. That would not stop the same MSPs or others coming back to the committee to say that they felt that there should be a CPG for whatever the area was. We have dealt with a significant number of recognitions of CPGs.

There is no automatic process whereby something happens without the committee's involvement, and there are not specific things that automatically trigger a reference to the committee, which speaks to Stephen Kerr's comments about the individual reasons why some groups might be struggling and some are not. The process allows a reality to get behind the situation that the public can see from the document, which is in the public record, as all the minutes and other items are.

Evelyn Tweed (Stirling) (SNP): Given the number of CPGs that are listed as having anything from partial compliance under various categories to a failure of compliance, I wonder whether the issue comes down to the number of CPGs. We have discussed that before. We maybe have to think about how numerous CPGs are.

The Convener: Part of the work programme that we envisage includes some form of inquiry into CPGs. From the outset of this parliamentary session, MSPs who were returned with considerably more experience than others had a view on the number of CPGs. Members have commented on that, subjectively and objectively,

because of the time commitment and because, as far as the committee is concerned, CPGs have responsibilities under the code of conduct, which relate specifically to the MSPs who are involved.

I have said before that, sometimes, MSPs need to be protected from themselves. We have the opportunity to take evidence in whatever form from people who are involved in CPGs and to return to the report that we are considering today. Serious questions need to be asked. The original purpose behind CPGs, which I laid out at the outset, is incredibly important, and that has not changed. However, there is clearly a challenge in complying with the responsibilities that MSPs take on when they—willingly—agree to do the useful task of convening and organising a group.

Annie Wells (Glasgow) (Con): I agree with what my colleagues said. When I read the report, I felt disappointed that some conveners have not even replied to emails that the clerks have sent them. When somebody takes on responsibility as convener of a group, they should at least give explanations for non-compliance. Some conveners have not even explained why their CPGs are partly non-compliant.

The Convener: That is worthy of note. In the past, following various interactions with CPGs throughout this parliamentary session, the committee has written to MSPs to remind them of their personal and individual responsibility, notwithstanding the fact that many are supported by a competent secretariat and their members of staff, who carry out so much work. There is support and it is disappointing that, for whatever reason, some people who have a role that is placed on them under the code of conduct have—on the face of it—chosen to ignore requests from the clerks.

Ivan McKee: I have a few comments. First, I thank the clerks for the huge amount of work that has gone into pulling together this comprehensive document, which outlines the performance or otherwise of various CPGs. To be frank, CPGs are hugely fundamental to the Parliament, because they enable members of the public and interest groups to engage with parliamentarians and visit the Parliament building fairly regularly. The number of CPGs will be the number that can be supported, because that represents thousands of people coming into Parliament regularly, which is absolutely to be encouraged.

Having said that, I think that, to be frank, people who operate CPGs should be able to meet the requirements, which are not especially onerous with regard to the number of meetings, the number of members involved, producing minutes and so on.

It might be interesting to consider having a more formal process for derecognising CPGs in extremis and potentially having an intermediate step. I understand that the clerks write to conveners, but that is just an email in the background. We could have a process so that, when we recognise that a CPG is struggling, that is made public knowledge on the website, so that members of the CPG recognise that there is an issue and step forward to do work to reinvigorate the group. It would be unfair simply to get notification one day that a CPG no longer existed without having had the opportunity to engage and seek parliamentary support.

There could be an intermediate step that formally recognised the difficulty and then a derecognition step. Perhaps it would be helpful to come back to this in three months, rather than leaving it to once a year. Although 76 CPGs have done absolutely everything that has been asked of them, a number have not, and it would be remiss of us not to look at that further in short order.

The Convener: That is sensible. Subject to the committee's agreement, we could return to this report in three months to see what has changed or improved, notwithstanding the other work that the committee will look at with regard to CPGs.

Stephen Kerr: Forgive my ignorance, convener, but is the report published?

The Convener: It is.

Stephen Kerr: I should have brought this up when Ivan McKee made his excellent points about derecognition. It is a brilliant report; I totally acknowledge that a lot of hard work has gone into it. The summary that was prepared for us says that two groups disbanded. Does that mean that they decided themselves to discontinue?

The Convener: Yes. For their own compliance, they ceased to be—

Stephen Kerr: They voted themselves into oblivion.

The Convener: Well, because everything had been successfully achieved, they decided—

Stephen Kerr: Oh—right.

The Convener: I do not know that; I am just saying—

Stephen Kerr: That surprises me a little, given what the two that have been disbanded covered.

The Convener: If there are no other comments, I will reiterate the committee's significant disappointment about non-compliance. MSPs have a personal responsibility with regard to CPGs, which are an opportunity for MSPs across political parties to hear the lived experience and wisdom of people outside this place. CPGs fulfil an

important role, not least with regard to the number of people who visit the Parliament because of them. The hybrid nature of so much of our interaction now means that people who are much further away can also contribute to CPGs, which is important.

First, I suggest that we put it in the diary to revisit the position in, say, three months. Secondly, I suggest that, if the committee is happy, I will write to the CPGs that are in breach to point that out, to reiterate that we are concerned about whether they should maintain their recognition as a cross-party group and, perhaps, to say that silence will not be accepted as an indication that they want the group to continue. Are we content with those actions?

Members indicated agreement.

The Convener: That is excellent.

09:44

Meeting continued in private until 11:15.

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