



The Scottish Parliament
Pàrlamaid na h-Alba

STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE

AGENDA

6th Meeting, 2016 (Session 4)

Thursday 10 March 2016

The Committee will meet at 9.30 am in the David Livingstone Room (CR6).

1. **Annual report:** The Committee will consider a draft annual report for the parliamentary year from 9 May 2015 to 23 March 2016.
2. **Legacy paper (in private):** The Committee will consider a draft legacy report.
3. **Scotland Bill (in private):** The Committee will consider draft Standing Order Rule Changes.

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The papers for this meeting are as follows—

Agenda item 1

Annual Report

SPPA/S4/16/6/1

Agenda item 2

PRIVATE PAPER

SPPA/S4/16/6/2 (P)

Agenda item 3

PRIVATE PAPER

SPPA/S4/16/6/3 (P)

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Introduction

1. This report covers the work of the Standards, Procedures and Public Appointments Committee (“the Committee”) during the parliamentary year from 10 May 2015 to 23 March 2016.

Inquiries and Reports

Committee reform and Elected Conveners

2. In October 2014 the Presiding Officer asked the Standards, Procedures and Public Appointments Committee to consider the case for committee conveners to be elected by the whole Parliament.
3. In June 2015 the Committee reported, concluding that there were much broader issues about committees which needed to be looked at first. The Committee felt that there was little point in introducing a new procedure for conveners before being confident that they had right structure, size and number of committees, with the right resources and the most effective working practices. The Committee agreed to review the operation of committees and make proposals about structure and working practices to increase committee effectiveness.
4. The Committee published its report on 19 January 2016. The Committee felt that the best time to make significant changes to working practices is at the start of a new session and therefore hopes its report will lead to discussion across the Parliament and broad agreement on the steps needed to increase committees’ effectiveness in the next session.

Complaint

5. In September 2015 the Committee considered a complaint against James Kelly MSP. The complaint was initially investigated by the Commissioner for Ethical Standards in Public Life in Scotland (“the Commissioner”) who found that Mr Kelly had disclosed to the press his intention to make a complaint against another member and, this being the case, was in breach of the relevant provisions of the Code of Conduct. The Committee agreed with the Commissioner’s findings in fact but did not consider that this breach justified any sanctions being imposed on James Kelly MSP.
6. In its report on the complaint the Committee reminded James Kelly MSP, and all other members of Parliament, that members must not disclose, communicate or discuss any complaints or intention to make a complaint to or with members of the press or other media prior to the lodging of the complaint or during Stages 1 and 2 of the procedure for dealing with complaints (as set out in Volume 3, Guidance; Section 9).

Cross-Party Groups (CPGs)

7. The Committee has considered one monitoring report, including information on compliance with the Code of Conduct (the Code) for MSPs (which sets out the rules for conduct of MSPs and CPGs) in this Parliamentary year.
8. There were four CPGs that the Committee felt had repeatedly failed to comply with the Code: the CPGs on Drug and Alcohol Misuse, Japan, Park Homes and Video Games Technology. The Convener wrote to all these Groups, on behalf of the Committee, to advise the Groups that they were no longer being accorded recognition. The Conveners of the CPG on Drug and Alcohol Misuse wrote to the Committee to request a reprieve, providing details of difficulties the Group had had which they felt were now resolved. The Committee agreed that the Group could continue to function if it complied with the Code. The Group is now compliant with the Code.

Bills

Lobbying (Scotland) Bill

9. The Committee was the lead committee on the Lobbying (Scotland) Bill. The purpose of the Bill is to introduce a register and a code of conduct for lobbyists with the aim of increasing transparency.
10. The Committee held two evidence sessions to hear from a range of stakeholders including lobbyists in the private and third sector, transparency campaigners and academics. The Committee supported the general principles of the Bill and made a series of recommendations for amendment at Stage 2, which was taken on 4 February. A number of amendments were agreed to.

Scottish Elections (Dates) Bill

11. The Committee was the lead committee on the Scottish Elections (Dates) Bill. The main purpose of the Bill was to change the date of the Scottish Parliament election on 7 May 2020 to 6 May 2021 so that it does not clash with the 2020 UK general election.
12. The Committee supported the general principles of the Bill. The Committee believed it was desirable to avoid the clash of elections, and backed the provision that the next Scottish Parliament term should last five years.
13. The Committee reported on the Bill at Stage 1 on 14 December 2015. Stage 2 proceedings took place on 28 January 2016.

Engagement and innovation

14. In order to reach out to a broader audience and attempt to capture those who might find themselves subject to lobbying legislation, a leaflet was produced which summarised the Bill and invited views. The leaflet was distributed to members of

the public who visited the Parliament. An electronic version was also distributed through social media and stakeholder contacts.

Equalities

Commissioner for Ethical Standards in Public Life in Scotland

15. At its meeting on 14 January 2016 the Commissioner gave evidence to the Committee on his annual report which included evidence on *Delivering Diversity*, the equality and diversity strategy for Scotland's ministerial public appointments process and on his Thematic Review of Operation of the 2013 Code of Practice for Ministerial Appointments to Public Bodies in Scotland. The Committee questioned the Commissioner on progress in this area.

Meetings

16. The Committee met 21 times during the parliamentary year. Four meetings were held entirely in private, two meetings were held entirely in public and 15 meetings included items in private.
17. The items considered in private included the Committee's work programme, consideration of complaints, draft Committee reports and approaches to the Committee's inquiries.