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Standards, Procedures and Public Appointments Committee Comataidh Inbhean Dòighean-obrach is Cur-an-dreuchd Poblach

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Standards, Procedures and Public Appointments Committee

The remit of the Standards, Procedures and Public Appointments Committee is to consider and report on—

- (a) the practice and procedures of the Parliament in relation to its business;
- (b) whether a member's conduct is in accordance with these Rules and any Code of Conduct for members, matters relating to members interests, and any other matters relating to the conduct of members in carrying out their Parliamentary duties;
- (c) the adoption, amendment and application of any Code of Conduct for members; and
- (d) matters relating to public appointments in Scotland; and
- (e) matters relating to the regulation of lobbying.



<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/standards-committee.aspx>



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Committee Membership



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Daniel Johnson
Scottish Labour



John Scott
Scottish Conservative
and Unionist Party



Alexander Stewart
Scottish Conservative
and Unionist Party

Introduction

1. This report covers the work of the Standards, Procedures and Public Appointments Committee (the Committee) during the Parliamentary year from 12 May 2016 to 11 May 2017.

Membership changes

2. Previous Members of the Committee during the reporting year:
 - Clare Haughey (from 12 May 2016 until 30 March 2017)

Reports

Mandatory Committee remits

3. Following the Scottish Parliament elections in May 2016, on 13 June 2016 the Presiding Officer wrote to the Committee, on behalf of the Parliamentary Bureau, requesting changes to Standing Orders in relation to the remits of certain mandatory committees.
4. The Parliamentary Bureau expressed a desire to establish a committee structure with “committee remits reflecting Cabinet Secretary portfolios”. It stated that it was “committed to the subject matter covered by the current remits of the mandatory committees, as set out in Standing Orders”, but wished the remits of a number of them to be expanded.
5. The Committee approved Standing Order rule changes at its meeting on 22 September 2016. These were approved by Parliament on 27 September 2016 and came into force on 28 September 2016.

First Minister's Question Time

6. At the start of the current session the Presiding Officer trialled changes to the format for First Minister's Question Time to increase the number of questions asked from six to eight and to extend the time allocated from 30 minutes to up to 45 minutes. The relevant Standing Orders were temporarily varied in order to allow these changes to take place.
7. On 20 September 2016 the Presiding Officer wrote to the Committee requesting changes to Standing Orders in relation to the issue of First Minister's Questions. The Presiding Officer felt that the changes to the format had been generally well received and invited the Committee to revise Standing Orders and make the changes permanent.
8. The Committee approved Standing Order rule changes at its meeting on 6 October 2016. These were approved by Parliament on 25 October 2016 and came into force on 27 October 2016.

Scotland Act 2016

9. Under the Scotland Act 2016, there will be a new “super-majority” requirement for legislation on particular protected subject matters.
10. The matters which are considered to be protected are—
 - the persons entitled to vote as electors at an election for membership of the Parliament,

- the system by which members of the Parliament are returned,
 - the number of constituencies, regions or any equivalent electoral area, and
 - the number of members to be returned for each constituency, region or equivalent electoral area.
11. Standing Orders are required so that the new powers over Scottish Parliament elections can be commenced and transferred.
 12. The Committee approved Standing Order rules changes at its meeting on 24 March 2017. These were approved by Parliament on 20 April 2017 and will come into force from the day on which section 11 of the Scotland Act 2016 comes into force.

Lobbying (Scotland) Act 2016

13. The Lobbying (Scotland) Act 2016 establishes a registration regime for lobbyists, including an online register, which will be introduced and administered by the Scottish Parliament. The Committee considered it was important that new Standing Orders were put in place at an early opportunity, so that the delegated powers to make further provision about Parliament's procedures can be commenced and used to confirm details of the operation of the Lobbying (Scotland) Act 2016.
14. The Committee approved Standing Order rule changes at its meeting on 20 April 2017. The Standing Order rule changes will be considered by Parliament prior to summer recess.

Commissioner Complaints

15. The Committee has considered three reports from the Commissioner for Ethical Standards in Public Life in Scotland (the Commissioner) in this parliamentary year.
16. The first report was a complaint against Sandra White MSP regarding her use of Twitter to re-tweet a cartoon that was deemed to be offensive.
17. The Committee was unanimous in its decision reached on the complaint. It agreed with the findings in fact and conclusion of the Commissioner that Sandra White did not breach the Code of Conduct. The Committee took the opportunity to remind all MSPs that they alone are responsible for their public statements and the content of their social media channels.
18. The second report was a complaint against Neil Findlay MSP. The complaint was that Neil Findlay made a statement to the press about his intention to make a complaint to the Scottish Parliament's Corporate Body against another MSP.
19. The Commissioner investigated the complaint and found that, in disclosing to the press his intention to make a complaint, Neil Findlay was in breach of the relevant provisions of the Code of Conduct.

20. The Committee was unanimous in the decisions reached on the complaint. Firstly, it agreed with the findings in fact and conclusion of the Commissioner. Secondly, it did not consider that the breach in question justified any sanctions being imposed on Neil Findlay. In reaching the decision on sanctions, the Committee was mindful of the fact that Neil Findlay took personal responsibility for the breach.
21. A letter was issued to all business managers asking them to remind members of the rules regarding disclosure of complaints.
22. The final report considered by the Committee, in this parliamentary year, covered two complaints against Kenneth Gibson MSP. The complaints were that Kenneth Gibson failed to register and declare an interest in relation to being an owner of property and as a landlord in Glasgow.
23. The Commissioner found that Kenneth Gibson MSP had failed to make an oral declaration of a registered interest as a property owner and landlord during parliamentary consideration of a Bill and, this being the case, Mr Gibson was in breach of the relevant provisions of the Interests of the Members of the Scottish Parliament Act 2006 and the Code of Conduct.
24. The Committee was unanimous in the decisions reached on the complaint. Firstly, it agreed with the findings in fact and conclusion of the Commissioner. Secondly, it admonished Kenneth Gibson for his failure to make an oral declaration of a registered financial interest. However, the Committee did not consider that the breach justified the imposition of sanctions on Kenneth Gibson. In reaching the decision on sanctions, the Committee was mindful of the fact that the property was registered in accordance with the requirements of the Register and that it is a matter of judgement for the member whether a registered interest is sufficiently relevant to particular proceedings to require a declaration.

Commission on Parliamentary reform

25. At its meetings on 15 December 2016 and 20 April 2017 the Committee took evidence from the Commission on Parliamentary Reform. The Committee expects to consider the Commission's report when it is published.

Equalities

Gender Balance on the Parliamentary Bureau and SPCB

26. Following the Scottish Parliament elections in 2016, an all-male Parliamentary Bureau was appointed and an all-male Scottish Parliamentary Corporate Body (SPCB) was elected. The Presiding Officer subsequently wrote to the Standards, Procedures and Public Appointments Committee on 16 June 2016, on behalf of the SPCB and Parliamentary Bureau, about gender balance on these bodies. The Presiding Officer commented that the lack of gender balance reflected poorly on the Parliament given its strong commitment to equal opportunities.
27. The Committee shared the Presiding Officer's concerns and considered carefully how the situation might be addressed. The Committee was clear that it did not wish to fundamentally change the procedures for selecting members of the Parliamentary Bureau and SPCB, which have generally worked well. Similarly, the Committee did not wish to restrict the right of members to decide who best to represent them on these bodies. Nevertheless, it recognised that gender balance was an important consideration which should be taken into account.
28. The Committee proposed rules that would place a requirement on party leaders to consult each other and have regard to gender balance before nominating members of the Parliamentary Bureau. The rules would also require members intending to make a nomination to the SPCB to have regard to gender balance before making such a nomination.
29. The new rules were approved by Parliament on 31 January 2017 and came into force on 2 February 2017.

Acting Conveners

30. On 30 January 2017 the Presiding Officer wrote to the Committee, on behalf of the Parliamentary Bureau, requesting that the Committee consider revising Standing Orders to address the situation where a committee convener is absent for an extended period of parental leave.
31. The Committee considered a revision to the rules to make provision to allow for a Committee to appoint an 'Acting Convener' on a temporary basis to cover the role during the Convener's absence. Under this procedure, a Member from the same party as the Convener would be appointed to the Committee on a temporary basis to cover the period of absence. The Committee would then be invited to choose an Acting Convener from the eligible Members which would include the Member appointed on a temporary basis. The Committee's decision on the choice of Acting Convener would have to be in accordance with the Parliament's decision in relation to the party affiliation of the Convener. The Acting Convener's tenure would come to an end when the Convener returned.

32. The Committee was supportive of the proposal to update the rules in this way. The Committee believed this approach would ensure that Members who become parents are able to retain their position as Convener while taking a period of parental leave. It would also respect the Parliament's decision in relation to the party affiliation of the Convener.
33. The new rules were approved by Parliament on 22 March 2017 and came into force on 23 March 2017.

Cross-Party Groups

34. A total of 89 Cross-Party Groups re-registered or were accorded recognition by the Committee in this parliamentary year.

Meetings

35. The Committee met 19 times during the parliamentary year. Two meetings were held entirely in private, four meetings were held entirely in public and 13 meetings included items in private.
36. The items considered in private included the Committee's work programme, consideration of complaints, draft Committee reports and draft Standing Order rule changes.

