

REIMBURSEMENT OF MEMBERS' EXPENSES SCHEME – CROSS PARTY GROUPS

Executive summary

1. The Code of Conduct for Members provides that there are only limited circumstances in which Members may be able to make use of the Reimbursement of Members' Expenses Scheme in pursuit of cross party group business and this paper discusses what these circumstances might be.

2. The Standards, Procedures and Public Appointments Committee is currently reviewing the Code of Conduct in relation to cross party groups and this is therefore an opportune time to consider this matter and feed the decision into the committee's review.

Issues and Options

3. Cross party groups are essentially discussion groups, bringing together MSPs from across parties who share an interest in a particular subject or cause and such groups may include non-MSPs. Cross party groups do not represent the 'core' business of the Parliament and do not have powers of parliamentary committees nor can they use the Parliament's corporate identity. The views of such groups are not endorsed by the Parliament in the way that business conducted through plenary or committees is endorsed. Any views expressed by Cross-party Groups are the collective views of members of that group, including non-MSPS.

4. The procedures for the operation of cross party groups are covered in the Code of Conduct and all groups have to be accorded recognition by the Standards, Procedures and Public Appointments Committee. Cross party groups can raise funds by way of subscription to MSPs and non-MSPs and, subject to availability, the use of meeting rooms within the Parliament is provided for group meetings. The restaurant and other facilities normally available to a guest of an MSP can also be provided to the non-MSP members of a group.

5. MSPs, but not other members of cross-party groups, may make reasonable use of the Parliament's telephone, fax, photocopying, IT facilities and Parliamentary stationery in pursuit of cross-party group business. Groups may not otherwise use the Parliament's telephone, fax, photocopying, IT facilities and Parliamentary stationery other than where these are available for public use.

6. Other restrictions under the code of conduct are that groups may not make use of free postage facilities provided by the Parliament; make use of the Parliament's audio or broadcasting equipment and there is no provision for the televising or sound recording of their proceedings nor may they draw

on the resources of the parliamentary staff to service meetings, except in fulfilment of the requirements of these rules or where expressly permitted by them, for example, in order to book meeting rooms. MSPs who are members of a cross-party group may use the services of the Parliament's Information Centre to brief themselves on matters relating to that group, but other members of the group may not.

7. The code also provides that there are only limited circumstances in which Members may be able to make use of the Reimbursement of Members' Expenses Scheme in pursuit of cross party group business.

8. The Code of Conduct is clear on where the parameters are about the use of parliamentary facilities but provides no indication of the extent to which Members may claim reimbursement of expenses in relation to activities undertaken as part of a cross party group. It is clear from the code that groups can charge a subscription which can be used, for example, to fund any externally charged administrative support necessary for any group.

9. The purpose of the Reimbursement of Members' Expenses Scheme is to support Members in carrying out their parliamentary duties. Section 9 of the expenses scheme provides a definition of what these duties include and membership of a cross party group is not included. It can therefore be argued that the scheme does not cover any cross party group activity. However, the code of conduct does make provision for limited circumstances.

10. The Code of Conduct already sets out the extent to which parliamentary facilities may be used for cross-party groups. Accordingly, we do not consider that it would be appropriate for any cross-party group expenditure to be reimbursed to MSPs from the Office Costs Provision of the Reimbursement of Members' Expenses Scheme. This would include, for example, expenditure for the hire of premises, fees for seminars or costs of advertisements.

11. In respect of the Staff Costs Provision, we understand that there are occasions where an MSP's member of staff supports the MSP with the preparation of papers or briefing for a cross party group. We consider this forms part of the everyday support offered to the MSP in their capacity as an MSP and as such the Staff Costs Provision can be used to meet such activity.

12. However, where a member of staff is a member of a cross party group or holds an office on the group, such as secretary to the group then such activity should not be met from the Staff Costs Provision and any such work must be undertaken in the member of staff's own time such as after their contracted hours or during their lunch break. We also suggest that any costs associated with external administrative or research support should be met from any group subscription and not reimbursed through the expenses scheme.

13. The only other aspect of the expenses scheme where we consider costs may be reimbursed is in connection with travel in certain circumstances.

We would not expect cross party groups to incur any considerable travel. In the normal course of events, where there is any, such as a cross party group visit, we would expect such costs to be met by the group through subscriptions raised.

14. Any travel costs reimbursed to an MSP must be in connection with his or her parliamentary duties. This would also apply to accommodation costs for an overnight stay.

15. The SPCB is invited to consider and agree that the costs outlined in the above paragraphs should be the only limited circumstances for reimbursement of costs from the expenses scheme.

Resource Implications

16. It is not possible to quantify the costs involved, however, given the staff salary cost provision is capped and the limitations placed on travel we would expect any additional costs not to be substantial.

Governance issues

17. Any expenses met would need to conform to the rules and principles of the Reimbursement of Members' Expenses Scheme.

Publication Scheme

18. This paper may be published.

Decision

19. The SPCB is invited to agree that any costs in relation to cross party groups reimbursed from the Reimbursement of Members' Expenses Scheme are limited to:

19.1 Staff costs, where an MSP member of staff is acting in a supporting role to the MSP, but not where the member of staff is a member of the cross party group or an officeholder of the group; and

19.2 Travel costs, where the travel is limited to MSPs only and is in connection with their parliamentary duties. This would also apply to any overnight costs.