

SCOTTISH COMMISSION FOR PUBLIC AUDIT: APPOINTMENT OF MEMBERS

Issue

1. The SPCB is invited to seek, by motion, the Parliament's approval to appoint four members of the Parliament to be members of the Scottish Commission for Public Audit.

Contact: Fergus D. Cochrane, Secretary to the Scottish Commission for Public Audit, x85205

Background

2. The Scottish Commission for Public Audit was established by the Public Finance and Accountability (Scotland) Act 2000. The Commission consists of five members of the Parliament. The Convener of the Public Audit Committee is an *ex officio* member in accordance with Section 12(2)(a) of the Act and the four other members are appointed by the SPCB in accordance with Standing Orders (Rule 3.13 - reproduced at Annexe A).
3. The Commission's principal function is to examine the proposed budget of Audit Scotland and report to the Parliament as part of the annual budget process

Timing

4. Urgent: It is desirable that the Commission is established in time to meet prior to the start of the summer recess, as it is required to plan its autumn consideration of the 2012/13 budget for Audit Scotland as part of the annual budget process. It is also desirable for the Commission to appoint one of its members to act as Convener before the start of the summer recess. Further, the Commission will be required to consider its approach to the reappointment of the Chair of Audit Scotland's Board (the Commission appoints three of the five members of the Audit Scotland board, including the Chair).
5. To allow this, a motion should be lodged by the SPCB by close of business on Wednesday 15 June 2011.

Vacancies on the Commission

6. By virtue of the dissolution of the Parliament, members of the Commission appointed under Rule 3.13 ceased to be members as of 23 March 2011. The current *ex-officio* member is Hugh Henry, who continues to hold office until a new convener is appointed to the Public Audit Committee (the PAC is holding its first meeting on Wednesday 15 June).
7. In terms of Rule 3.13, four members of the Commission are appointed by the SPCB with the agreement of the Parliament. The SPCB is required to seek the

agreement of the Parliament by way of a motion to appoint members to serve on the Commission.

8. In accordance with Rule 3.13.4, in making a proposal (i.e. in putting forward a member's name), the SPCB is obliged to have regard to the balance of political parties in the Parliament. While the SPCB must take account of this requirement, when deciding its proposals for appointment, it does have wide discretion in exercising judgement in circumstances.
9. Business managers were approached by the Presiding Officer on behalf of the SPCB and asked to make nominations. Having discussed this, and bearing in mind the requirements of Rule 13.3.4, business managers have nominated the following members: Colin Beattie (Scottish National Party), Alex Johnstone (Scottish Conservative and Unionist Party) and John Pentland (Scottish Labour Party). One other member of the Commission is still to be determined and a further nomination from Business Managers will follow shortly. The Scottish Labour Party will also be further represented on the Commission by way of the *ex officio* appointment of the Convener of the Public Audit Committee (on 1 June 2011 the Parliament agreed to motion S4M-165 which specifies that the Convener of the Public Audit Committee will be a member of the Scottish Labour Party – this should be confirmed at the PAC meeting on 15 June.)

Resource Implications

10. There are no financial or other resource implications in appointing members to the Commission. Staff from the Committee Office provide clerking support to the Commission.

Decision

11. The SPCB is invited to agree that a member of the SPCB should seek the agreement of the Parliament to appoint Colin Beattie, Alex Johnstone, John Pentland and one further member to be members of the Commission. A draft motion is attached at Annexe B.
12. Should the motion be agreed to by the Parliament, in accordance with Rule 3.13.2, the SPCB is invited to make the appointments at its earliest convenience. Draft letters of appointment will be submitted as soon as the Parliament's decision is known.

Secretary to the SCPA
15 June 2011

Relevant Standing Orders (Rules 3.13 – 3.16)

Rule 3.13 Appointment of members of the Scottish Commission for Public Audit

1. The four members of the Scottish Commission for Public Audit (“the Commission”) referred to in section 12(2)(b) of the Public Finance and Accountability (Scotland) Act 2000 (asp 1) shall be appointed by the Parliamentary corporation.
2. The Parliamentary corporation shall not make any appointment under this Rule without the agreement of the Parliament.
3. A member of the Parliamentary corporation shall by motion seek the agreement of the Parliament to the Parliamentary corporation’s proposal to appoint either—
 - (a) an individual member to be a member of the Commission; or
 - (b) a group of 2 or more members to be members of the Commission.
4. In making a proposal under this Rule the Parliamentary corporation shall have regard to the balance of political parties in the Parliament.
5. Before the Presiding Officer puts to the Parliament the question on a motion relating to a group of members, the motion may be amended but only to delete that part of the motion relating to a particular member or members.

Rule 3.14 Resignation of members of the Commission

1. An appointed member may at any time resign office by giving notice in writing to the Parliamentary corporation.
2. The Parliamentary corporation shall notify the Parliament of the resignation.

Rule 3.15 Removal of members of the Commission

1. Any member may by motion propose that an appointed member of the Commission be removed from office. The motion is valid only if it is seconded by another member.
2. An appointed member of the Commission is removed from office as a member of the Commission if the Parliament so decides on such a motion.

Rule 3.16 Reports of the Commission

1. Where the Commission is to report to the Parliament under section 11(9) or 12(4) of the Public Finance and Accountability (Scotland) Act 2000, it shall do so by lodging the report with the Clerk. The Clerk shall publish the report and notify members of the date of publication.

SPCB Motion to Appoint Membership of the Scottish Commission for Public Audit

Date of Lodging: 15 June 2011

Short Title: Membership of the Scottish Commission for Public Audit

S4M-XXX xxxxx xxxxx on behalf of the Scottish Parliamentary Corporate Body: Membership of the Scottish Commission for Public Audit—That the Parliament agrees to the Scottish Parliamentary Corporate Body's proposal to appoint Colin Beattie, Alex Johnstone, John Pentland and XXXX XXXXX to be members of the Scottish Commission for Public Audit.