

# MINUTES

*Meeting date: Monday 29 February 2016*

**IN ATTENDANCE**

- Ian Gordon (Convener)
- Kevin Dunion
- Matt Smith
- Julie Ward
- Lorna Johnston (Executive Director)
- Elaine McLean (Business Manager)

**APOLOGIES**

- Lindsey Gallanders

ITEM	CONTENT	ACTION
<b>STANDING ITEMS</b>		
1.	<p><b>APOLOGIES</b> An apology for absence was received from Mrs Gallanders, Member of the Standards Commission.</p> <p><b>CONFLICTS OF INTEREST</b> Agenda item 12. Mr Dunion declared that his wife is the vice chair of Perth and Kinross Health &amp; Social Care Integration Joint Board (IJB). However, agenda item 12 concerned the proposed Code of Conduct for Members of all IJBs and was not specific to Perth &amp; Kinross IJB. Therefore, Mr Dunion did not consider there was a conflict of interest and he was able to participate in the discussion. There were no other declarations.</p>	
2.	<p><b>DRAFT MINUTE OF PREVIOUS MEETING</b> Members reviewed and approved the minute of the meeting held on 18 January 2016.</p>	
3.	<p><b>MATTERS ARISING</b> <b>Members' Succession Planning</b> Members noted the Convener intended to meet with Officeholder Services later that day to discuss the recruitment process and timeframe for replacing the two Members who were due to leave the Standards Commission in 2017. The Convener would report on the discussions at the next meeting.</p> <p><b>Request for Joint Training Event for Aberdeen City, Aberdeenshire and Moray Councils</b> Members noted that Mr Dunion and Mr Smith were to lead a training session for councillors of Aberdeen City, Aberdeenshire and Moray on 18 May 2016.</p> <p>All other matters arising were dealt with under the main Agenda.</p>	<b>Convener</b>
<b>STRATEGIC MATTERS</b>		
4.	<p><b>Strategic Plan 2016/2020</b> Members noted the Strategic Plan had been issued to Officeholder Services on 19 February 2016 and would be considered by the Scottish Parliamentary Corporate body on 3 March 2016.</p>	
<b>BUSINESS MATTERS</b>		
5.	<p><b>COMMUNICATIONS:</b> <b>Monitoring Officers Workshop</b> Members noted that the Monitoring Officers' Workshop had been scheduled to take</p>	

	<p>place on 24 May 2016. The Executive Director would draft a programme for consideration by Members at the next meeting.</p> <p><b>Audit Scotland Round Table Discussion on Roles &amp; Working Relationships</b> Members noted that the Executive Director was due to attend the Round Table Discussion on behalf of the Standards Commission on 3 March 2016 and would report on the discussions at the next meeting.</p> <p><b>Scottish Housing Regulator Workshop Request</b> Members noted that the Executive Director had advised the Scottish Housing Regulator that she and Mrs Gallanders were willing to attend one of their Board workshops to provide a brief overview of the role and remit of the Standards Commission. The Scottish Housing Regulator was to revert with a convenient date.</p> <p><b>Northern Ireland Local Government Reform Conference and Meeting with Deputy Ombudsman</b> Members noted the report provided by the Executive Director on her meeting with the Deputy Ombudsman and attendance at the Northern Ireland Local Government Reform Conference. Members further noted that the Deputy Ombudsman and Director of Investigations (Local Government Ethical Standards) were going to meet with the Convener and Business Manager on 16 March 2016 to learn more about how the Standards Commission conducted its Hearings.</p>	<p><b>Executive Director</b></p> <p><b>Executive Director</b></p>
6.	<p><b>Business Plan 2016/17</b> Subject to some minor amendments, Members agreed the draft Business Plan 2016/17. Members agreed the Executive Director should incorporate the changes and also add references to the Risk Register 2016/17. The Business Plan 2016/17 could then be issued to stakeholders and published.</p>	<p><b>Executive Director</b></p>
7.	<p><b>Risk Register 2016/17</b> Subject to a change to the wording of proposed Risk Two and some other minor amendments, Members agreed the content and proposed business impact and probability scores in the Risk Register 2016/17.</p>	<p><b>Executive Director</b></p>
8.	<p><b>Review of Legislation and Councillors' Code of Conduct</b> Members agreed that it would be useful to have criteria for when to use the option under Section 16 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 (the 2000 Act) to 'do neither' (as opposed to directing the CESPLS to undertake further investigation or deciding to hold a Hearing). Members noted the 2000 Act did not prohibit the Standards Commission from determining its own criteria for the 'do neither' option. Members agreed that in order to ensure consistency, fairness and transparency, the criteria should be agreed and published in a policy. Members asked the Executive Director to draft such a policy for consideration at the next meeting. Members noted that the Scottish Government had obtained approval from Ministers to take forward a possible change to the Councillors' Code of Conduct to resolve the issue the current provisions caused in respect of Regional Transport Partnerships. The Scottish Government intended to consult with the Standards Commission about this change in due course. Members agreed the Standards Commission should use that opportunity to suggest the other potential amendments to the Councillors' Code of Conduct, as suggested by the Executive Team.</p>	<p><b>Executive Director</b></p>
9.	<p><b>Appointment of Standards Officers for Health &amp; Social Care Integration Joint Boards</b> Members noted that Ethical Standards in Public Life etc. (Scotland) Act 2000 (Register of Interests) Regulations 2003 required the Standards Commission to approve the Standards Officer of any devolved public body that did not have employees. Health &amp; Social Care Integration Joint Boards (IJB) fell within this category and, therefore, the Standards Officer of an IJB required to be approved by the Standards Commission. Members agreed that in order to undertake the approval, the Standards Commission</p>	

	<p>should require each Chief Officer to:</p> <ul style="list-style-type: none"> <li>• Provide a summary of the Standards Officer's key responsibilities;</li> <li>• Provide the name of the nominated individual and indicate whether they are an existing Monitoring or Standards Officer; and</li> <li>• Confirm the steps they have taken to assure themselves of the individual's suitability.</li> </ul> <p>Members agreed that the Executive Director should write to all the IJB Chief Officers seeking this information so that assessments could be undertaken at future meetings and approval granted, or more information sought, as appropriate.</p>	<b>Executive Director</b>
<b>10.</b>	<p><b>Hearings Survey</b></p> <p>Members agreed the content of the Hearings Survey in principle. However, concerns were expressed that some of the proposed questions require a 'yes' or 'no' answer when in fact they contained more than one query. In addition, Members considered requesting a graded response to some questions would be more appropriate and useful than a simple 'yes/no'. Members asked the Executive Director to revise the format of the survey accordingly. Mr Dunion offered to review it again before it could then be issued.</p>	<b>Executive Director</b>
<b>11.</b>	<p><b>Legal Advice on Revised Guidance on Councillors' Code of Conduct</b></p> <p>Members noted the content of the legal advice. Members further noted that Revised Guidance would be issued on 1 March 2016. Members agreed that the Revised Guidance should be sent to all councillors in addition to Council Chief Executives.</p>	<b>Executive Director</b>
<b>12.</b>	<p><b>Proposed Code of Conduct for Members of Health &amp; Social Care Integration Joint Boards</b></p> <p>Members noted the Scottish Government had incorporated the suggestions the Standards Commission had made on the draft Code of Conduct for Members of Health &amp; Social Care Integration Joint Boards. Members reviewed the amended draft Code and agreed they were content with the changes, subject to one further minor suggestion. Members agreed the Executive Director should advise the Scottish Government accordingly.</p>	<b>Executive Director</b>
<b>13.</b>	<p><b>Proposal for Internal Audit 2016/17</b></p> <p>Members noted the Internal Auditor had proposed that the audit should cover the Risk Register. The Internal Auditor intended to select five or six risks at random and to then review and report on evidence about the controls in place and activities undertaken to control and mitigate each risk. Members agreed the proposal.</p>	<b>Executive Director</b>
<b>14.</b>	<p><b>External Audit Plan 2015/16</b></p> <p>Members noted the minutes of the Audit &amp; Risk Committee on 25 January 2016 and confirmed approval of the Audit Plan for 2015/16. Members noted it was the final year of Audit Scotland's current appointment as auditors but that the Executive Team were discussing the possibility of the appointment being renewed. The Executive Team would provide an update on these discussions at the next meeting.</p>	<b>Executive Team</b>
<b>15.</b>	<p><b>Annual Accounts and Annual Report Presentation Format</b></p> <p>Members noted the Scottish Parliamentary Corporate Body's advice that consolidating the Annual Accounts and Annual Report would be unsatisfactory in terms of the governing legislation, which provided for different laying procedures. Members agreed that, in light of this advice, the Annual Accounts and Annual Report be retained as separate documents.</p>	
<b>16.</b>	<p><b>Members' Contribution to Key Principles</b></p> <p>Subject to a few amendments, Members agreed the summary of their contribution to the key principles to be included in the Annual Report for 2015/16. An induction training session is to be arranged for Mr Dunion on the conduct of Hearings. Members agreed it would be useful for them to be included for refresher training. Members asked the Executive Director to seek proposals and costs of such a training</p>	<b>Executive</b>

	session from three different legal training providers.	<b>Director</b>
<b>17.</b>	<p><b>College Good Governance Task Group</b></p> <p>Members noted the Executive Director had been invited by the Cabinet Secretary for Education and Lifelong Learning to a Task Group lead by the Scottish Funding Council that day, on governance and financial stewardship issues at Scotland's colleges. As the Executive Director had been unable to attend, she would seek an update on what had been discussed and would disseminate a summary to Members.</p>	<b>Executive Director</b>
<b>18.</b>	<p><b>Review of Hearings Decisions and Sanctions</b></p> <p>Members undertook a review of the Hearings Decisions and Sanctions made to date in 2015/16. Members agreed that it would be useful to have a checklist of matters to review for completion after each Hearing. The checklist should include all matters relating to the management of Hearing including:</p> <ul style="list-style-type: none"> <li>• the suitability of the venue;</li> <li>• any procedural matters that had arisen; and</li> <li>• the contents and format of written and verbal decisions and press releases.</li> </ul> <p>Members agreed the Executive Director should prepare a draft checklist for approval at the next meeting. The content of the checklists could then be collated at the end of each year to facilitate the annual review of Hearing Decisions and Sanctions.</p>	<b>Executive Director</b>
<b>CASES UPDATE</b>		
<b>19.</b>	<p><b>NOTES OF DECISION/CASES NOT PURSUED &amp; SECTION 14 NOTIFICATION LETTERS</b></p> <p>Members reviewed the five cases published by CESPLS on his website following completion of his investigation.</p>	
<b>20.</b>	<p><b>BREACH REPORTS</b></p> <p><b>a) LA/D/1714:</b> Councillor Ken Guild of Dundee City Council. Members agreed to hold a Hearing.</p> <p><b>b) LA/H/1693:</b> Councillor Roderick Balfour of the Highland Council. Members agreed to hold a Hearing</p> <p>Members agreed the Executive Team should confirm Members' availability to enable dates to be agreed for the Hearings.</p>	<b>Business Manager</b>
<b>21.</b>	<p><b>HEARING UPDATE / POST HEARING ACTIVITIES</b></p> <p><b>a) LA/C/1640:</b> Councillor Archie Drummond of Clackmannanshire Council. The Chair of the Hearing Panel confirmed the Hearing has been adjourned and would reconvene on 7 March and 14 April 2016.</p> <p><b>b) LA/AN/1772:</b> Councillor Colin Brown of Angus Council. Members noted that a pre-Hearing meeting had been held on 22 February 2016 and the Hearing was scheduled to take place on 15 March 2016.</p> <p><b>c) NPA/LLT/1781:</b> Mr Owen McKee. Members noted that the Hearing was scheduled to take place on 12 April 2016.</p>	
<b>AOB</b>		
<b>22.</b>	<p><b>2015/16 &amp; 2016/17 DIARY DATES/MEETINGS</b></p> <p>Members reviewed the schedule.</p> <p><b>DATE OF NEXT MEETING</b></p> <p>The Standards Commission will meet on Thursday 24 March 2016.</p>	