

MINUTES

Meeting date: Tuesday 26 July 2016

IN ATTENDANCE

- Ian Gordon (Convener)
- Kevin Dunion
- Lindsey Gallanders
- Matt Smith
- Julie Ward
- Lorna Johnston (Executive Director)
- Elaine McLean (Business Manager)
- Gordon Quinn (Scottish Government Public Bodies Unit) (Observing items 1-8)

ITEM	CONTENT	ACTION
STANDING ITEMS		
1.	<p>APOLOGIES No apologies for absence were received.</p> <p>The Convener welcomed Mr Quinn from the Scottish Government's Public Bodies Unit, who was attending the meeting as an observer.</p> <p>CONFLICTS OF INTEREST No declarations were made.</p>	
2.	<p>DRAFT MINUTE OF PREVIOUS MEETING Members reviewed and, subject to one minor amendment, approved the Minute of the meeting held on 27 June 2016.</p>	
3.	<p>MATTERS ARISING</p> <p>Development of E-Learning Training Materials Members noted work on ascertaining the resources required to produce E-Learning training materials was ongoing.</p> <p>Annual Report 2015/16 Members noted the design of the Annual Report 2015/16 had been agreed and the Annual Report would be finalised by the end of July 2016, in time to be laid before the Scottish Parliament in August 2016.</p> <p>Advice Note for Councillors on ALEOs Members noted the Advice Note had been circulated to the CESPLS, SOLAR, SOLACE, Audit Scotland, OSCR and the Scottish Government's Local Government Division. In addition, information on the consultation on the Advice Note had been added to the website and included in the professional briefing that had been published and circulated on 30 June 2016. Members noted the consultation was due to close on 31 August 2016 and the Advice Note would be finalised and issued after that deadline.</p> <p>Members noted that all other matters had concluded or would be discussed under the main agenda.</p>	<p>Executive Team</p> <p>Executive Team</p> <p>Executive Team</p>
STRATEGIC MATTERS		
4.	<p>BUSINESS PLAN 2016/17: QUARTER 1 REVIEW Members reviewed and, subject to one additional planned event being inserted,</p>	Executive

	agreed the progress against planned and future activities detailed within in the Business Plan.	Team
BUSINESS MATTERS		
5.	<p>COMMUNICATIONS:</p> <p>Succession Planning Update The Convener reported that the SPCB were considering the Standards Commission’s request that the replacement Convener be appointed before the replacement Member. The Convener confirmed that he had advised the SCPB of the specific skills and experience he considered would be useful for new Members.</p> <p>PAYE Settlement Agreement The Business Manager advised that she was awaiting clarification from the SPCB on the terms of Members appointments. Once this information had been received, she would thereafter contact the HMRC about the PAYE Settlement Agreement.</p>	Business Manager
6.	<p>Section 16 Policy Following Receipt of Reports from the CESPLS Subject to some amendments, including the insertion of a paragraph explaining that the purpose of the Policy was to help promote transparency in decision-making, Members agreed the content of the policy. Members agreed the Policy should be published on the website and circulated to the CESPLS once finalised.</p>	Executive Team
7.	<p>Survey on the Conduct and Management of Hearings Members noted that eight responses had been received in respect of the six Hearings held to date in 2016. Members agreed the Standards Commission was less likely to receive responses from parties and individuals who had attended Hearings prior to 2016. Therefore, the survey should be issued to those who attend Hearings as soon as possible after the conclusion of the Hearing. The feedback received should then be collated and presented to Members on an annual basis.</p> <p>Members reviewed the collated survey responses and were pleased to note these were generally positive. In response to one comment, Members noted the Executive Team had already provided an explanation about why the Standards Commission seeks to hold Hearings in venues of the council or devolved public on the website.</p> <p>Member agreed, for the sake of clarity, that the following provisions should be added to the Hearing Rules Process & Guide the next time it was reviewed:</p> <ul style="list-style-type: none"> • that the Standards Commission could not pay for the cost of a party’s representation; and • that witnesses would only be allowed to refer to papers provided by the Standards Commission and not to any other paperwork or notes. <p>Members agreed a summary of the feedback received from the Hearing Survey along with the Standards Commission response to comment should be published on the website and included in the next professional briefing. The summary should contain a caveat about the limited number of responses to the survey.</p>	Executive Team
8.	<p>Section 19 Policy on the Application of Sanctions Members reviewed the draft Policy and subject to some amendments, agreed it should be published on the website and circulated to the parties to Hearings.</p>	Executive Team
	Mr Quinn left the meeting.	

<p>9.</p>	<p>Audit & Risk Committee</p> <p>Annual Accounts 2015/16 Members reviewed the Annual Accounts 2014/15, the contents of the proposed ISA 260 Report and the terms of the draft ISA 580 letter. Members approved the Annual Accounts, subject to some minor amendments, and confirmed they authorised to the Executive Director to sign the Annual Accounts and cover letter and submit these to Audit Scotland for their consideration and final approval.</p> <p>Annual Audit Report 2015/16 Members reviewed and noted the contents of the Audit Report. Members noted that the Auditors had not been provided with an Annual Statement of Assurance from the Head of Internal Audit to the Standards Commission. However, since the Report had been produced, the Auditors had been provided with the Annual Statement of Assurance on the adequacy and effectiveness of the internal controls systems operating by the SPCB, which they had confirmed would have been sufficient. Members agreed that the Executive Team should liaise with the Head of Internal Audit to ensure an Annual Statement of Assurance available going forward in future years.</p> <p>Draft Minutes Audit & Risk Committee Meeting Members noted the minutes of the Audit & Risk Committee held on 8 July 2016 and the verbal report provided by the Chair of the Committee. Members noted that the Audit & Risk Committee Members had agreed to hold a mid-year discussion with the Head of Internal Audit to seek a progress report on the 2016/17 internal audit plan.</p>	<p>Executive Team</p>
<p>10.</p>	<p>Budget & Expenditure 2016/17 – Quarter 1 Report Members noted the Report which detailed expenditure incurred during 1 April to 30 June 2016 and the projected budget from July 2016 to the year end. Members reviewed the explanatory information provided with the Report and acknowledged that the end of year expenditure out-turn remained on target against the allocated budget.</p>	
<p>11.</p>	<p>Legal Advice on Extent and Interpretation of Paragraphs 3.14 & 3.15 of the Councillors’ Code of Conduct Members agreed that legal advice should be sought on the extent and interpretation of paragraphs 3.14 and 3.15 of the Councillors’ Code of Conduct. In particular, the advice should cover whether:</p> <ul style="list-style-type: none"> • paragraph 3.14 could be interpreted as extending to information that is, by its own nature, confidential; and • the prohibition of disclosure for personal or party political advantage or to discredit the Council under paragraph 3.15 should only apply to information received under the Local Government Act 1975 or whether it could be interpreted more widely. 	<p>Executive Director</p>
<p>12.</p>	<p>Programme for Monitoring Officers’ Workshop Members agreed the Section 16 Policy on the Receipt of Reports from the CESPLS the and Section 19 Policy on the Application of Sanctions should be introduced at the Monitoring Officers’ Workshop, which was due to take place on 8 September 2016. In addition, the possibility of collaborative training opportunities should be discussed at the Workshop. Members agreed invitations to attend the Workshop should be issued to COSLA and the Improvement Service to facilitate such discussions.</p> <p>Members agreed the Programme should be issued when finalised.</p>	<p>Executive Team</p>

13.	<p>Impact of Convictions</p> <p>Members noted the contents of the paper on the impact of a councillor being convicted of a criminal offence. Members agreed there did not seem to be any prohibition on the Standards Commission considering a Report received on a complaint concerning a possible contravention of the Code, which has arisen from the same events that led to a conviction. Members noted it would be a matter for the Standards Commission to decide whether holding a Hearing in such circumstances would be in the public interest, particularly if the councillor had been sentenced to three months or more imprisonment (and had, therefore, been disqualified) given the only available sanction would be censure.</p>	
CASES UPDATE		
14.	<p>NOTES OF DECISION/CASES NOT PURSUED & SECTION 14 NOTIFICATION LETTERS</p> <p>Members reviewed the three cases published by CESPLS on his website following completion of his investigation.</p>	
15.	<p>HEARING UPDATE / POST HEARING ACTIVITIES</p> <p>a) LA/AB/1758: Councillor Michael Breslin of Argyll & Bute Council. Members noted the Hearing had been scheduled to take place on 20-22 September 2016. A pre-Hearing meeting had also been arranged for 18 August 2016.</p> <p>b) LA/H/1693: Councillor Roderick Balfour of Highland Council. Members noted the Report provided by Highland Council in respect of the Hearing Panel's decision.</p>	
AOB		
16.	<p>2015/16 & 2016/17 DIARY DATES/MEETINGS</p> <p>Members reviewed the schedule and planned activities.</p> <p>DATE OF NEXT MEETING</p> <p>The Standards Commission will meet on Monday, 26 September 2016.</p> <p>Members agreed to change the date of the meeting scheduled for Monday, 7 November 2016 to Monday, 31 October 2016.</p>	Business Manager