

MINUTES

Meeting date: Monday 26 September 2016

IN ATTENDANCE

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

ITEM	CONTENT	ACTION
STANDING ITEMS		
1.	<p>APOLOGIES No apologies for absence were received.</p> <p>CONFLICTS OF INTEREST No declarations were made.</p>	
2.	<p>DRAFT MINUTE OF PREVIOUS MEETING Members reviewed and approved the Minute of the meeting held on 26 July 2016.</p>	
3.	<p>MATTERS ARISING</p> <p>Development of E-Learning Training Materials Members noted the Executive Director was scheduled to meet with representatives from Audit Scotland and the Improvement Service on 4 October 2016 to discuss opportunities for joint development of training materials. The Executive Director would report back on the discussions at the next meeting.</p> <p>Hearings Survey Members noted that a summary of the outcome of the survey had been posted on the website and was included in the September professional briefing. In addition, information on accessing the survey would be issued to attendees at each Hearing.</p> <p>Members noted that all other matters arising were complete or would be discussed under the main agenda.</p>	Executive Director
BUSINESS MATTERS		
4.	<p>COMMUNICATIONS:</p> <p>Succession Planning Update Members noted the SPCB had issued letters to them to determine whether anyone was interested in applying for the upcoming Convener vacancy. Members further noted that the SPCB had indicated they would advertise for the two member vacancies shortly. Members asked to be kept updated on the recruitment process.</p> <p>PAYE Settlement Agreement Members noted that Officeholders Services had advised the Business Manager that there was no opposition to the Standards Commission's existing arrangements.</p> <p>Workshop Request – Clackmannanshire Council Members agreed to the request for training from Clackmannanshire Council but</p>	

	<p>noted that, due to existing commitments, it would not be possible to provide this until the new year. Members asked the Executive Team to advise Clackmannanshire Council accordingly and request that they revert with potential dates towards the start of 2017.</p> <p>Standards Training Presentation for Local Authorities Members noted that the Executive Team had prepared a standard training presentation for local authorities, which included scenarios for elected members to consider and case examples. Members noted the Executive Team would ask each local authority to indicate the areas they wished the Standards Commission to concentrate on and would then tailor the presentation accordingly. Members further noted the Executive Team were preparing a similar standard presentation, on the Model Code of Conduct, for devolved public bodies.</p>	Executive Team
5.	<p>Amended Draft ALEO Advice Note Subject to some amendments, including the inclusion of version control information, Members agreed the content of the Advice Note. Members agreed the Advice Note should be published on the website and circulated to stakeholders.</p>	Executive Team
6.	<p>Applications for Appointment of Standards Officers for Health & Social Care Integration Joint Boards Members reviewed and approved two appointments for the role of Standards Officer in the following Integrated Joint Boards:</p> <ul style="list-style-type: none"> • Gavin Mitchell, Orkney Islands Health & Social Care IJB • Alasdair McEachan, Moray Health & Social Care Partnership <p>Members agreed the Executive Team should provide confirmation of the appointments to the respective Chief Officers.</p>	Executive Team
7.	<p>Review of Councillors' Code of Conduct Members reviewed the proposals for changes to the Councillors' Code of Conduct and agreed that these should be circulated to SOLAR and SOLACE following the Scottish Government's launch of its public consultation on extending the specific exclusions within the Code.</p>	Executive Team
8.	<p>Legal Advice on Extent and Interpretation of Paragraphs 3.14 & 3.15 of the Councillors' Code of Conduct Members noted the terms of the legal advice received on the extent and interpretation of paragraphs 3.14 and 3.15 of the Councillors' Code of Conduct. Members agreed that the Scottish Government should be asked to consider, as part of any review of the Code, clarifying the wording of the paragraphs to make it clear that:</p> <ul style="list-style-type: none"> • paragraph 3.14 extended 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 not only apply to information received under the Local Government Act 1975 but to all confidential information. <p>Members agreed that the content of the legal advice should be imparted to the CESPLS for his information.</p>	Executive Director
9.	<p>September 2016 Professional Briefing Members agreed the content of the professional briefing. Members asked the Executive Team to publish the professional briefing on the website and to issue it to Monitoring and Governance Officers and Elected Members.</p> <p>Members further agreed the Executive Director should offer to provide a dispensation application template to aid officers when submitting requests for</p>	Executive Team

	consideration by the Standards Commission.	
10.	<p>Potential Impact of <i>Heesom v Public Services Ombudsman for Wales</i></p> <p>Members noted the parts of the Judgement, which were of relevance to how the Standards Commission interprets the general conduct provisions in the Councillors' Code and to the Guidance it issues, and also the comments which might impact on how the Standards Commission deals with any appeals made against its decisions.</p> <p>Members agreed to discuss the judgement further at their October meeting, following the conclusion of the Hearing in Argyll & Bute.</p>	
CASES UPDATE		
11.	<p>NOTES OF DECISION/CASES NOT PURSUED & SECTION 14 NOTIFICATION LETTERS</p> <p>Members reviewed the eight cases published by the CESPLS on his website following completion of his investigation and noted a Section 14 notification had been submitted by the CESPLS in respect of one case.</p>	
12.	<p>HEARING UPDATE / POST HEARING ACTIVITIES</p> <p>a) LA/AB/1758: Councillor Michael Breslin of Argyll & Bute Council. Members noted the first day of the Hearing had taken place on 20 September 2016. The Hearing Panel had determined they had sufficient information to be able to make a determination and Members noted the Panel anticipated the Hearing would conclude on the second day, which was scheduled for 19 October 2016.</p> <p>b) LA/R/1800: Councillor Paul Mack of Renfrewshire Council. Members noted the Hearing was scheduled to take place on 17 October 2016.</p> <p>c) LA/Fa/1799: Councillor Alan Nimmo of Falkirk Council. Members noted the Hearing was scheduled to take place on 24 October 2016.</p> <p>d) LA/WD/1879: Councillor Tommy Rainey of Dunbartonshire Council. Members noted the Hearing was scheduled to take place on 22 November 2016.</p> <p>e) LA/WL/1882 & NHS/Lo/1872: Councillor Frank Toner of West Lothian Council and formerly of NHS Lothian. Members noted the Hearing was scheduled to take place on 24 and 25 November 2016.</p>	
AOB		
13.	<p>2016/17 & 2017/18 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, 31 October 2016.</p>	