

MINUTES

Meeting date: Monday 31 October 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 Mrs Gallanders declared an interest in the first part of item 6, being the request for approval of the Standards Officer for Edinburgh Health & Social Care Integration Joint Board, and took no part in the discussion.</p>	
2.	<p>DRAFT MINUTE OF PREVIOUS MEETING Members reviewed and approved the Minute of the meeting held on 26 September 2016.</p>	
3.	<p>MATTERS ARISING Members noted that all matters arising were complete or would be discussed under the main agenda.</p>	
STRATEGIC MATTERS		
4.	<p>Business Plan 2016/17 - Quarter 2 Review Members reviewed and, subject to one change being made to a planned target, agreed the progress against planned and future activities detailed within the Business Plan.</p>	Executive Team
BUSINESS MATTERS		
5.	<p>COMMUNICATIONS:</p> <p>Succession Planning Update Members noted the SPCB would interview an existing Member of the Standards Commission for the Convener role on 2 November 2016 and would advertise, if necessary, for the two member vacancies later that week, with a view to holding interviews on 12 December 2016. Members asked to be kept updated on the recruitment process and that succession planning be added to the Matters Arising, as a standard item, until appointments for both roles had been made.</p> <p>Training Collaboration Opportunities Members noted that the Executive Director discussed training collaboration opportunities with representatives from Audit Scotland and the Improvement Service at a meeting on 4 October 2016. Members noted the verbal update provided on this by the Executive Director.</p>	

	<p>Workshop Request – Clackmannanshire Council Members noted that Clackmannanshire Council had provided a list of potential dates for the Workshop. Members agreed that the Executive Team should revert to confirm that Kevin Dunion and Julie Ward could provide the training on 14 February 2017.</p> <p>Update on Scottish Government’s proposed consultation on changes to the Councillors’ Code of Conduct Members noted the Scottish Government had advised that they expected to be in a position to launch the consultation during November 2016.</p>	Executive Team
6.	<p>Applications for Appointment of Standards Officers for Health & Social Care Integration Joint Boards Members reviewed and approved the following two appointments for the role of Standards Officer:</p> <ul style="list-style-type: none"> • Gavin King, Edinburgh Health & Social Care IJB • Geraldine McCann, South Lanarkshire 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>Dispensation Request from Aberdeen City Council re Nestrans Members reviewed the dispensation request submitted by Aberdeen City Council in respect of councillor members of Nestrans.</p> <p>Members noted that an officer from Nestrans would attend a transport group set up by Aberdeen Football Club to consider transport, traffic and parking matters relating to a planning application for a new stadium. The officer’s role would be to advise the group on Nestrans’ policies and the regional transport strategy as well as giving their views on the suggested transport links to and from the proposed new stadium. Members noted Aberdeen City Council were concerned that the officer’s participation in the group would preclude councillor members of Nestrans from taking part in any discussions and decision-making on any quasi-judicial matters in respect of the anticipated planning application from Aberdeen Football Club.</p> <p>Members considered, however, that such participation by an officer would not amount to pre-judging on behalf of the councillor members of Nestrans. Members further considered that a difficulty would only arise if an officer or member was mandated to give a view specifically attributable to each councillor member of Nestrans on specific planning application and also that such a view was the subject of a corporate decision by Nestrans. In the circumstances, Members did not consider a dispensation was required. Members asked the Executive Team to advise Aberdeen City Council accordingly.</p>	Executive Team
8.	<p>Quarter 2 Budget / Expenditure Report Members noted the Report which detailed expenditure incurred during the period from 1 July to 30 September 2016 and the projected budget from October 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>	
9.	<p>Review of Legislative Framework Members reviewed the provisions of the Ethical Standards in Public Life etc. (Scotland) Act 2000 and, specifically, the sections that governed and impacted on the work of the Standards Commission.</p> <p>Members agreed it would be useful to identify potential difficulties with, and improvements that could be made, to the provisions in order to be in a position to be able to suggest changes to the Scottish Government if, and when, it indicated it</p>	

	<p>was minded to review the legislative framework.</p> <p>Members considered the advantages and disadvantages of amendments suggested by the Executive Team and, subject to some amendments, agreed a list of suggestions.</p>	
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 that Hearing Panels should be mindful of the impact of Article 10 when reaching determinations on whether or not there has been a contravention of the provisions in the Codes of Conduct relating to respect.</p>	
CASES UPDATE		
11.	<p>NOTES OF DECISION/CASES NOT PURSUED & SECTION 14 NOTIFICATION LETTERS</p> <p>Members reviewed the seven cases published by the CESPLS on his website following completion of his investigation.</p>	
12.	<p>HEARING UPDATE / POST HEARING ACTIVITIES</p> <p>a) LA/AB/1758: Councillor Michael Breslin of Argyll & Bute Council. Members noted Hearing concluded on 19 October 2016. The Hearing Panel determined there had been a breach and censured the Respondent.</p> <p>b) LA/R/1800: Councillor Paul Mack of Renfrewshire Council. Members noted the Hearing took place on 17 October 2016. The Hearing Panel determined there had been a breach and suspended the Respondent.</p> <p>c) LA/Fa/1799: Councillor Alan Nimmo of Falkirk Council. Members noted the Hearing took place on 24 October 2016. The Hearing Panel determined there had been a breach and censured the Respondent.</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. A pre-Hearing meeting had been held on 10 October 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. A pre-Hearing meeting had been held on 27 October 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, 12 December 2016.</p>	