

MINUTES

Meeting date: Monday 30 January 2017

IN ATTENDANCE

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

ITEM	CONTENT	ACTION
STANDING ITEMS		
1.	<p>APOLOGIES Apologies were received from Mr Gordon and Mr Dunion chaired the meeting in his absence.</p> <p>CONFLICTS OF INTEREST Mr Dunion declared an interest in item 14d and took no part in the discussion. Mr Smith chaired the meeting for item 14d only.</p>	
2.	<p>DRAFT MINUTE OF PREVIOUS MEETING Members reviewed and approved the Minute of the meeting held on 12 December 2016.</p>	
3.	<p>MATTERS ARISING Members noted that all matters arising were either complete or to be discussed under the main agenda.</p>	
STRATEGIC MATTERS		
4.	<p>Draft Business Plan 2017 – 2018 Members agreed the Business Plan for 2017- 2018 subject to some amendments, particularly in respect of promotional work. Members agreed that while their own training and personal development plans would be developed in quarter two of 2017- 2018, a discussion on reviewing the Members’ performance management framework should be added to the agenda for the next meeting.</p>	Executive Team
BUSINESS MATTERS		
5.	<p>COMMUNICATIONS:</p> <p>a) Succession Planning Update Members noted the Scottish Parliament had approved the motion to appoint two new members, Michael McCormick and Tricia Stewart, on 17 January 2017. Members further noted that Mr McCormick would commence in post on 1 February 2017 and Mrs Stewart on 1 April 2017. Members agreed the Executive Team should proceed to implement the induction plan for new Members and noted that they looked forward to meeting Mr McCormick and Mrs Stewart in due course.</p> <p>b) Meeting with COSLA Members noted that the Executive Director had met the Chief Executive of COSLA on 21 December 2016 and had discussed areas of common interest to both organisations. Members noted that The Standards Officers’ Workshop on 28 March 2017 was to be held at COSLA’s conference Centre and that the Chief Executive hoped to meet them then.</p> <p>c) British Sign Language (Scotland) Act 2015 Members noted that the Act obliged Scottish Ministers to publish the first British Sign Language (BSL) National Plan by 22 October 2017, with listed authorities (including the</p>	Executive Team

	<p>Standards Commission) obliged to publish their own plans the following year. The plan is required to set out measures to be taken by the Standards Commission in relation to the use of BSL in connection with the exercise of the authority's functions and the timescales under which any such measures are to be taken. Members noted that work to be undertaken in respect of the creation of the BSL plan was included in the Business Plan for 2017 – 2018 and would be undertaken that year.</p> <p>d) Training Workshop Request from the Crofting Commission Members agreed to the request for the provision of training to new members of the Crofting Commission. Members agreed Mrs Gallanders and Mrs Ward would provide the training and that the Executive Team should liaise with the Crofting Commission to identify a mutually convenient date</p> <p>e) Training Workshop request from the Risk Management Authority Members agreed that the Executive Director should accept the invitation from the Risk Management Authority to provide training on the Model Code of Conduct to its Board. Members agreed the Executive Director should liaise directly with the Risk Management Authority to identify a suitable date.</p>	<p>Executive Team</p> <p>Executive Team</p> <p>Executive Team</p>
<p>6.</p>	<p>Applications for Appointment of Standards Officers for Health & Social Care Integration Joint Boards Members reviewed and approved the following appointment for the role of Standards Officer:</p> <ul style="list-style-type: none"> • Mr Jan Riise, Shetland Islands Health & Social Care Partnership IJB <p>Members agreed the Executive Team should provide confirmation of the appointment to the Chief Officer.</p> <p>Members noted that an application had also been received from Dumfries & Galloway Health & Social Care Partnership IJB. Members agreed that further information should be sought from the IJB on the role they expected the nominated individual to perform before approval could be granted.</p>	<p>Executive Team</p> <p>Executive Team</p>
<p>7.</p>	<p>Illustrations of Compliance with Councillors' Code of Conduct Members reviewed the draft case studies, which were intended to illustrate good practice in interpreting the Councillors' Code of Conduct, as prepared by the Executive Team. Members considered that the illustrations, as drafted, were somewhat complicated and consequently difficult to follow. Members appreciated, however, that making the examples more straightforward would result in the outcomes being obvious, which would not add any value in terms of assisting councillors and officers to interpret the provisions of the Code. Members considered using examples based on cases found to be a non-breach by the CESPLS but agreed this would not necessarily be helpful, given that some such findings were based on a lack of evidence, as opposed to the facts demonstrating that the councillor concerned demonstrated good practice. In the circumstances, Members agreed not to proceed with publishing illustrations or case studies to try to demonstrate good practice. Members asked the Executive Director to advise the Improvement Service accordingly.</p>	<p>Executive Director</p>
<p>8.</p>	<p>Consultation on Proposed Changes to the Councillors' Code of Conduct Members noted the terms of the Scottish Government's consultation on proposed changes to the Councillors' Code of Conduct and reviewed the Executive's Team analysis and recommendations in respect of the options identified. Members agreed that, in principle, they supported the Standards Commission's proposal to widen the specific exclusion at paragraph 5.18(2)(i) of the Councillors' Code of Conduct to cover Regional Transport Partnerships. Members agreed, however, that there did not appear to be any rationale or justification for widening the specific exclusion to all public bodies and it is considered that doing so would dilute the Code and public confidence in the statutory decision-making processes of a Council. Members agreed not to support that aspect of the proposal.</p>	

	<p>Members asked the Executive Team to review the reasons behind the first dispensation request that had been received from Aberdeen City Council in respect of its local Regional Transport Partnership, Nestrans. In particular, Members wished to check whether or not councillor members of Regional Transport Partnerships were remunerated. Members noted that a response to the consultation was not due until March and agreed that the Executive Team should prepare a draft response to the consultation for consideration at the next meeting.</p>	Executive Team
9.	<p>Quarter 3 Budget and Expenditure Report</p> <p>Members noted the Report, which detailed expenditure incurred during the period from 1 October to 31 December 2016 and the projected budget from January 2017 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>	
10.	<p>Quarter 3 Review of Business Plan 2016 - 2017</p> <p>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
11.	<p>Audit & Risk Committee Meeting on 23 January 2017</p> <p>Members noted the verbal report given by the Chair of the Audit & Risk Committee, Mrs Ward, of its meeting on 23 January 2017. Members were pleased to note that a positive report on the Risk Register had been received from the Internal Auditor. Members were concerned, however, about the level of the fee for the external audit for 2017/18. Members noted that it reflected the indicative fee set for small bodies under Audit Scotland's Code of Audit Practice and that the external auditors had confirmed that they were not permitted to set fees below the indicative level. Members considered, however, that the fee of £2,590, being a 6.6% increase on the fee for 2015-2016, represented a disproportionate increase particularly given the overall size of the Standards Commission's budget and the fact that the auditors did not have to undertake a separate review the majority of the Standards Commission's financial procedures as its financial processing was undertaken by the Scottish Parliamentary Corporate Body, who were also audited by Audit Scotland. Members understood that other officeholders had also expressed concerns about the fee increase and agreed that the Executive Team should advise Officeholder Services of their dissatisfaction so that their concerns could be added to the feedback being provided to Audit Scotland.</p> <p>Members noted that the Audit & Risk Committee had agreed to the insertion of an additional risk relating to the ownership of the Standards Commission's website domain name to the Risk Register for 2016 – 2017. Members agreed the work in respect of mitigating this risk should be included in the Matters Arising until completed.</p>	<p>Executive Team</p> <p>Executive Team</p>
12.	<p>Accounts Commission's Follow Up Report on Roles and Working Relationships in Councils</p> <p>Members noted the contents of the letter from the Accounts Commission which was sent to the Standards Commission of 29 November 2016 and the Standards Commission's response of 6 December 2015. Members agreed some amendments to the terms of the letter to be sent to all Council Chief Executives before the May 2017 election, which asked them for information about the arrangements they have put in place to ensure that newly elected members are offered, and indeed attend, training on the Councillors' Code of Conduct and the impact the provisions contained within it have in terms of how they undertake their roles and responsibilities.</p> <p>Members noted that the Standards Commission had indicated in its letter to the Accounts Commission that it would write to all the political parties to emphasise the importance of the ethical standards framework and to ask them to confirm their commitment to help councillors comply with the provisions in the Code of Conduct. On reflection, Members</p>	Executive Team

	<p>not accept the Standards Commission’s decision. Members agreed that a letter should be issued to the Council’s Chief Executive pointing this out. Members were also concerned that the Council’s motion rejecting the outcome of the Standards Commission’s Hearing was based on a fundamental misunderstanding of the Standards Commission’s decision. The Standards Commission’s written decision had clearly stated that there was no need for a councillor to register his or her religious affiliation or attendance at a Church. Members agreed that the Chief Executive should be reminded that it was determined that, in the particular circumstances of the case and for reasons other than simple attendance or religious affiliation, Councillor Rainey had a close association with a specific Church that had an interest in the outcome of a specific planning application which should have been declared. Members noted that Councillor Rainey could have appealed against the breach finding but had chosen not to do so.</p> <p>b) LA/WL/1882 & NHS/Lo/1872: Councillor Frank Toner of West Lothian Council and formerly of NHS Lothian. Members noted the responses received from NHS Lothian and West Lothian Council.</p>	<p>Executive Team</p>
AOB		
<p>17.</p>	<p>2016/17 & 2017/18 DIARY DATES/MEETINGS Members reviewed the schedule and planned activities.</p> <p>DATE OF NEXT MEETING The Standards Commission will next meet on Monday, 27 February 2017.</p>	