

MINUTES

Meeting date: Tuesday 28 March 2017

IN ATTENDANCE

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

ITEM	CONTENT	ACTION
STANDING ITEMS		
1.	<p>APOLOGIES No apologies were received.</p> <p>CONFLICTS OF INTEREST No declarations of interest were made.</p>	
2.	<p>DRAFT MINUTE OF PREVIOUS MEETING Members reviewed and approved the minute of the meeting held on 28 February 2017.</p>	
3.	<p>MATTERS ARISING Members noted the verbal update provided in respect of work to secure the Standards Commission's website domain.</p> <p>Members were advised that a number of responses had been received to the letters issued by the Standards Commission to Council Chief Executives regarding the training and induction planned for councillors after the May 2017 local government elections. Members noted that the Executive Team intended to collate and report on these at the next meeting on 24 April 2017.</p> <p>Members further noted that all other matters arising were either complete or to be discussed under the main agenda.</p>	Executive Team
BUSINESS MATTERS		
4.	<p>COMMUNICATIONS:</p> <p>a) SOLAR Conference Mr Dunion reported on the presentation he had delivered on 'Setting Standards - a perspective from the new Convener of the Standards Commission for Scotland' at a plenary session of SOLAR's Annual Conference on 16 March 2017.</p>	
	<p>b) Monitoring Officers Workshop Members noted the intention to hold a workshop for Monitoring Officers in quarter three and agreed the Executive Team should explore the possibility of holding this on the same day as the Standards Commission meeting in November 2017.</p>	Executive Team
	<p>c) Crofting Commission Members noted that arrangements had been made for Mrs Gallanders and the Executive Director to provide a training workshop to the Crofting Commission's new Board on 4 May 2017. In particular, they had been asked to focus on issues relating to social media and</p>	

	conflicts of interest.	
	<p>d) Glasgow City Council Members noted the request for training from Glasgow City Council. Members agreed to wait to see whether any other training requests were received in light of the letter to Council Chief Executives regarding the training and induction planned for councillors after the May 2017 local government elections, as it may be that it would be more appropriate and economical to hold a regional training event. Members asked the Executive Team to advise Glasgow City Council accordingly.</p>	Executive Team
	<p>e) NLA Media Access License Renewal Members noted that the Standards Commission had not renewed the licence on the basis that the Executive Team could track press coverage without breaching copyright by either advising Members of the dates and names of publications in which the Standards Commission and/or Hearings were mentioned or by simply providing a brief summary of the content of any article.</p>	
5.	<p>Risk Register 2017 / 2018 Members reviewed and, subject to some amendments, agreed the Risk Register for 2017-2018. Members discussed and determined the impact and probability score for each risk and agreed that the Executive Team should update the Risk Register by recording the overall risk scores as agreed and by populating the risk map accordingly. Members agreed to discuss the Standards Commission's overall tolerance for the risks identified at the next meeting on 24 April 2017.</p> <p>When discussing the controls identified to mitigate the risk in respect of making decisions that were not well reasoned or capable of withstanding legal challenge, Members agreed it could be useful to receive training on the impact of Article 10 of the European Convention on Human Rights on the respect provisions in the Councillors' Code of Conduct. Members asked the Executive Team to obtain quotes and proposals from legal advice providers for such work.</p> <p>Members noted the requirement under Section 17 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 to have at least three members conducting a Hearing increased the impact of the risk concerning their ability to conduct Hearings. Members questioned whether they could continue with a Hearing if, during proceedings, a Member was unable to continue (for example due to illness), or whether the Hearing would have to be abandoned and rescheduled. Members considered it would be helpful to have confirmation that two Members could continue with the Hearing and make a determination in such circumstances. This would avoid a scenario under which all evidence led had to be presented again at a rescheduled Hearing, which would have an associated impact in terms of costs and resources. Members asked the Executive Team to make enquiries about the scope of the existing legislation and / or the possibility of changing the quorum requirements in certain circumstances.</p> <p>Members agreed, in respect of the risk concerning a lack of engagement in the Standards Commission's work and also in light of suggestions made at the Standards Officers' Workshop that morning, that the possibility of the Standards Commission having a greater social media presence and making more use of it to disseminate information should be explored. Members asked the Executive Team to begin work on this and to report on progress at the next meeting.</p>	<p>Executive Team</p> <p>Executive Team</p> <p>Executive Team</p> <p>Executive Team</p>
6.	<p>Annual Review of Decisions taken under Section 16 of the 2000 Act Members conducted their annual review of the decisions taken under Section 16 of the Ethical Standards in Public Life etc. (Scotland) Act 2000.</p>	
7.	<p>Draft Guidance for Unrepresented Respondents Members reviewed and, subject to some minor amendments, agreed the Guidance for</p>	

	Unrepresented Respondents. Members agreed it should be sent to unrepresented respondents in advance of Hearings and should also be published on the Standards Commission's website.	Executive Team
8.	<p>Budget for 2017 - 2018</p> <p>Members noted the budget bid for 2017 – 2018 had been approved by the Scottish Parliamentary Corporate Body. A proposed phasing profile would be presented at the meeting on 24 April 2017.</p> <p>Members further noted that the Executive Team would prepare a draft budget bid for 2018 - 2019 for consideration by Members at their meeting in July 2017.</p>	<p>Executive Team</p> <p>Executive Team</p>
9.	<p>March 2017 Professional Briefing</p> <p>Subject to some minor amendments, 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>	Executive Team
10.	<p>Sections 4 and 5 of the Annual Report for 2016 - 2017</p> <p>Subject to a few amendments, Members agreed the content of the sections of the Annual Report for 2016 – 2017; being the sections concerning the case statistics and summary of Hearings held.</p>	
11.	<p>Hearing Rules 2017</p> <p>Members noted that the CESPLS had requested that paragraph 5.13 be amended to give him the right to question witnesses or the Respondent at the mitigation stage. Members noted that while the CESPLS had indicated he did not anticipate wishing to do so very often, he was concerned that there may be situations where it was in the public interest for him to do so if, for example, the Respondent stated something contrary to what had previously been agreed in a Joint Statement of Facts or a witness gave evidence that was contrary to what the Hearing Panel had already found in respect of the breach.</p> <p>Members agreed that it was likely the Hearing Panel itself would wish to question any witness, including the Respondent, who gave evidence at the mitigation stage that was contrary to matters that had already been presented and/or facts found. Members further noted that the CESPLS could, in terms of the existing Hearing Rules, raise an objection if he had concerns and that the Chair had a discretion to alter the procedure to ensure any issues before the Hearing Panel were determined in a just and fair manner. As such, Members did not consider it was necessary to amend paragraph 5.13. Members asked the Executive Team to advise the CESPLS accordingly.</p>	Executive Team
12.	<p>Members Performance Review</p> <p>Members discussed a proposal put forward by the Convener as to how their performance reviews should be undertaken. Members agreed to complete a self- assessment template which would then form the basis of subsequent discussions with the Convener.</p>	
CASES UPDATE		
13.	<p>NOTES OF DECISION/CASES NOT PURSUED & SECTION 14 NOTIFICATION LETTERS</p> <p>Members reviewed three cases published by the CESPLS on his website following completion of his investigation.</p>	
14.	<p>BREACH REPORTS AND HEARINGS UPDATE</p> <p>a) NB/SFRS/1919: Mr Neil Pirie formerly of the Scottish Fire & Rescue Service. Members noted a Hearing had been held on 1 March 2017 and that the Hearing Panel had found Mr Pirie had not breached the Authority's Code of Conduct.</p> <p>b) LA/NL/1940: Councillor Rosa Zambonini of North Lanarkshire Council. Members noted the Hearing was due to take place on 6 April 2017.</p>	

	<p>c) LA/E/1737 & 1751: Councillors Jeremy Balfour and Cameron Rose of Edinburgh City Council. Members noted the Hearing had been arranged for 17 May 2017, with 18 and 19 May set aside should the Hearing not be concluded in one day. Members further noted that a pre-Hearing meeting was scheduled to take place on 28 April 2017.</p> <p>d) LA/WL/1824: Councillor Angela Moohan of West Lothian Council. Members noted a Hearing had been arranged for 24 May 2017 and that the Standards Commission was awaiting a response from the Respondent's representative with regard to an invitation issued for a pre-Hearing meeting.</p> <p>e) LA/NL/1936: Councillor Marina Lyle of North Lanarkshire Council. Members reviewed the report from the CESPLS along with the Standards Commission's Section 16 Policy. Members noted that the complaint concerned a failure to comply with the provisions in the Councillors' Code of Conduct in relation to the registration of interests. Members considered these provisions were a fundamental requirement of the Councillors' Code of Conduct as it ensured transparency in the decision-making process. Members determined that, in order to ensure provisions of the Code were promoted, it was in the public interest and proportionate to hold a Hearing.</p>	
AOB		
<p>15.</p>	<p>Members noted that Mr Smith's tenure was due to end on 31 March 2017 and that this was his last meeting. Members noted and thanked Mr Smith for the valuable contribution he had made to the Standards Commission and for all his hard work, good humour and support during his time in office.</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, 24 April 2017.</p>	