

MINUTES

Meeting date: Monday 24 April 2017

IN ATTENDANCE

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

ITEM	CONTENT	ACTION
STANDING ITEMS		
1.	<p>WELCOME</p> <p>Mr Dunion welcomed Mrs Stewart to her first meeting of the Standards Commission and congratulated her on her appointment.</p> <p>CONFLICTS OF INTEREST</p> <p>Mrs Gallanders and Mr McCormick both declared an interest in a non-breach case the CESPLS had published on his website following completion of an investigation, which was listed under agenda item 14(a). However, as Members did not discuss the case and merely noted it had been published, neither Mrs Gallanders nor McCormick left the room during the agenda item.</p>	
2.	<p>DRAFT MINUTE OF PREVIOUS MEETING</p> <p>Members reviewed and approved the minute of the meeting held on 28 March 2017.</p>	
3.	<p>MATTERS ARISING</p> <p>Members noted advice provided by the Scottish Parliamentary Corporate Body (SPCB) on the extent of Section 17(5) of the Ethical Standards in Public Life etc. (Scotland) Act 2000 to the effect that the provision was unequivocal and required a minimum of three members of the Standards Commission at any Hearing. Members noted the provision did not allow for any exceptions.</p> <p>Members agreed this meant that two members would not be able to continue with a Hearing if one of the Hearing Panel became ill. While another member could be co-opted to sit on the Hearing Panel, difficulties would arise if that Member had not heard all the evidence presented. In such circumstances, it was likely that the Hearing would have to be abandoned and rescheduled.</p> <p>Members noted they were also concerned that a scenario could arise where more than two Members declared an interest in a case which meant, as a result, the Standards Commission was inquorate and could not make a decision on whether or not to hold a Hearing, or indeed form a Panel to hold a Hearing. Members debated whether or not they should seek a change to the quorum requirements in the governing legislation. Members noted the SPCB's view was that the inconvenience of re-scheduling a Hearing may not be sufficient for the Parliament to be willing to agree to such a proposal. In addition, Members noted that, to date, no situation had arisen that had left the Standards Commission unable to make a decision on holding a Hearing and/or unable to form a Hearing Panel or conclude a Hearing. In the circumstances, Members agreed that suggesting an amendment to Section 17(5) should be added to the list of potential changes the Standards Commission wished to be made to legislation, should it become apparent the Scottish Government was willing to consider making revisions. However, Members asked that the Executive Team keep a</p>	

	<p>record of cases where the Standards Commission had only just been quorate so that they could draw upon examples should they decide to formally raise the issue in future.</p> <p>Members noted the verbal update provided in respect of work to secure the Standards Commission's website domain.</p> <p>Members further noted that all others matters arising were either complete or to be discussed under the main agenda.</p>	Executive Team
BUSINESS MATTERS		
4.	<p>COMMUNICATIONS:</p> <p>a) Updating the Guidance on the Councillors' Code of Conduct Members noted that the Executive Team intended to update the illustrations contained in the Guidance to include recent Hearing decisions. The Executive Team also intended to review the Guidance notes and recommend whether any changes should be made. Members noted this work would be undertaken so that they could discuss any proposals at their next meeting on 31 May 2017.</p>	Executive Team
	<p>b) Monitoring Officers Workshop Members noted that work was underway to organise a workshop for Monitoring Officers on 6 November 2017.</p>	Executive Team
	<p>c) New Schedule 3 Devolved Public Bodies Members noted that four new public bodies, being Crown Estates Scotland, Community Justice Scotland, the Scottish Fiscal Commission and the Scottish Land Commission, become operational on 1 April 2017. These bodies had been added to Schedule 3 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 and, therefore, fell within the Standards Commission's remit. Members noted the establishment of Community Justice Scotland meant that the eight Community Justice Authorities ceased to exist on 31 March 2017. Members noted the four new bodies had been added to the Standards Commission's website and the eight Community Justice Authorities had been removed. Members agreed that when the approved Codes of Conduct for Members of the four new bodies had been approved and received, the Executive Team should write to the Chief Executive Officers to ask whether they had appointed a Standards Officer and also whether they required any help with the training and induction of their Members on their respective Codes of Conduct.</p>	Executive Team
5.	<p>Risk Register 2017 / 2018 Members discussed and agreed the Standards Commission's overall tolerance for the risks outlined in the Risk Register for 2017 / 2018. Members further agreed a minor change to Risk 6 which concerned the risk to the Standards Commission credibility if it was perceived as making inconsistent decisions at Hearings.</p>	Executive Team
6.	<p>Business Plan Review: Quarter 4 2016 / 2017 Members reviewed the progress report to the 31 March 2017 and agreed there were no outstanding actions that required to be carried forward and incorporated into the activities detailed within the 2017/18 Business Plan.</p>	
7.	<p>Expenditure Report 2016 / 2017 Members reviewed and noted the Report. Members further noted the end of year accounts would be available after 27 April 2017.</p>	
8.	<p>Profile for Approved Budget 2017 / 2018 Members noted the proposed phasing profile for the approved budget for 2017 / 2018. Members further noted that the Executive Team would prepare a draft budget bid for 2018 / 2019 for consideration by Members at their meeting on 31 July 2017.</p>	Executive Team

<p>9.</p>	<p>Training for Councillors and Members of Devolved Public Bodies</p> <p>Members noted the terms of the responses received from Council Chief Executives (CEOs) to the letters issued to them on 9 March 2017 asking about the arrangements in place for the training and induction of new members on the Councillors’ Code of Conduct following the local government election on 4 May 2017.</p> <p>Members agreed to offer to run four regional training events on the Councillors’ Code of Conduct, to be held in Glasgow, Edinburgh, Ayrshire and Aberdeen later in the year. Members agreed that the regional events should be open to all councillors but, in particular, newly elected members should be encouraged to attend. Members considered that it would also be useful to invite Monitoring Officers to attend and, if possible, help facilitate the training, given that they were usually the first point of contact for councillors seeking advice on how to interpret the provisions in the Code. All attendees should be asked to bring along a copies of the Code, the Standards Commission’s Guidance and the presentation itself, which would be circulated in advance.</p> <p>Members agreed that the Standards Commission’s training materials should be disseminated via social media (see agenda item 13 below). Members further agreed that using a video format to provide training on certain topics might increase engagement. Members asked the Executive Team to scope options and costs of creating short videos for both councillors and members of devolved public bodies on specific topics that caused difficulties and / or led to complaints such as the use of social media, being appointed to multiple organisations and declaring non-financial interests. Such videos could be made available on the website and on the Standards Commission’s social media platform.</p>	<p>Executive Team</p> <p>Executive Team</p>
<p>10.</p>	<p>Sections 3 of the Annual Report for 2016 / 2017</p> <p>Subject to a few amendments, Members agreed the content of section 3 of the Annual Report for 2016 / 2017, which outlined the work undertaken and progress made towards achieving the strategic objectives.</p>	<p>Executive Team</p>
<p>11.</p>	<p>Standards Commission Committee Membership</p> <p>Members agreed that the composition of the Standards Commission’s Committees would be as follows:</p> <p>Audit & Risk Committee – Julie Ward (Chair), Mike McCormick</p> <p>Human Resources Committee – Lindsey Gallanders (Chair), Tricia Stewart</p> <p>Members asked the Executive Team to explore the possibility of Mr McCormick attending CIPFA training on Effective Audit Committees.</p>	<p>Executive Team</p>
<p>12.</p>	<p>Human Resources Committee</p> <p>Lindsey Gallanders, Chair of the Human Resources Committee, provided a verbal update of the Committee meeting held on 28 March 2017. Members noted the Minute of the meeting and agreed that the minor changes recommended be made to its Terms of Reference.</p>	<p>Executive Team</p>
<p>13.</p>	<p>Social Media</p> <p>Members agreed that the Standards Commission should set up a Twitter account to disseminate information and guidance. Members agreed that this should be pulled into the website and that alerts should be set up to enable the Standards Commission to monitor mentions and to respond to enquiries. Members noted that the Scottish Parliament’s Web & Social Media Team had offered to share its Use of Twitter Guidance with the Executive Team and agreed that they should also be asked to provide assistance on how to best use the platform to engage with stakeholders and also on how to deal with any inappropriate comments made in response to postings.</p>	<p>Executive Team</p>

CASES UPDATE

14. NOTES OF DECISION/CASES NOT PURSUED & SECTION 14 NOTIFICATION LETTERS
Members reviewed one case published by the CESPLS on his website following completion of his investigation.

Members noted a Section 14 notification letter had been received in respect of eight elected members of Clackmannanshire Council.

15. BREACH REPORTS AND HEARINGS UPDATE

a) LA/NL/1940: Councillor Rosa Zambonini of North Lanarkshire Council. Members noted a Hearing had been held on 6 April 2017. Councillor Zambonini had been found to have breached the Councillors' Code of Conduct and had been censured.

b) 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 conclude in one day. Members further noted that a pre-Hearing meeting was scheduled to take place on 28 April 2017.

c) LA/WL/1824: Councillor Angela Moohan of West Lothian Council. Members noted a Hearing had been arranged for 24 May 2017 with a pre-Hearing meeting scheduled for 11 May 2017.

d) LA/NL/1936: Councillor Marina Lyle of North Lanarkshire Council. Members noted a Hearing had been arranged for 5 June 2017.

e) LA/AS/1963 & 1993: Councillor Alexander Duncan of Aberdeenshire Council. Members noted that they had previously reviewed a report from the CESPLS along with the Standards Commission's Section 16 Policy. Members had noted that the complaint concerned a potential breach of the provisions in the Councillors' Code of Conduct which obliged elected members to observe the rules of good conduct and to respect their colleagues. Members had considered these provisions were a fundamental requirement of the Code as they assisted in the effective functioning of local councils. Members had determined that, in order to ensure provisions of the Code were promoted, it was in the public interest and proportionate to hold a Hearing. Members noted a Hearing had been arranged for 21 June 2017 and invitations to a pre-Hearing meeting had been issued to the parties.

f) LA/E/1924: Councillor Jim Orr of Edinburgh City Council. Members noted that, before formally reviewing the report received from the CESPLS and making a decision under Section 16 of the Ethical Standards in Public Life etc. (Scotland) Act 2000, they had previously asked for information on whether the complainant in the case had raised a civil action of defamation against Councillor Orr. Members noted that information had now been received to the effect that a civil action had been raised and had concluded.

As such, 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 use of council facilities and appropriate dealings with the council. Members considered these provisions were a fundamental requirement of the Councillors' Code of Conduct as they helped ensure the public had confidence that elected members were not using their position for personal or political advantage. 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.

g) LA/WD/1879: Councillor Thomas Rainey of West Dunbartonshire Council. Members noted the terms of the letter from the Chief Executive of West Dunbartonshire Council of 22 February 2017 regarding the motion passed by the Council in respect of the Standards Commission's Hearing Panel's decision of 22 November 2016.

AOB		
15.	2017/18 DIARY DATES/MEETINGS Members reviewed the schedule and planned activities. DATE OF NEXT MEETING The Standards Commission will next meet on Wednesday, 31 May 2017.	