

MINUTES

Meeting date: Monday 26 June 2017

IN ATTENDANCE

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

ITEM	CONTENT	ACTION
STANDING ITEMS		
1.	<p>APOLOGIES Apologies were received from Mr McCormick.</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 31 May 2017.</p>	
3.	<p>MATTERS ARISING Members noted that the Executive Director was preparing a draft Advice Note, for Members to consider at their meeting on 31 July 2017, in respect of how the Standards Commission approaches its decision-making role in evaluating whether there had been a breach of the Councillors' Code of Conduct in the context of the right to freedom of expression under Article 10 of the European Convention on Human Rights. The intention was that this would also include a note of the factors that councillors should consider in balancing their enhanced right to freedom of political expression with the respect provisions in the Code. Members noted that Members of Devolved Public Bodies also enjoyed a right to freedom of expression under Article 10 and agreed that there could be circumstances where they may be covered by the enhanced protection. Members asked that a paragraph to this effect be included in the Advice Note.</p> <p>Members further noted that all matters arising were either complete or were due to be discussed under the main agenda.</p>	Executive Director
BUSINESS MATTERS		
4.	<p>COMMUNICATIONS:</p> <p>a) Comhairle Nan Eilean Siar training Members noted Comhairle Nan Eilean Siar had requested assistance with refresher training for elected members on the Councillors' Code of Conduct towards the end of the calendar year and had indicated they were content for this to be provided via a video link. Members noted that the Executive Director was liaising with the Monitoring Officer with a view to arranging this and agreeing a mutually convenient date.</p>	
	<p>b) Website Domain Name Members noted the Standards Commission's website domain name had been secured and thanked the Business Manager for her work in resolving the issue.</p>	

	<p>c) Members' Development Day Members noted this had been scheduled to take place on 28 September 2017. Members further noted they would be asked to complete a questionnaire in preparation for the Development day, which would be circulated in advance.</p>	
	<p>d) Regional Roadshows Members noted the Inverness Regional Roadshow had been scheduled to take place on 5 October 2017 in Inverness, with Mr Dunion and Mrs Stewart in attendance. The South Ayrshire Regional Roadshow had been scheduled to take place on 9 November 2017 in Ayr, with Mrs Ward and Mr McCormick in attendance. Members noted that the Glasgow Regional Roadshow had provisionally been scheduled to take place on 15 December 2017 and that the Executive Team were still liaising with the City of Edinburgh Council to identify a suitable for the Edinburgh event. The Executive Team would continue to provide the relevant Members with updates on the progress being made in respect of arrangements.</p>	Executive Team
5.	<p>Guidance on the Councillors' Code of Conduct Members noted the amendments to the Guidance agreed at the meeting on 31 May 2017 had been made. The Executive Team were arranging for the revisions to be incorporated by the designers into the version of the Guidance which incorporated the Code. The revised version would then be circulated and published. The Executive Team would also make the corresponding changes to the standalone version of the Guidance, which would also be published.</p>	Executive Team
6.	<p>Sections 1 and 6 of the Annual Report for 2016 / 2017 Subject to some minor amendments, Members agreed the content of sections one and six of the Annual Report for 2016 / 2017, being the Convener's Executive Summary and the Financial Overview.</p>	
7.	<p>Review of Section 19 Policy on the Application of Sanctions Members considered and, subject to some minor amendments in respect of the wording, agreed additions to the Section 19 Policy on the Application of Sanctions. These are intended to reflect the issues Hearing Panels require to consider in determining whether a sanction should be imposed in relation to a contravention of a Code of Conduct that, on the face of it, interferes with the Respondent's right of freedom of expression under Article 10 of the European Convention on Human Rights. Members noted that amendments also included confirmation that the written decision for any such cases would state that the Hearing Panel had taken into account the need to justify any sanction imposed under Article 10(2) and that it would provide a description of how the Hearing Panel had assessed the proportionality of the sanction relative to the contravention.</p> <p>Members asked the Executive Team to finalise and publish the amended version.</p>	Executive Team
8.	<p>June 2017 Professional Briefing Subject to a few 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> <p>Members agreed that the recent decision on case reference LA/E/1737 & 1751 was important in that it outlined how the Standards Commission approached its decision-making in respect of cases where there were arguments about the application of Article 10 of the European Convention on Human Rights. Members were concerned that the learning points from this case were not given sufficient prominence in the Professional Briefing and asked that the Executive Team prepare a separate news item about the case for publication.</p>	Executive Team Executive Team

9.	<p>Draft Annual Accounts 2016 / 2017</p> <p>Members reviewed and, subject to some minor changes, agreed the draft wording for the narrative in respect of the Draft Annual Accounts for 2016 / 2017. Members noted that the final version would be presented for their consideration at the meeting on 31 July 2017, having been reviewed by the Audit & Risk Committee at its meeting on 24 July 2017.</p>	
10.	<p>Review of Quarter 1 of Business Plan 2017 / 2018</p> <p>Members reviewed the progress made in quarter one against the stated objectives in the Business Plan for 2017 / 2018. Members were pleased to note that no slippages had been identified. (The Executive Team was reminded to use the colour coding system in respect of progress against targets.)</p>	
CASES UPDATE		
11.	<p>NOTES OF DECISION/CASES NOT PURSUED & SECTION 14 NOTIFICATION LETTERS</p> <p>Members reviewed five cases published by the CESPLS on his website following completion of his investigation.</p>	
12.	<p>BREACH REPORTS AND HEARINGS UPDATE</p> <p>a) LA/E/1737 & 1751: Councillor Cameron Rose and former Councillor Jeremy Balfour of Edinburgh City Council. Members noted the Hearing had concluded on 8 June 2017 and that no breach had been found.</p> <p>b) LA/NL/1936: Former Councillor Marina Lyle of North Lanarkshire Council. Members noted the Hearing had taken place on 5 June 2017. Former Councillor Lyle had been found to have contravened the Councillors' Code of Conduct and had been censured.</p> <p>d) LA/AS/1963 & 1993: Councillor Alexander Duncan of Aberdeenshire Council. Members noted the Hearing had taken place 5 June 2017. Councillor Duncan had been found to have contravened the Councillors' Code of Conduct and had been suspended, for a period of six months, from all committee and sub-committees of the Council that make decisions on quasi-judicial or regulatory matters.</p> <p>e) LA/E/1924: Former Councillor Jim Orr of Edinburgh City Council. Members noted that a Hearing had been scheduled for 11 July 2017.</p> <p>f) LA/G/1937: Former Councillor William McAllister of Glasgow City Council. Members noted that a Hearing had been scheduled for 26 July 2017.</p> <p>e) LA/ED/1863: Former Councillor Eric Gotts of East Dunbartonshire Council. Members noted that a Hearing had been scheduled for 22 August 2017.</p>	
AOB		
15.	<p>2017/18 DIARY DATES/MEETINGS</p> <p>Members reviewed the schedule and planned activities.</p> <p>DATE OF NEXT MEETING</p> <p>The next meeting of the Standards Commission was scheduled for Monday, 31 July 2017.</p>	