

<p>5.</p>	<p>ENGAGEMENT WITH DEVOLVED PUBLIC BODIES</p> <p>Members noted that the Scottish Parliament’s Public Audit and Post-Legislative Scrutiny Committee had expressed concerns about the governance failings in public bodies. The Committee had called on the Scottish Government to explain how it intended to try to bring about improvements in governance and performance. Members noted that the ethical standards framework and compliance by members of devolved public bodies with their respective Codes of Conduct formed part of each body’s governance arrangements. Members considered, therefore, that there may be a role for the Standards Commission to play in assisting the Scottish Government in trying to bring about improvements.</p> <p>Members agreed that it would be more effective, in terms of both costs and reaching as wide an audience as possible, to offer training on the ethical standards framework and the Model Code of Conduct by sector (as opposed to running workshops for individual devolved public bodies). Members agreed that, in the first instance, the Standards Commission should organise training workshops for all Members of Health & Social Care Integration Joint Boards and also for Members of College Boards. Members asked the Executive Team to start the work involved in organising these events in quarter four, with a view to holding them in quarters two and three of the next business year. Members also asked the Executive Team to undertake research into training offered by the Institute of Directors for non-Executive directors in order to determine whether there was any possibility of collaborative working.</p>	<p>Executive Team</p>
<p>6.</p>	<p>DECISION-MAKING AT HEARINGS</p> <p>Members discussed how decisions were made at Hearings and, specifically, debated the options available to the Standards Commission, in a scenario where the three Hearing Panel Members could not reach a consensus view on whether or not there had been a breach of the Code of Conduct.</p> <p>Members agreed that the circumstances where no consensus could be reached, a decision should be made by majority vote. The fact that the decision was made by majority should be recorded (without specifying how each individual member voted). Members agreed that a single Hearing Panel decision should be produced, with the minority member’s reservations incorporated. Members noted the advantage of this was increased transparency in that there would be an accurate record of how the decision was taken, particularly in complex cases including ones which involve the application of Article 10 of the ECHR and the three stage decision-making process. In addition, it could help to differentiate between clear cut and borderline cases, which in turn might assist those who are trying to understand how provisions in the Code should be interpreted. Members agreed however that that no separate dissenting opinion should be produced.</p> <p>Members agreed that decisions should only be taken by majority in cases where sufficient time been given to fully deliberating all issues and to discussing any areas of disagreement. Members agreed that a vote should only be held in cases where it has become apparent that nothing new can be added to the debate. Members noted that a vote should not be taken purely to expedite matters and agreed that, instead, they would continue with the practice of reconvening a Hearing if there was insufficient time to reach a decision on the day.</p> <p>Members noted that even if one member of the Hearing Panel did not agree there had been a breach, that Member would still be entitled to take part in the decision-making on the sanction to be applied given that this was a separate decision, based on different evidence, submissions and factors. Members debated whether decisions on sanctions should also be taken by majority if it was apparent that a consensus could not be reached, and asked the Executive Director to prepare a paper outlining the arguments for and against such an approach for consideration at the next meeting.</p>	<p>Executive Director</p>

BUSINESS MATTERS

7.	COMMUNICATIONS: a) Recruitment of new Member Members noted the closing date for applications for the soon to be vacant Member's role was 31 October 2017. Members noted that the SPCB were in the process of shortlisting the applications received, with a view to potentially holding the interviews on 4 December 2017. Members asked that the Executive Team keep them advised on progress and any appointment made.	Executive Team
	b) Regional Roadshows Members noted Mr Dunion and Mrs Stewart had conducted a regional roadshow event in Inverness on 5 October 2017. Members were pleased to note that positive feedback had been received from the Monitoring Officer of Moray Council, who had advised that the focus on case examples and scenarios and the format of encouraging discussions in breakout groups had helped ensure that elected members were fully engaged. Members noted that Mrs Ward and Mrs Stewart were due to conduct a roadshow event in Ayr on 9 November 2017 and would circulate any feedback and suggestions received before the next roadshow (to be held in Edinburgh on 20 November 2017) so that the presentation material could be revised accordingly.	
	c) Training Videos Members noted that the Executive Director had reviewed draft scripts for the training videos from the Scottish Parliament's Broadcast Office. The Executive Director was awaiting the revised scripts and would circulate these for approval when received.	Executive Director
	d) Social Media Members noted that the Standards Commission's Twitter account had been activated on 8 May 2017. Members noted the Standards Commission was tweeting on a regular basis and now had over 100 followers. Members agreed that the Executive Team should continue to try to build a following of the Standards Commission on social media in order to help publicise its work, its training material and the ethical standards framework in general.	Executive Team
8.	GDPR PREPARATION Members noted that the Scottish Parliamentary Corporate body (SPCB) had agreed to provide Standards Commission's email accounts for Members. Members noted that the need to prepare for the implementation of the GDPR on 25 May 2018 had been included in the Risk Register and that the Business Manager was continuing to work on an Aide Memoire which would outline Members' personal responsibilities in respect of the regulation requirements. Members further noted that the Executive Team were continuing to liaise with the SPCB about the requirement to appoint a Data Protection Officer and, specifically, whether this could be provided under a shared service agreement. Members asked the Executive Team to keep them updated on progress.	Executive Team
9.	FINANCE – BUDGET / EXPENDITURE REPORT Members noted the Report which detailed expenditure incurred during the period from 1 April to 31 October 2017 and the projected expenditure against budget to the year end. Members reviewed the explanatory information provided with the Report and noted that the Executive Team considered it was likely there would be an underspend against the budget of approximately £18,000. Members were pleased to note that this was largely the result of efficiency improvements that continued to drive down the overall expenditure associated with Hearings, both in terms of administrative costs and Members' salaries. Members noted this was the case even though it was projected that, along with the	

	<p>Hearing scheduled, there was a possibility that another two to three would be held before the year end, meaning the number of Hearings held in the year would be consistent with the two preceding years.</p> <p>Members noted, however, that there would be cost implications in respect of the work they had agreed to undertake in respect of increasing awareness of the Standards Commission's work and the ethical standards framework through increased media engagement. Members agreed, therefore, that a sum of £8,000 should be retained until the cost of such work had been determined. Members agreed that, in the meantime, the Executive Team should advise the SPCB that the Standards Commission was able to surrender £10,000 of its allocated funding for 2017/2018.</p>	Executive Team
10.	<p>Scottish Government's Consultation on Proposed Amendments to the Councillors' Code of Conduct</p> <p>Members noted that the Standards Commission had sent a response on 30 October 2017 commenting on the Scottish Government's proposed changes to the Councillors' Code of Conduct. Members noted they had, in general, agreed with the proposals but had made suggestions in respect of the wording, with a view to making it clearer and easier to understand. Members asked that the Executive Team to keep them advised on any progress made in respect of amending the Code.</p>	Executive Team
11.	<p>Informal Meetings with other Organisations</p> <p>Members noted that the Secretary of the Accounts Commission, Paul Reilly, was due to attend a meeting in February 2018. Mr Dunion indicated that he would wish also to arrange a meeting with the new Chair of the Account Commission, Mr Graham Sharp.</p> <p>Members agreed that while it would be helpful to continue to have an annual meeting with a representative of SOLACE, it would also be useful to try to increase engagement with elected members. Members agreed that the Executive Team should arrange a meeting between Mr Dunion and the Chief Executive of COSLA, Mrs Sally Loudon, to discuss the possibility of attending one of their events, such as a Leaders' meeting.</p>	Executive Team
CASES UPDATE		
12.	<p>NOTES OF DECISION/CASES NOT PURSUED & SECTION 14 NOTIFICATION LETTERS</p> <p>Members noted two Section 14 notification letters had been issued by the CESPLS.</p>	
13.	<p>BREACH REPORTS AND HEARINGS UPDATE</p> <p>a) LA/ED/1863: Former Councillor Eric Gotts of East Dunbartonshire Council. Members noted the decision made at the Hearing on 22 August 2017 was particularly relevant in light of the current publicity surrounding inappropriate behaviour by politicians. Members agreed, therefore, that the decision should be added to the case examples used at training events.</p> <p>b) LA/R/1966 &1973: Councillor Paul Mack of Renfrewshire Council. Members noted a Hearing had been held on 23 October 2017. The decision of the Hearing Panel had been to suspend the Respondent's entitlement to attend all meetings of Renfrewshire Council, and of any committee or sub-committee thereof, for a period of seven months with effect from 1 November 2017.</p> <p>c) LA/E/2028: Councillor Frank Ross of the City of Edinburgh Council. Members noted a pre-Hearing was due to take place on 7 November 2017, with the Hearing scheduled for 29 November 2017.</p>	
AOB		
14.	<p>DIARY DATES/MEETINGS</p> <p>Members noted the planned activities during 2018/19 and the Standards Commission meeting workplan 2018. Mr McCormick, as Chair of the Audit & Risk Committee advised</p>	

	<p>that he was unable to attend the Committee meeting scheduled for 22 January 2018 and asked that this be moved to later that week.</p> <p>DATE OF NEXT MEETING The next meeting of the Standards Commission was scheduled for Monday, 18 December 2017.</p>	<p>Business Manager</p>
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