

MINUTES

Meeting date: Monday 18 December 2017

IN ATTENDANCE

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

ITEM	CONTENT	ACTION
STANDING ITEMS		
1.	<p>APOLOGIES There were no apologies.</p> <p>DECLARATIONS OF INTEREST Agenda item 13d: Mr McCormick advised that there was a possibility that he might know or have worked with some of the individuals involved in the case. As such, he declared an interest and took no part in the discussion.</p>	
2.	<p>DRAFT MINUTE OF PREVIOUS MEETING Members reviewed and approved the minute of the meeting on 6 November 2017.</p>	
3.	<p>MATTERS ARISING Members noted that all matters arising were either complete or were due to be discussed under the main agenda.</p>	
STRATEGIC MATTERS		
4.	<p>RISK MANAGEMENT POLICY Members undertook their annual review of the Risk Management Policy and agreed some minor changes. Members agreed that once these had been made, the revised policy should be published on the Standards Commission's website.</p>	Executive Team
5.	<p>ENGAGEMENT AND PUBLIC RELATIONS WORK Members discussed the possibility of appointing a public relations company to provide the Standards Commission with assistance in formulating and disseminating proactive messages on its work and on issues concerning the ethical standards framework. In particular, Members agreed the company should be asked to help the Standards Commission with the following types of work:</p> <ul style="list-style-type: none"> • Helping the Standards Commission to develop and implement a communications strategy for different target audiences and stakeholders; • General assistance in formulating and disseminating proactive messages on the Standards Commission's work and issues concerning the ethical standards framework; • Assistance in improving social media presence, content and following; • Assistance with copywriting and ensuring guidance, advice, professional briefings and news stories on the website are as engaging and accessible as possible; • Contacting the media both before and after Hearings to generate interest and awareness. <p>Members noted the Executive Director had held exploratory meetings with two public</p>	

	<p>relations companies recommended to her by other public sector organisations at a media training course.</p> <p>Members reviewed the descriptions of the types of work offered by both companies and agreed on one that, in terms of their transparent fee structure and the services they offered, appeared to be the best fit for the Standards Commission. Members agreed that the Executive Director should set up a meeting between them and Mr Dunion to discuss how to proceed with the instruction and the work to be undertaken.</p>	Executive Director
6.	<p>DECISION-MAKING ON SANCTIONS AT HEARINGS</p> <p>Members agreed that all members of the Hearing Panel should take part in the decision on sanction, regardless of whether or not they considered there had been a breach. This was because different factors were considered in terms of the decision on sanction (as outlined in the Standards Commissions Section 16 Policy on the Application of Sanctions) as opposed to the one on breach, and also because Hearing Panels were legally obliged to impose a sanction if a breach was found.</p> <p>Members agreed that Hearing Panels should always try to reach a consensus on the sanction to be imposed where a breach had been found. Members noted, however, that due to the number and complexity of the factors to be considered, this might not always be possible. Members determined, therefore, that if an agreement could not be reached and the Hearing Panel considered it had fully deliberated all issues, a vote should be taken. In order to reflect this, and to be as transparent as possible, the fact that the decision on sanction was taken by majority should be recorded (without identifying individual members) with all views reflected in the decision.</p> <p>Members agreed that a document outlining the agreement they had reached at both this meeting and the meeting on 18 December 2017 on how decisions on both breach and sanction were made at Hearing should be prepared and circulated to Members for agreement before being published on the website, to ensure the decision-making process was as open and transparent as possible.</p>	Executive Team
BUSINESS MATTERS		
7.	<p>COMMUNICATIONS:</p> <p>a) Recruitment of new Member</p> <p>Members noted that the Scottish Parliamentary Corporate Body (SPCB) undertook a sift of the applications received on 29 November 2017, with the intention of interviewing on 4 December. Due to a change in personnel it had, however, been forced to postpone the interviews until 22 January 2018 and was working towards a nomination to the Parliament during the first week in February 2018.</p> <p>b) Audit & Risk Committee January 2018</p> <p>Members agreed that Mrs Stewart should be temporarily seconded to the Audit & Risk Committee to ensure its meeting on 23 January 2018 was quorate following the end of Mrs Ward's tenure and the anticipated delay in the appointment of a new Member.</p> <p>c) Regional Roadshows</p> <p>Members noted that Mr Dunion and Mr McCormick had conducted a roadshow event in Edinburgh on 20 November 2017 and that Mr McCormick and Mrs Gallanders had conducted one in Glasgow on 15 December 2017. Members agreed to explore the possibility of holding similar events in other regions in 2018. Members further agreed that, if so, it would be useful to have a staff member there on the day to provide administrative support.</p> <p>d) Training Video</p> <p>Members noted that a draft video had been produced on perception and the importance of the objective test. Members agreed that any public relations company appointed</p>	

	<p>should be asked to review this and provide feedback before any decision was taken to publish and disseminate it.</p>	
	<p>e) Braille Copies of Guidance on Councillors' Code of Conduct Members noted that three Braille copies of the Guidance on Councillors' Code of Conduct, which incorporated the Code, had been requested and issued.</p>	
	<p>f) Standards Officers' Workshop Members agreed to hold a workshop for Standards Officers of devolved public bodies on 26 March 2018. Members agreed a save the date invitation should be issued to all Standards Officers at the beginning of January 2018. Standards Officers should be invited to suggest topics for discussion.</p>	Executive Team
	<p>g) Sexual harassment claims in Councils Members noted that enquiries about whether a complaint could be made under the Councillors' Code of Conduct in respect of sexual harassment claims had been received from the Scottish Government and also the press. Members were of the view that the requirements under the Councillors' Code that obliged elected members to treat colleagues, the public and offers with courtesy and respect when acting as a councillor, when on council business and when representing the council, were sufficiently wide to cover any allegations of harassment and bullying. Members anticipated that amending the Councillors' Code to include a specific provision prohibiting sexual harassment may be problematic if it meant the Code had to define what amounted to sexual harassment. It was likely that such an interpretation would be more prescriptive and cover fewer types of unwelcome behaviour than the existing provisions. In addition, Members noted it could be problematic to make a very specific provision for one form of harassment and not, for example, mistreatment based on another protected characteristic such as race or sexuality. However further consideration would be given to the issue in the event of a formal approach by the Scottish Ministers (see Item 8 below).</p> <p>Members noted that it would be worth reiterating to the Scottish Government the Standards Commission's view that paragraphs 3.1 and 3.2 in the Councillors' Code should be amended to make it clear that the courtesy and respect provisions covered all circumstances where elected members were acting as councillors, were on council business and were representing the council, as opposed to when they were attending council meetings only.</p> <p>Members agreed that the Business Plan for 2017/18 should include an action to explore the possibility of holding a joint training event with other stakeholders to promote the importance of working in a culture of respect in general.</p>	Executive Team
8.	<p>SCOTTISH GOVERNMENT'S CONSULTATION ON PROPOSED AMENDMENTS TO THE COUNCILLORS' CODE OF CONDUCT Members noted that Standards Commission had sent its agreed comments on the proposed revisions to the Councillors' Code of Conduct to the Scottish Government on 30 October 2017. The Scottish Government had acknowledged these the same day and had indicated it hoped to make the changes shortly. It had, however, advised the Executive Director by email on 4 December 2017 that the Minister for Local Government & Housing had subsequently asked whether the Councillors' Code should be amended to deal more strongly with harassment and bullying. The Scottish Government had advised that the Minister had raised the issue with the President of COSLA to see what more could be done in the local government context to address such issues, and that he also intended to write to the Standards Commission to ask for its views on whether the Councillors' Code should be amended.</p> <p>Members asked that the letter be circulated when received so that a formal response could then be agreed in light of the discussion as outlined under item 7g above.</p>	

	<p>Members noted the changes proposed by the Scottish Government to date concerned regional transport partnerships. Members noted that councillor membership of City Region Deal Joint Committees could raise similar issues and questioned whether the Scottish Government was proposing any further changes to cover these. Members asked the Executive Director to contact the Scottish Government to ensure they were aware that the Standards Commission had granted a dispensation in August 2016 to elected members appointed by either Aberdeen City Council or Aberdeenshire Council to be members or substitute members of their City Region Deal Joint Committee, and to ask whether consideration was being given to extend the specific exclusions in the Councillors' Code to cover other such City Region Deal Joint Committees.</p>	Executive Director
9.	<p>ABBREVIATED HEARING PROCESS</p> <p>Members agreed a paragraph should be added to the Abbreviated Hearing Process to reflect the fact that in Hearings where it had been agreed the procedure would be used, but where the Respondent was not in attendance and not represented, there was no reason why a Hearing Panel should not proceed to determine the sanction to be applied if a breach was found (taking into account any written submissions made by or on behalf of the Respondent). This would mean the Hearing Panel would not have to return to the room to read the breach decision and reasoning before having to adjourn again to consider sanction. Instead, having found a breach, the Hearing Panel could simply return to the room to read its decision on breach and also its decision on sanction, along with the reasoning for each.</p> <p>Members asked the Executive Team to make the change to the Abbreviated Hearing Process and to publish the revised version.</p>	Executive Team
10.	<p>DRAFT ADVICE NOTE FOR COUNCILLORS ON DISTINGUISHING BETWEEN STRATEGIC AND OPERATIONAL MATTERS</p> <p>Members reviewed, and suggested amendments to, a draft Advice Note for Councillors on Distinguishing Between Strategic and Operational Matters. Members asked the Executive Team to make the amendments and bring the revised version to the next meeting for further consideration.</p> <p>Members noted that once a draft had been agreed it should then be circulated to key stakeholders so that comments and feedback could be sought before it was finalised, issued and published.</p>	Executive Team
11.	<p>GDPR UPDATE</p> <p>Members noted the terms of the update report, which outlined progress against the Information Commissioner's 12 Steps for preparing for the implementation of the General Data Protection Regulations (GDPR) on 25 May 2018.</p> <p>Members noted that GDPR preparation was now included in the Business Risk Register and that steps had been taken to obtain Standards Commission email accounts for Members. Members further noted that the Business Manager had attended a one day GDPR training course on 28 October 2017 and the Executive Director was due to attend a similar course in February 2018.</p> <p>Members noted that the SPCB had formally offered to provide Officeholders with a Data Protection Officer on a shared services basis at nil cost. Members noted that the SPCB intended to draft Memorandums of Understanding for each office and that the Standards Commission's one would be circulated for review and agreement once received.</p>	
CASES UPDATE		
12.	<p>NOTES OF DECISION/CASES NOT PURSUED & SECTION 14 NOTIFICATION LETTERS</p> <p>Members reviewed one case published by the CESPLS on his website following completion of his investigation.</p>	

<p>13.</p>	<p>BREACH REPORTS AND HEARINGS UPDATE</p> <p>a) LA/E/2028: Councillor Frank Ross of the City of Edinburgh Council. Members noted a Hearing had been held on 29 November 2017. Councillor Ross was found to have breached the Councillors’ Code of Conduct and was censured.</p> <p>b) LA/R/1966 &1973: Councillor Paul Mack of Renfrewshire Council. Members noted that while Councillor Mack had indicated he intended to submit an appeal against the decision made at the Hearing on 23 October 20-17, the deadline for initiating such an action had expired without him having done so.</p> <p>c) LA/Fi/2044: Councillor Tim Brett of Fife Council. Members noted a Hearing had been scheduled to take place on 5 February 2018, with a pre-Hearing meeting arranged for 16 January 2018.</p> <p>d) LA/DG/1929: Former Councillor Tom McAughtrie of Dumfries & Galloway. Members noted a Hearing had been scheduled to take place on 13 February 2018.</p>	
AOB		
<p>14.</p>	<p>DIARY DATES/MEETINGS Members noted the planned activities relating to the 2017/18 calendar.</p> <p>DATE OF NEXT MEETING The next meeting of the Standards Commission was scheduled for Monday, 29 January 2018.</p> <p>Members noted that Mrs Ward’s tenure was due to end on 17 January 2018 and that this was her last meeting. Members thanked Mrs Ward for her hard work, commitment and support during her seven years in office saying she would be missed.</p>	<p>Business Manager</p>