

# MINUTES

*Meeting date: Monday 29 January 2018*

**IN ATTENDANCE**

- Kevin Dunion (Convener)
- Tricia Stewart
- Lindsey Gallanders
- Lorna Johnston (Executive Director)
- Michael McCormick

ITEM	CONTENT	ACTION
<b>STANDING ITEMS</b>		
1.	<p><b>APOLOGIES</b> Apologies were received from Mrs McLean (Business Manager).</p> <p><b>DECLARATIONS OF INTEREST</b> Agenda item 16c: 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><b>DRAFT MINUTE OF PREVIOUS MEETING</b> Members reviewed and, subject to some minor typographical amendments, approved the minute of the meeting on 18 December 2017.</p>	
3.	<p><b>MATTERS ARISING</b> Members noted that all matters arising were either complete or were due to be discussed under the main agenda.</p>	
<b>STRATEGIC MATTERS</b>		
4.	<p><b>ENGAGEMENT AND PUBLIC RELATIONS WORK</b> Members noted that the Convener and Executive Director had held a meeting with a public relations company and had instructed them to provide the Standards Commission with assistance in formulating and disseminating proactive messages on its work and on issues concerning the ethical standards framework over the last quarter of 2017/18. In particular, the company had been asked to help with developing and placing a series of media releases on the work of the Standards Commission and the role of the ethical standards framework in helping to ensure integrity in public life. In addition, the company had been asked to assist with generating interest and awareness in Hearings by contacting local media both before and after they were held. It had also been asked to create videos on the key principles and how these underpinned the Codes of Conduct, with the aim of releasing these on the Standards Commission' website and via social media.</p> <p>Members agreed that the Executive Team should circulate any news articles and should report on progress made against the public relations plan at the end of the quarter.</p>	<b>Executive Team</b>
5.	<p><b>BUSINESS PLAN 2018 / 2019</b> Subject to some amendments, Members agreed the Business Plan for 2018 / 2019. Members noted the Executive Team would prepare a draft Risk Register for consideration at the Standards Commission meeting on 26 February 2018. Once this was agreed, references to the Risk Register would be added to the Business Plan and it would be brought back for noting at the following meeting.</p>	<b>Executive Team</b>

6.	<p><b>BUSINESS PLAN 2017 / 2018 QUARTER 3 PROGRESS REPORT</b></p> <p>Members reviewed the report on progress made in quarter three against the 2017 / 2018 Business Plan. Members were pleased that no slippage had been recorded in respect of previously identified activities.</p>	
<b>BUSINESS MATTERS</b>		
7.	<p><b>COMMUNICATIONS:</b></p> <p><b>a) Recruitment of new Member</b></p> <p>Members noted that the Scottish Parliamentary Corporate Body (SPCB) had advised that while they had invited four candidates to interview; unfortunately two of these had withdrawn their applications. As such, the SPCB had decided to re-advertise but were yet to finalise a timetable for doing so.</p> <p>Members expressed concerns that a failure to expedite the recruitment could lead to issues with quorum (particularly in respect of the formation of Hearing Panels), should any of the existing Members be unavailable and /or declare an interest. Members asked the Executive Director to raise these concerns with the SPCB.</p>	<b>Executive Director</b>
	<p><b>b) Standards Officers' Workshop</b></p> <p>Members noted that a save the date invitation had been issued and, to date, a good response had been received from Standards Officers in respect of attendance at the Workshop scheduled to take place on 26 March 2018.</p>	
	<p><b>c) Comments on Codes / Guidance in respect of bullying and harassment</b></p> <p>Members noted that, in the professional briefing issued on 12 January 2018, the Standards Commission indicated it was interested in hearing views on whether the Councillors' Code of Conduct and the Model Code for Members of Devolved Public Bodies (and associated Guidance) could be strengthened to help deter and/or deal with harassment and bullying behaviour by councillors and board members when acting in that capacity. Members were pleased to learn that a number of responses had been received and agreed these would be taken into account in any discussions with the Scottish Government and in the development of any plans on the part of Standards Commission's actions arising from these.</p>	
8.	<p><b>SCOTTISH GOVERNMENT'S CONSULTATION ON PROPOSED AMENDMENTS TO THE COUNCILLORS' CODE OF CONDUCT</b></p> <p>Members noted that the Standards Commission was still awaiting confirmation from the Scottish Government that it had determined the changes it wished to make to the Councillors' Code of Conduct in respect of an exclusion for local authority members of regional transport partnerships. Members noted that, in the meantime, the Scottish Government had indicated that Minister were considering strengthening the respect provisions in both the Councillors' Code and the Model Code for Members of Devolved Public Bodies to ensure they made it clear that any bullying and harassment would not be tolerated. Members noted that the Convener had issued a letter to the Minister for Local Government and Housing on 21 December 2017 confirming that the Standards Commission would be happy to assist with any wording and would also be willing make amendments as appropriate to its Guidance to help reinforce this point.</p> <p>Members reviewed the draft wording the Scottish Government had sent on 24 January 2018 in respect of amending the Councillors' Code of Conduct to cover bullying and harassment. Members were pleased to note that the proposed wording was wide in nature and would, therefore, cover all forms of harassment. Members were also pleased to note that the Scottish Government had indicated that it intended to amend the Code to make it clear that the courtesy, respect and harassment provisions would cover 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</p>	

	council meetings only). Members asked the Executive Team to revert to the Scottish Government with the Standards Commission's views on the draft wording.	<b>Executive Team</b>
<b>9.</b>	<p><b>DRAFT ADVICE NOTE FOR COUNCILLORS ON DISTINGUISHING BETWEEN STRATEGIC AND OPERATIONAL MATTERS</b></p> <p>Members reviewed the revised draft Advice Note for Councillors on Distinguishing Between Strategic and Operational Matters. Members suggested some further amendments and agreed that, once these had been made, the Executive Team should circulate the draft Advice Note to key stakeholders so that comments and feedback could be sought before it was finalised, issued and published.</p>	<b>Executive Team</b>
<b>10.</b>	<p><b>PROGRAMME FOR STANDARDS OFFICERS' WORKSHOP ON 26 MARCH 2018</b></p> <p>Members reviewed and agreed the draft programme for the Standards Officers' Workshop on 26 March 2018. Members agreed that the programme and a formal invite should now be issued.</p>	<b>Executive Team</b>
<b>11.</b>	<p><b>BUDGET V EXPENDITURE REPORT FOR QUARTER 3 OF 2017 / 2018</b></p> <p>Members noted the Report, which detailed expenditure incurred during the period from 1 November to 31 December 2017, and the projected expenditure against budget to the year end. Members reviewed the explanatory information provided with the Report and noted that, following the last review and decision taken at the Standards Commission meeting on 6 November 2017, the Executive Team had advised the SPCB that the Standards Commission was able to surrender £10,000 of its allocated funding for 2017/2018. An acknowledgement of this from the SPCB had been received on 10 November 2017.</p> <p>Members further noted that the Executive Team were confident that it was unlikely that there would be any other significant under or overspend against the budget.</p>	
<b>12.</b>	<p><b>GDPR UPDATE</b></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 they would shortly be issued with Standards Commission email addresses. Members noted that SPCB's Business and Information Technology Team required them to bring in the tablet or telephone they intended to access the email through and asked that the Business Manager make the necessary arrangements to facilitate this.</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 a Memorandum of Understanding or Shared Service Agreement and that the Standards Commission's one would be circulated for review and agreement once received.</p>	<p><b>Business Manager</b></p> <p><b>Executive Team</b></p>
<b>13.</b>	<p><b>AUDIT &amp; RISK COMMITTEE MEETING ON 23 JANUARY 2018</b></p> <p>Members noted the verbal report given by the Chair of the Audit &amp; Risk Committee, Mr McCormick, of its meeting on 23 January 2018. Members were pleased to note that a positive report on the Standards Commission's payroll arrangements had been received from the Internal Auditor, who had offered a strong level of assurance in respect of the systems, controls and processes in place. Members commended the Business Manager for her work on these arrangements.</p> <p>Members agreed the Audit Plan and fee as proposed by Audit Scotland. Members further welcomed the proposal from the Internal Auditor to review the Standards Commission's preparations for the implementation of the GDPR as part of the 207/208 audit.</p>	

14.	<p><b>APPLICATIONS FOR APPOINTMENT OF STANDARDS OFFICER FOR HEALTH &amp; SOCIAL CARE INTEGRATION JOINT BOARD</b></p> <p>Members reviewed and approved one appointment for the role of Standards Officer for the following Integrated Joint Board (IJB):</p> <ul style="list-style-type: none"> <li>• Mr Eamonn Daly, East Renfrewshire IJB</li> </ul> <p>Members asked the Executive Team to issue correspondence to the respective Chief Officer to confirm the appointment.</p>	Executive Team
<b>CASES UPDATE</b>		
15.	<p><b>NOTES OF DECISION/CASES NOT PURSUED &amp; SECTION 14 NOTIFICATION LETTERS</b></p> <p>Members reviewed one case published by the CESPLS on his website following completion of his investigation. Members indicated they agreed with CESPLS's view that the fact that a Respondent had made a complaint about a fellow councillor did not necessarily mean the Respondent would then have a non-financial interest if the fellow councillor was then a party to a quasi-judicial or regulatory application.</p>	
16.	<p><b>BREACH REPORTS AND HEARINGS UPDATE</b></p> <p>a) <b>LA/R/1800:</b> Councillor Paul Mack of Renfrewshire Council. Members noted the written confirmation from the Head of Corporate Governance that Renfrewshire Council had considered the Hearing Panel's decision of 23 October 2017 at its meeting on 21 December 2017.</p> <p>b) <b>LA/Fi/2044:</b> Councillor Tim Brett of Fife Council. Members noted the Hearing was scheduled to take place on 5 February 2018 and that an agreed Joint Statement of Facts had been received from the parties.</p> <p>c) <b>LA/DG/1929:</b> Former Councillor Tom McAughtrie of Dumfries &amp; Galloway. Members noted that the Hearing was scheduled to take place on 13 February 2018.</p>	
<b>AOB</b>		
17.	<p><b>DIARY DATES/MEETINGS</b></p> <p>Members noted the planned activities relating to the 2017/18 calendar.</p> <p><b>DATE OF NEXT MEETING</b></p> <p>The next meeting of the Standards Commission was scheduled for Monday, 26 February 2018.</p> <p><b>MEMBERS' PERFORMANCE REVIEW</b></p> <p>Members agreed that Mr Dunion would undertake Mr McCormick's performance review on 26 March 2018 and Mrs Gallanders' and Mrs Stewart's reviews on 30 April 2018. Members asked that these meetings be added to the calendar of planned activities.</p> <p><b>STANDARDS COMMISSION'S BRITISH SIGN LANGUAGE PLAN</b></p> <p>Members noted that the Standards Commission was required, under the British Sign Language (Scotland) Act 2015 to finalise its authority plan by the end of October 2018. Members noted the update from the Executive Director on the meeting she had attended with the SPCB and representatives from the other Commission and Officeholders' offices and that regular reports on progress would be provided.</p>	Business Manager