

MINUTES

Meeting date: Monday 26 March 2018

IN ATTENDANCE

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

ITEM	CONTENT	ACTION
STANDING ITEMS		
1.	<p>APOLOGIES Apologies were received from Mrs Lindsey Gallanders.</p> <p>DECLARATIONS OF INTEREST No declaration of interest was made.</p>	
2.	<p>DRAFT MINUTE OF PREVIOUS MEETING Subject to the amendment of a typographical error, Members reviewed and approved the minute of the meeting on 26 February 2018.</p>	
3.	<p>MATTERS ARISING Members noted that the Business Manager had arranged for them to have Standards Commission email accounts. Members noted the Business Manager would arrange a date for them to bring in the tablet or telephone they intended to use to log on to their email account in order for the Parliament's Business and Information Technology Team to arrange access. Members asked that individual Standards Commission business cards be ordered when this work was completed.</p> <p>Members noted that all remaining matters arising were either complete or were due to be discussed under the main agenda.</p>	Business Manager
STRATEGIC MATTERS		
4.	<p>ENGAGEMENT AND PUBLIC RELATIONS WORK Members agreed to film four videos in respect of the key principles, to be divided as follows:</p> <ul style="list-style-type: none"> • Respect, • Objectivity, openness, accountability and stewardship; • Leadership and duty; and • Integrity, honesty and selflessness. <p>In addition, Members agreed there should be a video on how to make a complaint and outlining the investigation and adjudication processes, including the Standards Commission's role and remit.</p> <p>Members agreed they would each prepare and circulate a script on one of the topics above, including where possible case examples, or possible scenarios. These scripts should be conversational in tone and as accessible as possible. Members noted that once these had been agreed, the Executive Team would arrange a date for further filming to take place, with a view to then disseminating the edited videos via the website and social media.</p>	Executive Team

	<p>Members agreed to continue to instruct a public relations company on a monthly contractual basis to undertake media and public relations work on behalf of the Standards Commission to help raise the organisation's profile and increase public awareness of the complaints process. This would include assisting to highlight the work the Standards Commission was undertaking and intended to undertake, particularly in respect of its Hearings and outreach work to promote the ethical standards framework. In addition, the public relations company should be asked to assist the Standards Commission in promoting any training events and materials.</p> <p>Members agreed to undertake a review of the contract and what had been achieved at their meeting in October 2018.</p>	Executive Director
BUSINESS MATTERS		
5.	<p>COMMUNICATIONS:</p> <p>a) Recruitment of new Member</p> <p>Members noted that the Scottish Parliamentary Corporate Body (SPCB) had re-advertised the vacancy. Members noted that a sifting meeting had taken place and interviews were due to take place that day. Members asked the Executive Director to continue to keep them updated on the recruitment and appointment exercise.</p>	Executive Director
	<p>b) Recruitment of Administrative Assistant</p> <p>Members noted that following interviews an offer, subject to satisfactory references and a successful security clearance application, had been issued to the preferred candidate on 15 March 2016. Members were pleased to note that the recruitment exercise had been successful, with all five of the individuals interviewed being assessed as appointable. Members indicated that they looked forward to meeting the successful candidate when she commenced in post.</p>	
	<p>c) Monitoring Officers' Workshop</p> <p>Members agreed the proposal to hold the next Monitoring Officers' workshop on 5 November 2018. Members agreed that a save the date email should be issued to all Monitoring Officers in due course. Members noted that a draft programme would be circulated for their approval nearer the time.</p>	
	<p>d) Confirmation of Annual Funding Budget</p> <p>Members noted that the SPCB had confirmed approval of a budget of £264,000 for the Standards Commission for 2018/19. Members noted this would be reduced by £2,000 if, as planned, the Standards Commission accepted the offer of access to a shared Data Protection Officer service.</p>	
6.	<p>SCOTTISH GOVERNMENT'S CONSULTATION ON PROPOSED AMENDMENTS TO THE COUNCILLORS' CODE OF CONDUCT</p> <p>Members noted that the Standards Commission was still awaiting confirmation from the Scottish Government in respect of its proposals to add a paragraph to the Councillors' Code of Conduct making it clear that bullying and harassment would not be tolerated, and to extend the specific exclusions in the Code to cover the appointment of elected members to regional transport partnerships .</p> <p>Members noted the Scottish Government was still considering making a similar addition to the Code of Conduct for Members of Devolved Public Bodies in respect of bullying and harassment. Members asked the Executive Team to keep them updated on any developments in respect of these proposals.</p>	Executive Team
7.	<p>PROFESSIONAL BRIEFING APRIL 2018</p> <p>Subject to some minor amendments, Members agreed the content of the professional briefing and agreed that it should be issued and published in April 2018.</p>	Executive Team

<p>12.</p>	<p>GDPR UPDATE</p> <p>Members noted that the Standards Commission had advised the SPCB it was content with the provisions in the draft Memorandum of Understanding (MoU) it had produced for Officeholders on the provision of Data Protection Services under the GDPR (including the appointment of a shared Data Protection Officer). Members noted the Executive Team was now awaiting the finalised MOU.</p> <p>The Executive Team confirmed that access to the SPCB's online training on the GDPR had been provided to and completed by all the Standards Commission's staff. Members noted they would have access to and would undertake the training when their Standards Commission email accounts were activated.</p>	
<p>13.</p>	<p>COMMITTEE ON STANDARDS IN PUBLIC LIFE (CONSULTATION)</p> <p>Members noted that they had agreed the draft outline response prepared by the Executive Director. Members asked the Executive Director to proceed to prepare a full and substantive response for consideration Members at their meeting on 30 April 2017 in time for submission before the deadline of 18 May 2018.</p> <p>Members agreed that the preparation of such a response was an opportunity for the Standards Commission to undertake a review of the ethical standards framework in Scotland and to identify what it considered worked well and less well in the existing system. Members further agreed that the Standards Commission should publish its response, when finalised.</p>	<p>Executive Director</p>
<p>14.</p>	<p>REMIT OF STANDARDS COMMISSION IN NON-BREACH CASES</p> <p>Members noted concerns raised by a complainant about the fact that there was no right of appeal against a decision of the Commissioner for Ethical Standards in Public Life in Scotland (CESPLS) to determine there had not been a breach of a Code of Conduct or that a report should not be made to the Standards Commission. Members noted that governing legislation did not contain any specific provisions regarding the threshold for the referral of reports by the CESPLS to the Standards Commission; for example that he should refer any complaint where there was evidence to demonstrate a <i>prima facie</i> breach of a Code or that he should refer any complaint which could amount to a breach of a Code unless there was evidence to demonstrate it was totally without merit. Members further noted that the CESPLS did not obtain evidence under oath or affirmation.</p> <p>Members agreed that, while they did not necessarily have any concerns about decisions taken by the CESPLS, including how he exercised his discretion in respect of whether or not to report a complaint to the Standards Commission, the issues raised were nevertheless of relevance and should be included in the review of the ethical standards framework it intended to undertake in order to respond to the Committee on Standards in Public Life's Consultation (see item 13 above). Members asked the Executive Director to contact the complainant concerned to advise him accordingly.</p>	
<p>15.</p>	<p>TAY CITIES REGION DEAL DISPENSATION REQUEST</p> <p>Members considered the application for a dispensation received from the Clerk to the Tay Cities Region Joint Committee on behalf of Angus, Fife, Dundee City and Perth & Kinross Councils in respect of a joint venture, namely Tay Cities Deal. Members noted that a Joint Committee had been established to discharge a number of key planning and funding functions in respect of the Tay Cities regional partnership, and that the Joint Committee would comprise of 18 members, 12 of which are elected members (three each from the constituent councils).</p> <p>Members agreed that a specific dispensation should be granted under the Councillors' Code of Conduct to the elected members (and any agreed substitute elected members) appointed by the four Councils to be members of the Tay Cities Region Joint Committee. This was so they, as voting members of the Tay Cities Region Joint Committee, did not have to remove themselves from the debate and any voting when discussions on the City</p>	

	<p>Region Deal, its projects and funding, and/or recommendations from the Tay Cities Region Joint Committee came before them at relevant Council meetings. The dispensation would allow the elected members to participate in discussions and voting on such matters. The elected members would still be required, however, to declare interests, in terms of Section 5 of the Code of Conduct. The dispensation would not apply to matters of a quasi-judicial or regulatory nature.</p> <p>Members asked the Executive Director to issue a dispensation in the terms outlined above.</p>	Executive Director
CASES UPDATE		
16.	<p>NOTES OF DECISION/CASES NOT PURSUED & SECTION 14 NOTIFICATION LETTERS</p> <p>Members noted the one non-breach decision made by the Commissioner for Ethical Standards in Public Life in Scotland (CESPLS).</p>	
17.	<p>BREACH REPORTS AND HEARINGS UPDATE</p> <p>a) LA/Fi/2044: Councillor Tim Brett of Fife Council. Members noted the letter from Fife Council of 14 March 2018 confirming it had considered the decision made at the Hearing on 5 February 2018.</p> <p>b) LA/Fi/2050: Councillor David MacDiarmid of Fife Council. Members noted that a Hearing had been scheduled to take place on 25 April 2018 and that the parties had been invited to a pre-Hearing meeting with the Hearing Panel Chair on 5 April 2018.</p>	
AOB		
18.	<p>DIARY DATES/MEETINGS</p> <p>2018 WORKPLAN</p> <p>Members noted the planned activities relating to the 2017/18 and 2018/19 calendars.</p> <p>DATE OF NEXT MEETING</p> <p>The next meeting of the Standards Commission was scheduled for Monday, 30 April 2018. The Executive Director advised she would be unable to attend the meeting and tendered her apologies.</p> <p>HUMAN RESOURCES COMMITTEE</p> <p>Members agreed that the Human Resources Committee due to take place that day would be rescheduled in light of Mrs Gallanders' absence and would instead be held on 30 April 2018, with a report on its business and any decisions made subsequently being provided to the Standards Commission at its April 2018 meeting.</p>	Business Manager