

MINUTES

Meeting date: Monday 30 July 2018

IN ATTENDANCE

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

ITEM	CONTENT	ACTION
STANDING ITEMS		
1.	<p>APOLOGIES There were no apologies.</p> <p>DECLARATIONS OF INTEREST No declarations of interest were made.</p>	
2.	<p>DRAFT MINUTE OF PREVIOUS MEETING Members reviewed and, subject to a minor amendment being made, approved the minutes of the meeting on 25 June 2018.</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>OUTREACH AND HORIZON SCANNING Members noted that Mr Dunion and the Executive Director had held a meeting with the public relations company engaged by the Standards Commission to discuss other opportunities for, and the best ways of, promoting the Standards Commission's agenda. Members noted that a targeted programme of activities to be undertaken over a nine-week period from 23 July 2018 had been agreed, with a view to promoting the amended Councillors' Code of Conduct and the new provision on bullying and harassment. The programme was also intended to raise awareness of the Standards Commission's concern that potential breaches of the Model Code of Conduct by members of devolved public bodies were not necessarily being reported, and the work it was intending to undertake to address this.</p>	
BUSINESS MATTERS		
5.	<p>COMMUNICATIONS:</p> <p>a) Health & Social Care Integration Joint Board Members' Training Event Members noted that the programme for the Health & Social Care Integration Joint Board Members' Training Event on 24 September 2018 had been finalised and would be issued at the beginning of August. Members were pleased to note that there was a good deal of interest in the event and that a good number of attendees were expected.</p>	

b) Regional Training Events on the Councillors' Code of Conduct

Members noted that Perth & Kinross Council had offered to host a training event in mid to late November 2018 and North Lanarkshire Council had offered to host one in February 2019.

Members agreed that Mr Dunion and Mr Walker would conduct the event in Perth & Kinross and asked that arrangements be made for this to be held on 14 November 2018. Members further agreed that Mr McCormick and Mrs Stewart would conduct the event in North Lanarkshire and asked that arrangements be made for this to be held on 26 February 2019. Members asked the Executive Team to publish the dates in the next professional briefing and on the website and to issue invitations in due course.

Post Hearing note: North Lanarkshire Roadshow being held on 18 February 2019

Executive Team

c) Members' Refresher Training

Members noted that their refresher session on the Councillors' Code of Conduct had been scheduled to take place on 20 August 2018. The Executive Director had prepared a training presentation which focused, in particular, on the provisions concerning the declarations of interests and also on the specific exclusions in the Code. Members agreed to hold a discussion after the training on whether the existing provisions on declaring interests in the Code continued to be relevant and fit for purpose. Mr McCormick agreed to circulate a paper on the topic before the session in order to facilitate the discussion.

d) Monitoring Officers' Workshop

Members noted that the Monitoring Officers' Workshop was due to take place on 5 November 2018. Members agreed that the workshop should be used to discuss and potentially identify further improvements that could be made to the Councillors' Code of Conduct. Any suggestions arising from the session could then be provided to the Scottish Government to help inform their review of the Code, which it was understood was due to take place towards the end of the 2018/19. Members asked the Executive Team to prepare a draft programme and to further invite Monitoring Officers to discuss ideas for improvements with their elected members and colleagues in advance of the workshop.

Executive Team

e) Date for Standards Officers' Workshop

Members agreed that the next Standards Officers' Workshop should be held in Glasgow on Monday, 25 March 2019. Members asked the Executive Team to locate a suitable venue.

Executive Team

f) Standards Commission's social media presence

Members noted that the Executive Team was in the process of establishing and populating a Facebook page of the Standards Commission and would circulate a link to this when it went live.

g) Meeting with Committee on Standards in Public Life

Members noted that the Committee on Standards in Public Life had invited the Convener and Executive Director to a Committee meeting on 18 October 2018 to discuss the Standards Commission's response to their recent consultation on ethical standards in local government in England. Members agreed the meeting was also an opportunity for the Standards Commission to learn about details of the framework in place in another jurisdiction which could, in turn, be used to identify improvements that could be made to the system and procedures in place in Scotland.

h) Request for training from East Lothian Council

Members noted the request from East Lothian Council for support with a training event for their elected members on the Councillors' Code of Conduct and, in particular, the recent amendments made to it. Members agreed that, unfortunately, they would have to decline the request as the Standards Commission did not have the resources to support individual training events in addition to the planned regional roadshows. Members asked

	<p>that East Lothian Council be advised accordingly but noted the officer concerned could be offered material to assist in the training, including the revised standard presentation on the Councillors' Code and accompanying notes.</p> <p>i) EU mandated body</p> <p>The Convener explained that he had been approached by the Albanian Information Commissioner to assist with the development of various anti-corruption measures and procedures. The Convener advised that in order to be able to undertake this work, he had sought approval for the Standards Commission to be an approved mandated body under a European Union twinning programme for pre-accession states. The Convener advised that approval had been granted and confirmed that he would keep Members updated on any work and opportunities arising from the arrangement.</p>	
6.	<p>AUDIT & RISK COMMITTEE REPORT</p> <p>Members noted the verbal report provided by Mr McCormick, Chair of the Audit & Risk Committee, and the draft minutes of its meeting on 23 July 2018. Members further reviewed the terms of the Annual Audit Report from Audit Scotland and the Annual Assurance Statement from the Internal Auditor and were pleased to note that strong assurances were offered from both with regard to the Standards Commission's systems of internal control.</p> <p>Members further approved the recommended changes to the Risk Register for 2017 / 2018.</p>	Executive Director
7.	<p>ANNUAL ACCOUNTS 2017/18</p> <p>Members reviewed the draft Annual Accounts for 2017/18, the contents of the proposed external audit report and the terms of the draft ISA 580 management response letter. Members approved the Annual Accounts and confirmed that the Executive Director was to proceed to sign both the Accounts and ISA 580 letter before submitting them to Audit Scotland for their consideration and final approval.</p>	Executive Director
8.	<p>SURVEY OF MEMBERS OF DEVOLVED PUBLIC BODIES</p> <p>Members reviewed and agreed amendments to the proposed survey of members of devolved public bodies. Members agreed that once the survey had been finalised, the Executive Team should circulate, for approval, a draft cover letter to the Chief Executives of all devolved public bodies (to be copied to the Standards Officers). Members agreed that this should include an explanation as to why the survey was being undertaken; namely that the Standards Commission was seeking to establish whether the lack of complaints about members of devolved public bodies was the result of a high level of adherence to the Codes of Conduct or whether poor conduct was taking place but going unreported. Members agreed that the Chief Executives should be advised that the survey was anonymous and the results would be used to inform the Standards Commission's outreach and promotion work. The Chief Executives should be asked to circulate a link to the survey and to encourage all their members to complete it.</p>	Executive Team
9.	<p>EXPENDITURE REPORT QUARTER ONE</p> <p>Members noted the report on expenditure against budget for quarter one of 2018/19.</p>	
10.	<p>BUDGET SUBMISSION 2019/20</p> <p>Members agreed the budget submission and supporting commentary. Members asked that this be submitted to the Scottish Parliamentary Corporate Body for approval, in accordance with its agreed procedures.</p>	Executive Team
11.	<p>STANDARD TRAINING PRESENTATION ON COUNCILLORS' CODE OF CONDUCT</p> <p>Members noted that the structure and content of the standard training presentation had been amended to focus on the specific provisions of the Councillors' Code of Conduct that were the most difficult to interpret and / or were most frequently contravened; namely</p>	

	<p>the sections on respect, declaring interests and the impact of these in terms of making quasi-judicial or regulatory decisions and lobbying & access. Subject to some minor changes, Members agreed the revised content. Members confirmed that the case studies and illustrations in the presentation should be retained to encourage participation from attendees and to make the session as interactive as possible.</p> <p>Members asked the Executive Team to publish the amended standard training presentation. It was noted that the cases could be updated before the regional training events scheduled to take place in Perth in November 2018 and in Motherwell in February 2019, as appropriate.</p>	Executive Team
12.	<p>AMENDED COUNCILLORS' CODE OF CONDUCT AND GUIDANCE</p> <p>Members noted the amended Councillors' Code of Conduct came into force, and had been issued, on 9 July 2018. Members noted that Standards Commission had issued revised Guidance and its Advice Note on the new bullying and harassment provision in the Code the same day. A standalone version of the revised Guidance had also been produced, along with a Braille version of the combined Code and Guidance. Members noted that the Executive Team was also seeking to instruct a translator to create a Gaelic version of the combined document.</p>	
CASES UPDATE		
13.	<p>NOTES OF DECISION/CASES NOT PURSUED (CNP) & SECTION 14 NOTIFICATION LETTERS</p> <p>Members noted the terms of the two non-breach reports issued by the Commissioner for Ethical Standards in Public Life in Scotland (CESPLS).</p> <p>Members noted that a number of recent non-breach decisions issued by the CESPLS had been finely balanced. Members agreed that, in order to gain a better understanding of the threshold being applied, it would be helpful to explore what factors were considered and taken into account by the CESPLS when he made such decisions. Members asked the Executive Director to arrange a meeting with the CESPLS and to provide feedback on the outcome at the next Standards Commission meeting.</p>	Executive Director
14.	<p>BREACH REPORTS HEARING AND POST HEARING UPDATES</p> <p>a) LA/CES/2091: Councillor Finlay Cunningham of Comhairle nan Eilean Siar. Members noted that the Hearing took place in Edinburgh on 3 July 2018. Councillor Cunningham was found to have breached the Councillors' Code of Conduct and was censured.</p> <p>b) LA/Fi/2050: Councillor David MacDiarmid. Members noted that the substantive Hearing on the merits of the appeal lodged by Councillor MacDiarmid against the Hearing Panels' decision was scheduled to take place on 13 August 2018.</p> <p>c) LA/As/2062: Councillor Anne Allan of Aberdeenshire Council. Members noted that Hearing had been scheduled to take place on 28 August 2018.</p> <p>d) LA/I/2113: Councillor Luciano Rebecchi of Inverclyde Council. Members noted that a Hearing had been scheduled to take place on 21 September 2018.</p>	
AOB		
15.	<p>PUBLIC APPOINTMENTS</p> <p>Members noted that the public appointments website contained information about the role of the CESPLS but not the Standards Commission. Members agreed it would be helpful for information about the Standards Commission's role in providing guidance on the Codes of Conduct and its adjudicatory role to be included, in order for potential candidates to be informed about the extent of the ethical standards framework at an early a stage as possible. Members asked the Executive Director to approach Appointed for Scotland to ask whether such information could be added.</p>	Executive Director

	<p>EX PARTE COMPLAINTS</p> <p>Members noted that, at present, a complaint had to be received by the CESPLS for an investigation to be instigated. Members noted that it would not be desirable for the Standards Commission to be able to initiate a complaint given it could potentially be required to adjudicate on the matter. Members noted that while the CESPLs may be able to extend the scope of an investigation if he discovered a further potential breach when one was underway, it was not clear whether he could instigate one should he receive intelligence that suggested a possible breach but no complaint. Members asked the Executive Director to seek confirmation from the CESPLS as to whether he had ever sought advice about, or investigated the possibility of, instigating complaints in his own name.</p>	<p>Executive Director</p>
<p>16.</p>	<p>FOR INFORMATION</p> <p>2018-19 DIARY DATES & 2018 WORKPLAN</p> <p>Members noted the planned activities relating to the 2018/19 calendar.</p> <p>DATE OF NEXT MEETING</p> <p>Members noted that the next meeting of the Standards Commission was scheduled to take place on Monday, 24 September 2018.</p>	