

MINUTES

Meeting date: Monday 28 January 2019

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 approved the minutes of the meeting on 17 December 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 PROMOTION WORK The Convener advised that he and the Executive Director had met with a public relations company on 23 January 2019 and had agreed to instruct external support, on a project by project basis, to assist the Standards Commission in proactively communicating about any key messages on, and initiatives it was undertaking to support improvements to, the ethical standards framework and the Codes of Conduct. The Convener advised that it was intended that, initially, the company would assist the Standards Commission in drafting and issuing a news release and thereafter placing an opinion piece on the main points and messages arising from the responses to the Standards Commission's survey of Members of Devolved Public Bodies. Members agreed that the possibility of trying to obtain some radio coverage should also be explored with the company.</p>	Executive Director
5.	<p>DRAFT BUSINESS PLAN 2019/20 Subject to some amendments and additions, Members agreed the Business Plan for 2019 / 2020, in support of the final year of the Standards Commission's Strategic Plan 2016 to 2020. Members noted the Executive Team would prepare a draft Risk Register for consideration at the Standards Commission meeting on 25 February 2019. Once this was agreed, references to the Risk Register would be added and the Business Plan brought back for noting at the following meeting.</p>	
BUSINESS MATTERS		

	<p>Auditor was due to undertake a similar audit of the SPCB's preparedness in March 2019 and, as the Standards Commission had a shared service agreement with the SPCB in respect of the provision of data protection officer services, it made sense to do both reviews concurrently. Members indicated they had no difficulty with this approach. Members further noted that the internal auditor had agreed to check whether the SPCB's online cyber security training package was still available and to revert. Members asked the Executive Team to circulate the training module if it was still available.</p> <p>Members agreed the Audit Plan and fee as proposed by Audit Scotland for the 2018/19 audit.</p> <p>Members welcomed the proposal from the Internal Auditor to review the procedures for and usage of the Standards Commission's credit card as part of the 2019 / 2020 audit.</p> <p>Members reviewed the recommendations made by the Audit & Risk Committee in respect of the Risk Register. Members agreed that the overall score for risk 6 (being the inability of the Standards Commission to deliver its business effectively due to it having insufficient Members to meet the quorum required for Hearings) should remain the same until such time as a new member was appointed and their availability and level of experience was known. Members further agreed that the overall score for risk 7 (being the inability of the Standards Commission to deliver its business effectively as a result of a lack of executive / administrative support), should also remain the same as despite the controls and specific actions taken, the small number of staff employed meant that any turnover or unplanned absence would have a significant impact on the organisation in terms of a loss of knowledge or experience. Members agreed, in respect of risk 9, that the completion and publication of the British Sign Language Plan and the work to ensure compliance with best practice cyber security and GDPR requirements meant that the probability score could be reduced. As such, the overall risk score should be reduced accordingly.</p>	<p>Executive Team</p> <p>Executive Team</p>
<p>10.</p>	<p>APPEAL ON DECISION LA/Fi/2050</p> <p>Members noted that the decision on the appeal heard by the Sheriff Principal on 13 August 2018 had still not been issued.</p>	
<p>11.</p>	<p>SECTION 19(8) GUIDANCE</p> <p>Members were advised that the Executive Director had raised the possibility of the Standards Commission drafting and issuing guidance under Section 19(1) of the Ethical standards in Public Life etc. (Scotland) Act 2000 with the Monitoring Officers' Working Group. Monitoring Officers had agreed to provide suggestions on the types of activities a councillor might engage in, over and above attending meetings and Committee meetings of the Council and holding constituent surgeries. Members agreed that the Executive Director should discuss these with COLSA with a view to identifying ones that a councillor should be precluded from engaging in during any period of full suspension under Section 19(1)(c) of the Act. Members noted that the Executive Director could then prepare, and formally consult with COSLA, on a draft guidance note, as required under the Act, for consideration by Members at their March 2019 meeting.</p> <p>Members noted that it may be that the activities a councillor would be precluded from engaging in under the terms of guidance may vary depending on the nature of the breach that led to the suspension. Members noted, for example, that if a suspension was imposed as a result of a finding of bullying and harassment of officers, it might not be appropriate for the councillor concerned to be allowed to contact the officers concerned, even if he or she was doing so to assist a constituent.</p>	<p>Executive Director</p>
<p>12.</p>	<p>STANDARDS COMMISSION'S STANDING ORDERS</p>	

	<p>c) LA/An/2094: Councillor Richard Moore of Angus Council. Members noted that Angus Council had confirmed in a letter of 17 January 2019 that it had noted the terms of the Standards Commission's decision in respect of the Hearing held on 19 November 2018.</p> <p>d) LA/As/2173: Councillor Paul Johnston of Aberdeenshire Council. Members considered the report from the ESC and the terms of the Standards Commission's policy on making decisions under Section 16 of the 2000 Act and determined that it was proportionate and in the public interest to hold a Hearing.</p>	
AOB		
<p>14.</p>	<p>SCOTTISH PARLIAMENT'S JOINT WORKING GROUP ON SEXUAL HARASSMENT The Convener advised that he had arranged to meet the Parliament's Chief Executive on 18 February 2019 to discuss the recommendations contained in the Joint Working Group's report. Members agreed that, in particular, the Convener should draw the Parliament's attention to the fact that it was the Standards Commission and not the ESC who had the powers to require individuals to attend Hearings, give evidence and produce documents and also to administer oaths to witnesses. The Convener should also raise the potential difficulties involved in dealing with sexual harassment complaints in a different way to other complaints. The Convener advised that he would report on the discussions at the next meeting.</p> <p>MRS GALLANDERS Members noted that it was Mrs Gallanders' last meeting before her tenure as a Member of the Standards Commission came to an end. The Convener thanked Mrs Gallanders, on behalf of the other Members and staff, for her hard work and commitment to the organisation. In particular, the Convener noted that Mrs Gallanders collegiate approach and willingness to provide assistance had helped ensure that there had been a smooth transition when the Executive Director and new Members had been appointed. Members agreed that Mrs Gallanders had made a substantial contribution to the organisation and that it had made significant progress during her tenure. Members thanked Mrs Gallanders for her support and dedication.</p> <p>AGENDA ITEMS FOR NEXT MEETING Members agreed to advise the Executive Director of any items they wished included in the agenda for discuss at the next meeting.</p>	<p>CONVENER</p>
<p>15.</p>	<p>SUGGESTED 2019/2020 DIARY DATES – MEETING SCHEDULE Members noted the suggested dates for Standards Commission meetings in 2019/20 and confirmed they would advise the Executive Team if they wished to change any of these.</p> <p>2018 WORKPLAN Members noted the planned activities.</p> <p>DATE OF NEXT MEETING Members noted that the next meeting of the Standards Commission was scheduled to take place on Monday, 25 February 2019.</p>	