

MINUTES

Meeting date: Monday 25 February 2019

IN ATTENDANCE

- Kevin Dunion (Convener)
- Michael McCormick (by video conference)
- 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 28 January 2019.</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 Members noted the media coverage of the Standards Commission's analysis of the responses it had received to the survey of members of devolved public bodies and expressed their satisfaction with the print coverage obtained by the public relations company that had been engaged. Members noted that they might have expected some further TV, radio or online coverage and asked the Executive Director to discuss with the public relations company the extent to which they had promoted the news release and survey results to the broadcast media.</p> <p>Members noted that an information sheet on the survey outcomes had been issued to selected MSPs. The Convener had also sent a letter to the Cabinet Secretary for Health and Sport advising her that the survey indicated that the issue of disrespectful behaviour appeared to be more pronounced in Health Boards and Health & Social Care Integration Joint Boards (IJBs) than in other types of public bodies. The Cabinet Secretary had been advised that, in addition, a significantly lower percentage of members of IJBs considered their board has a culture of collective responsibility and also had lower levels of satisfaction with the training they had received on the Codes of Conduct when compared to other members of other Boards. The Convener had asked the Cabinet Secretary for a meeting to discuss how the Standards Commission could help the Government to promote a Board culture which is respectful but also where members are assured of their right to challenge and complain where conduct falls short of the standards expected. Members asked the Convener to keep them updated on any response received.</p>	<p>Executive Director</p> <p>Convener</p>

	<p>Members agreed that the public relations company should be asked to undertake some promotion work when the Standards Committee’s annual report for 2018/19 was finalised. In the meantime, Members noted that some work might also arise from the Standards Commission’s interest in, and potential engagement with, the Scottish Parliament’s Standards, Procedures and Public Appointments Committee in respect of its consideration of the Parliament’s Joint Working Group Report on Sexual Harassment (see agenda 6(b) below).</p>	
<p>5.</p>	<p>DRAFT RISK REGISTER 2019/20</p> <p>Subject to some minor amendments, Members agreed the Risk Register for 2019/20, including the scores for each risk, both in terms of potential impact and probability. Members asked the Executive Team to make the agreed changes and to include the total risk scores in the Register. Members noted the Audit & Risk Committee would review the Risk Register and the actions taken to mitigate each risk as its meetings in May and July 2019 and January 2020. The Audit & Risk Committee would report on these reviews at the subsequent Standards Commission meetings.</p>	
<p>BUSINESS MATTERS</p>		
<p>6.</p>	<p>COMMUNICATIONS:</p> <p>a) Regional Training Event, Airdrie</p> <p>Mr McCormick and Mrs Stewart provided feedback on the Standards Commission’s regional training event for elected members, which been held in Airdrie on 18 February 2019. Members were pleased to note that attendees had seemed engaged and had asked a number of interesting and relevant questions on some of the more complex provisions in the Councillors’ Code of Conduct. However actual attendance was significantly below the number of elected members who had indicated in advance that they would attend.</p> <p>b) Meeting with Scottish Parliament’s Chief Executive</p> <p>The Convener advised that he and the Executive Director had met the Parliament’s Chief Executive and Group Head of Committees and Outreach on 18 February 2019 to discuss the best way for the Standards Commission to provide input to the Parliament’s Standards, Procedures and Public Appointments Committee’s forthcoming consideration of the Parliament’s Joint Working Group on Sexual Harassment and, in particular, the question of how complaints about MSPs were to be investigated and determined. Members agreed that the Standards Commission’s experience of dealing with, and adjudicating upon, analogous complaints about local government councillors and members of devolved public bodies; and its perspective in terms of the importance of transparency and independent decision-making in respect of complaints about those in public life (so that the public can have full confidence that these are being dealt with appropriately), meant that it was in a position to offer the Committee a great deal of assistance in its considerations of the matter. Members agreed that the Convener should write to the Committee Convener offering to share the Standards Commission’s knowledge and experience with the Committee. Members further agreed that the Convener should advise that the Standards Commission considered it important, from the public perspective (in terms of consistency and clarity), for the Codes of Conduct for councillors and MSPs to be as closely aligned as possible.</p> <p>c) New Member Recruitment Update</p> <p>Members noted that the Parliament would be asked to approve the appointment of the successful candidate on 28 February 2019. Members noted that, in the meantime, the Executive Director had been liaising with the Scottish Parliamentary Corporate Body (SPCB) about the Standards Commission’s forthcoming Hearings and meeting dates so that the candidate could, wherever possible, keep these free.</p> <p>d) New Ethical Standards Commissioner</p>	<p>Convener</p>

	<p>Members noted that Caroline Anderson, the new Ethical Standards Commissioner (ESC) was due to start in post on 1 April 2019 and had observed the Hearing held in Angus on 20 February 2019. Members welcomed the appointment and advised they were looking forward to discussing matters of common interest with Ms Anderson at the joint meeting on 28 May 2019, if not before.</p> <p>e) Officeholders Services – Members’ Letter Members discussed the letters sent by the SPCB to all officeholders seeking suggestions about what could be done if a complaint was made to the Parliament about an officeholder, which was not connected to the functions they carried out as an officeholder. Members noted that it was not clear from the SPCB’s letter if they were aware that the Standards Commission’s Members had adopted a Code of Conduct, based on the Model Code of Conduct for Members of Devolved Public Bodies. This had been last reviewed (as part of a five-year review cycle) by Members at their meeting on 3 November 2015. Members asked the Executive Director to bring this to the attention of the SPCB, before any decision could then be taken about whether a further collective response should be made.</p> <p>f) Training request from Orkney Islands Council Members noted that Orkney Islands Council had offered to pay for the Standards Commission to attend a session for their elected members to provide training on the Councillors’ Code of Conduct. Mrs Stewart volunteered to do so and asked the Executive Team to liaise with Orkney island Council to identify a suitable date.</p> <p>g) Meeting with Police Scotland Members noted that the Executive Director and the ESC had met with officers from Police Scotland’s Serious Organised Crime Division. Members noted that the Police were hoping to run some joint training sessions with the Standards Commission. Members agreed that the Executive Director should explore this further to determine potential dates and venues before reporting back.</p> <p>h) Request for Attendance at meeting of Member Services Development Network Members noted that the Member Services Development Network had asked whether it would be possible for someone from the Standards Commission to attend either their meeting in Perth on 15 March or their one in Edinburgh in June to discuss issues that have arisen and any developments in terms of the Councillors’ Code and associated guidance and advice. Members agreed that the Executive Director should attend and noted that the officers present could be asked to feed in to the anticipated review of the Code.</p>	<p>Executive Director</p> <p>Executive Director</p> <p>Executive Director</p> <p>Executive Director</p>
7.	<p>BUSINESS PLAN 2019/20 Members undertook a final review of the Business Plan for 2019/20 and approved its contents. Members agreed that an external version of the Business Plan should be published on the Standards Commission’s website and that work should commence on the activities identified.</p>	<p>Executive Team</p>
8.	<p>APPEAL ON DECISION LA/Fi/2050 Members noted that the decision on the appeal heard by the Sheriff Principal on 13 August 2018 had still not been issued.</p>	
9.	<p>DRAFT SECTION 19(8) GUIDANCE Members noted that the Executive Director had had not yet prepared an initial draft of the Guidance and asked that this be done so that matter could be included in the agenda and considered at the next meeting.</p>	<p>Executive Director</p>
10.	<p>SECTION 5 OF ANNUAL REPORT 2018/19 Members reviewed and, subject to some minor amendments, approved the proposed contents of Section 5 of the Annual Report for 2018/19, which summarised the issues</p>	

	under consideration and decisions made at Hearings in that year. Members agreed that information about the appeal on LA/Fi/2050 should also be included before the section was finalised.	Executive Director
11.	REPORT ON REVIEW OF ETHICAL STANDARDS IN LOCAL GOVERNMENT IN ENGLAND Members noted the contents of the Report and asked to be kept updated on any developments in respect of the systems and procedures in place in England in light of its recommendations.	
12.	HEARINGS PROCESS FLOWCHART Subject to some changes, Members reviewed and approved a flowchart of the Hearing Process, which was intended to be used as a tool to help explain the order of proceedings at Hearings. Members agreed the Flowchart should be finalised, published and distributed as appropriate.	Executive Team
13.	RECORDS MANAGEMENT – ANNUAL REVIEW Members congratulated staff on the positive outcome of the National Records' Assessment Team assessment of the annual review submission made by the Standards Commission. NRAT confirmed that they were satisfied that Standards Commission was taking its obligations seriously and were working hard to maintain all elements of their Records Management Plan in full compliance with the statutory requirements.	
CASES UPDATE		
14.	NOTES OF DECISION OF NO BREACH & SECTION 14 LETTERS Members noted the terms of a non-breach reports issued by the ESC concerning an elected member from Highland Council.	
15.	BREACH REPORTS HEARING AND POST HEARING UPDATES a) LA/An/2134: Councillor Brian Boyd of Angus Council. Members noted that a Hearing had been held on 20 February 2019, at which Councillor Boyd was found to have breached the Code and was censured. b) LA/As/2173: Councillor Paul Johnston of Aberdeenshire Council. Members noted that a Hearing was to be held on 18 March 2019. c) LA/Mi/2166 & 2169: Councillors Colin Cassidy, Margot Russell and John Hackett. Members noted that, following requests from one of the Respondents and from the ESC, the Hearing had been re-scheduled and would now take place on 9 May 2019. d) LA/SL/2153: Councillor Gerry Convery of South Lanarkshire Council. Members noted that a Hearing was to be held on 4 April 2019, with a pre-Hearing meeting scheduled for 6 March 2019. e) LA/Fi/2176: Councillor Linda Holt of Fife Council. Members noted that a Hearing was to be held on 30 April 2019, with a pre-Hearing meeting scheduled for 18 March 2019.	
AOB		
16.	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.	
17.	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.	

2019 WORKPLAN

Members noted the planned activities.

DATE OF NEXT MEETING

Members noted that the next meeting of the Standards Commission was scheduled to take place in Glasgow on Monday, 25 March 2019.