

MINUTES

Meeting date: Tuesday 28 May 2019

IN ATTENDANCE

- Kevin Dunion (Convener)
- Ashleigh Dunn
- 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 to the wording of item 14, approved the minutes of the meeting on 29 April 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 Mr Dunion advised that he and the Executive Director would shortly be meeting to discuss preparing a scoping paper for the conference that Standards Commission intends to hold in respect of ethics and integrity in public life. Members agreed that such a conference would increase awareness of the ethical standards framework and the role and remit of the Standards Commission.</p> <p>The Executive Director advised that she was due to attend a consultation event on 29 May 2019 on the Scottish Human Rights Commission's draft strategic plan for 2020/2024. Members noted that they were due to draft and consult on a similar four-year plan for the Standards Commission and asked the Executive Director to report back on the format of the event so that they could consider any suggestions on the best way to effectively engage with stakeholders about the contents of such a plan.</p> <p>Mr Dunion advised that the Scottish Government had indicated they wished to meet him to discuss the outcome of the Standards Commission's survey of members of devolved public bodies and, specifically, the culture within Health Boards and Health and Social Care Integration Joint Boards, and between board members, to ensure that any bullying and harassment did not go unchecked or unreported. Mr Dunion confirmed that he would keep Members updated on this.</p>	<p>Executive Director</p> <p>Mr Dunion</p>

	<p>SECTION 16 OF THE ETHICAL STANDARDS IN PUBLIC LIFE etc. (SCOTLAND) ACT 2000 Members noted that the Executive Director had written to Officeholders' Services of the Parliamentary corporation and the Ethical Standards Commissioner (ESC) seeking their support for the proposal to amend Section 16 of the Ethical Standards in Public Life Etc. (Scotland) Act 2000, to give the Standards Commission a further option on receipt of a report. Members noted that Officeholders' Services had agreed to put the Standards Commission's proposal and a paper outlining the reasoning behind it to the Parliamentary Corporate Body (SPCB) to seek its support. Officeholders' Services had advised that if such support was forthcoming, then the SPCB would contact the Cabinet Secretary for Finance, Economy and Fair Work on both it and the Standards Commission's behalf asking for amendment to be considered. Members asked the Executive Director to keep them updated on any progress in respect of this.</p>	<p>Executive Director</p>
<p>BUSINESS MATTERS</p>		
<p>5.</p>	<p>COMMUNICATIONS: Members noted the press coverage on the recent Hearings held in Dalkeith and Dundee. Members noted, from quotes in the press, that the decision in the Dalkeith Hearing appeared to have been misconstrued by some other elected members of Midlothian Council who had not been present at the Hearing. Members agreed that while the Standards Commission could mitigate against the risk of inaccurate reporting by issuing clear and accurate press releases and written decisions, little could be done to mitigate the risk of a Hearing Panel's decision being misinterpreted by any individuals who were not present and chose not to read these. Members nevertheless agreed that, given the time constraints at Hearings, it would be helpful for the Executive Director to create, for approval at the next meeting, a template press release that provided concise information, in plain English, about the Hearing that had been held and the decisions made.</p> <p>So that they could consider examples of how the template may look and read in practice, Members asked the Executive Director to create sample draft releases populated with information from the recent Dalkeith and Dundee Hearings.</p>	<p>Executive Director</p>
<p>6.</p>	<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. Members noted that the Standards Commission's legal advisers had made enquiries as to when the decision was likely to be finalised and had been advised by the Sheriff Principal's clerk that work was currently being done on the judgment, with a view to it being issued by the middle of May.</p>	
<p>7.</p>	<p>AUDIT AND RISK COMMITTEE Members noted the verbal report provided by Mr McCormick, the Chair of the Audit & Risk Committee, and the draft minutes of the Committee meeting on 20 May 2019.</p> <p>Members agreed to amend the Audit & Risk Committee's Terms of Reference in line with its recommendations. Members agreed that both the Terms of Reference and any Committee agendas should make it clear that the Head of Internal Audit and representative of External Audit should have direct and confidential access to the Chair of the Audit & Risk Committee, and that they should also be provided with the Chair's contact details.</p> <p>Members further noted the contents of the Committee's Annual Performance Review, which would be included in the Annual Accounts due to be reviewed by the Standards Commission at its meeting on 29 July 2019.</p>	<p>Executive Team</p>
<p>8.</p>	<p>DRAFT SECTIONS 1 AND 3 OF ANNUAL REPORT 2018/19 Members agreed to review the proposed contents of the tabled Sections 1 and 3 of the Annual Report for 2018/19; being the Executive Report and Performance Summary,</p>	

	respectively. Members agreed to provide any comments and suggestions on these to the Executive Director, before the sections were approved and finalised at the next meeting.	Executive Director
9.	DISQUALIFICATION AIDE MEMOIRE Members reviewed an aide memoire outlining the various options available in terms of the course of events should a Hearing Panel be contemplating imposing a disqualification under Section 19 of the Ethical Standards in Public Life Etc. (Scotland) Act 2000. Members agreed that given the potential for press interest in a disqualification, and the potential risk to the reputation of the Standards Commission if such a decision was successfully challenged, it would be appropriate for the Convener to be alerted to the fact that a Hearing Panel had decided to impose it as a sanction, before the decision to do so was made public. Members agreed that the document be amended to reflect this, before being finalised and circulated to them to retain for possible use at Hearings.	Executive Team
10.	BUSINESS CONTINUITY PLAN Members undertook their annual review of the Business Continuity Plan. Members agreed some minor typographical amendments and asked that, once these had been made, a finalised version be circulated to all staff and Members, the ESC and the SPCB.	Executive Team
CASES UPDATE		
11.	NOTES OF DECISION OF NO BREACH & SECTION 14 LETTERS Members noted that no Section 14 letters or non-breach reports had been issued by the ESC since the last meeting.	
12.	BREACH REPORTS HEARING AND POST HEARING UPDATES a) LA/Mi/2166 & 2169: Councillors Colin Cassidy, Margot Russell and John Hackett of Midlothian Council. Members noted that, at the Hearing on 9 May 2019, Councillors Russell and Hackett had been found to be in breach of the Councillors' Code of Conduct and that both had been suspended from Midlothian Council's Planning Committee for a period of one month. Members noted that the Hearing in respect of Councillor Cassidy had been adjourned due to a lack of time and would now take place on 10 July 2019. b) LA/Fi/2176: Councillor Linda Holt of Fife Council. Members noted that the Hearing was due to take place on 25 June 2019. c) LA/D/2158: Councillor Gregor Murray of Dundee City Council. Members noted that Councillor Murray had been found to have breached the Councillors' Code of Conduct at a Hearing held on 15 May 2019 and had been suspended for a period of two months.	
13.	Hearings Survey Responses: Members noted the feedback received and a response issued in respect of the Hearings held in Dalkeith on 9 May and in Dundee on 15 May 2019. Members noted that a complainer in the Dalkeith case, who had been present at the Hearing, had questioned why she had not received a copy of the ESC's report. Members agreed that the Executive Team should include information about the fact that the Panel and parties would have access to the ESC's report, but that this was not a publicly available document, in the information sheet about Hearings that was circulated to those in attendance. Members agreed that the question of whether any complainers should receive a copy of the ESC's report should be discussed with the ESC at the next joint meeting.	Executive Team
AOB		
14.	MEMBERS' INBOX	

	<p>Members asked the Executive Team to explore whether it would be possible to set up a collective inbox for Members so that any enquiries to all could be received by the Standards Commission before being forwarded to individual email accounts as appropriate.</p> <p>AGENDA ITEMS FOR NEXT MEETING Members agreed to advise the Executive Director of any items they wished included in the agenda for discussion at the next meeting.</p>	
16.	<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>2019 WORKPLAN Members noted the planned activities. Members asked that the calendar be presented on a rolling basis with meetings being removed after they had taken place.</p> <p>DATE OF NEXT MEETING Members noted that the next meeting of the Standards Commission was scheduled to take place on Monday, 24 June 2019.</p>	Executive Team