

# MINUTES *Meeting date: Monday 27 January 2020*

## IN ATTENDANCE

### Members:

- Kevin Dunion (Convenor)
- Michael McCormick
- Tricia Stewart
- Paul Walker
- Ashleigh Dunn

### Executive Team:

- Lorna Johnston (Executive Director)
- Elaine McLean (Business Manager)

| ITEM                     | CONTENT   | ACTION                |
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| <b>STANDING ITEMS</b>    |   |                       |
| 1.                       | <p><b>APOLOGIES</b><br/>There were no apologies.</p> <p><b>DECLARATIONS OF INTEREST</b><br/>Mr Dunion and Mrs Stewart declared an interest in the interim suspension decision under item 14A of the agenda. Mr Dunion and Ms Stewart did not leave the room, however, as an update was provided for noting only and there was no discussion or decision-making on the matter.</p>   |                       |
| 2.                       | <p><b>DRAFT MINUTE OF PREVIOUS MEETING</b><br/>Subject to the correction of a minor typographical error, Members reviewed and approved the minutes of the meeting on 16 December 2019.</p>  |                       |
| 3.                       | <p><b>MATTERS ARISING</b><br/>Members noted that all other matters arising were either complete or were due to be discussed under the main agenda.</p>  |                       |
| <b>STRATEGIC MATTERS</b> |   |                       |
| 4.                       | <p><b>STRATEGIC PLAN 2020/24</b><br/>Members reviewed the comments and suggestions received to date on the draft Strategic Plan for 2020/24 and agreed some minor amendments in light of these. Members further agreed that a brief description of the Standards Commission's role and how this linked to its vision, along with an explanation about how demonstrating the values outlined would help achieve this, should be added to the first page.</p> <p>Members noted that the Scottish Parliamentary Corporate Body (SPCB) was due to review the draft plan at its meeting on 30 January 2020 and agreed to undertake a further and final review at their meeting on 24 February 2020, once any comments from the SPCB had been received.</p> | <b>Executive Team</b> |
| <b>BUSINESS MATTERS</b>  |   |                       |
| 5.                       | <p><b>COMMUNICATIONS:</b><br/><b>(a) SharePoint</b><br/>Members noted that a meeting between the Business Manager and the Scottish Parliament's Business and Information Technology Team, to discuss the migration of the Standards Commission's files to the SharePoint platform and the provision of training for Members on access to and use of the system, had been scheduled for 3 February</p>   |                       |

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|                  | <p>2020. Members asked the Business Manager to provide them with an update thereafter.</p> <p><b>(b) Standards Officers' Workshop</b><br/> Members noted that the Standards Officers' workshop was due to be held at the Radisson Blu Hotel in Edinburgh on 23 March 2020. Members agreed that topics to be discussed should include potential changes to the Model Code of Conduct and any current trends and issues (particularly in respect of bullying and harassment, failing to declare interests, breaching confidentiality, and accepting gifts and hospitality). Members further noted that feedback on the Standards Commission's Advice Note for Members of Health &amp; Social Care Integration Joint boards should also be sought. Members asked the Executive Director to prepare and circulate a draft programme.</p> <p><b>(c) Gifts &amp; Hospitality Advice Note</b><br/> Members noted that Police Scotland had asked the Standards Commission to collaborate on the preparation and issue of an Advice Note for Councillors on the acceptance of gifts and hospitality and the risks associated with this (e.g. the potential for inadvertently being placed under the influence of serious organised crime entities seeking contracts with or licences from local authorities.) Members noted that Police Scotland would assist in providing content for inclusion in such an Advice Note and agreed that this should be circulated on receipt. On a separate note, Members agreed it would be helpful to know whether the police made automatic referrals to the Ethical Standards Commissioner when councillors were accused of criminal activity. Members agreed the Executive Team should put this question to the police.</p> <p><b>(d) Dispensation for Members of Health and Social Care Integration Joint Boards</b><br/> Members noted that the Executive Director had been asked by a stakeholder whether it would be logical for the Standards Commission to grant a dispensation to members of Health and Social Care Integration Joint Boards (IJBs) so that they would not need to declare the fact they were a member of a NHS Board or a councillor when taking part in discussions and voting on matters affecting their respective NHS Board or Council. Members noted such a dispensation would be analogous to the one issued, in 2015, to councillors and members of health boards who had been nominated or appointed by their health board or Council as a member of an IJB. The dispensation allowed such councillors and health board members to participate in discussion and voting on health and social care issues at their respective health board or council, without the need to declare the fact that they were a member of the IJB.</p> <p>Members agreed that the proposal was logical. Members noted, however, that the intention of the Working Group on the Codes of Conduct was to recommend that the sections on declaring interests in the Codes be amended and liberalised to allow individuals to participate in discussions and voting on matters concerning other outside bodies to which they had been appointed or nominated as a member by another public body (without having to declare an interest) (see item nine below). Members further noted that there was no evidence or suggestion that the lack of a dispensation for IJB members was causing any difficulty in practice. In the circumstances, Members agreed that the granting of one was unnecessary at present. Members agreed, however, that the situation should be reviewed if the Codes were not amended as outlined above. Members asked the Executive Director to advise the stakeholder accordingly.</p> | <p><b>Business Manager</b></p> <p><b>Executive Director</b></p> <p><b>Executive Team</b></p> <p><b>Executive Director</b></p> |
| <p><b>6.</b></p> | <p><b>BUSINESS PLAN 2019/20 QUARTER 3 REVIEW</b><br/> Members reviewed the report on progress made in quarter three against the 2019/20 Business Plan. Members were pleased that no slippages of any significance, that were wholly within the control of the Standards Commission, had been recorded in respect of previously identified activities.</p>   |   |





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|                     | <p>by October 2020. Members asked that an update be provided when this information was available.</p> <p>Members further agreed that a risk that the Standards Commission failed to meet the requirements should be added to the Risk Register for 2021/2022 when it was prepared, in order to ensure the Audit &amp; Risk Committee formally monitored progress and provided assurances in respect of compliance.</p>  | <b>Executive Team</b>     |
| <b>12.</b>          | <p><b>BUDGET AND EXPENDITURE QUARTER 3 REVIEW</b></p> <p>Members noted the Report, which detailed expenditure incurred to 31 December 2019 and projected expenditure against budget to the year end. Members noted that the Executive Team were confident that it was likely that expenditure would remain within budget and that there was a possibility some funds could be surrendered to the SPCB, albeit not until such time as the exact number of Hearings to be held in the year was known.</p>   |                           |
| <b>CASES UPDATE</b> |   |                           |
| <b>13.</b>          | <p><b>NO BREACH DECISIONS BY THE ESC &amp; SECTION 14 LETTERS</b></p> <p>Members noted the contents of two non-breach decisions issued by ESC, regarding councillors from Glasgow City and Renfrewshire.</p> <p>Members noted that the complaint about one Glasgow City Councillor concerned an allegation that he had requested that other councillors intervene in a licence application. Members noted the ESC's definition of "pressure", as "being an attempt to make someone do something they otherwise would not have done by force, threats or intimidation". Members indicated they considered this was a somewhat narrow interpretation and were of the view that a simple attempt to persuade someone to do something could amount to pressure, in certain circumstances, even if it did not involve any force, threat or intimidation.</p> <p>Members noted the complaint about a councillor from Renfrewshire Council concerned a failure to declare a financial interest, being remunerated employment, at a political group meeting at which his employer was giving a presentation. Members noted the ESC had stated that the councillor's interest was "too remote or insignificant" to require a declaration. Members disagreed with this interpretation of the Code and noted that paragraph 5.4 of the Code stated that the principles relating to declarations of interests must be applied "no less scrupulously" at party group meetings than any other meetings.</p> | <b>Executive Director</b> |
| <b>14.</b>          | <p><b>BREACH REPORTS HEARING AND POST HEARING UPDATES</b></p> <p><b>a) Interim Suspension Decision - Councillor Colin Stewart of Perth &amp; Kinross Council:</b></p> <p>Members noted that the interim suspension had been extended for a further three months but that the Panel had agreed this could be reviewed if the ESC advised that she had determined there was no breach in respect of any of the outstanding complaints about Councillor Stewart currently being investigated.</p> <p>Members noted that a query had been raised about whether Councillor Stewart was entitled to attend a member officer working group as a substitute, while suspended. It was clear that such a meeting would be considered to be a meeting of the council and was, therefore, covered by the interim suspension.</p> <p>Members noted, as an aside, that the Standards Commission had prepared guidance on the extent to which a councillor should engage in activities where a period of full suspension under Section 19(1)(c) of the Ethical Standards in Public Life etc. (Scotland) Act 2000 had been imposed, but that it had agreed with COSLA that the guidance should not be issued until work on revising the Councillors' Code of Conduct had concluded. Members agreed that, for the sake of clarity, the guidance should be finalised and issued as soon as possible. Members further</p>  |                           |

