

MINUTES

Meeting date: Monday 28 September 2020

IN ATTENDANCE ONLINE

Members:

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

Executive Team:

- Lorna Johnston (Executive Director)

ITEM	CONTENT	ACTION
STANDING ITEMS		
1.	<p>APOLOGIES</p> <p>There were no apologies. Ms Dunn had to leave the meeting early and took part in the discussions on items 2, 7, 8, 9, 10, 11, 13, 15 and 16 only.</p> <p>DECLARATIONS OF INTEREST</p> <p>Mr Walker declared an interest and took no part in the discussion on item 16(i).</p>	
2.	<p>MATTERS ARISING</p> <p>Members noted that all matters arising were either complete or were due to be discussed under the meeting agenda.</p>	
CONSENT ITEMS		
3.	<p>DRAFT MINUTE OF PREVIOUS MEETING</p> <p>Members reviewed and, subject to a minor amendment being made, approved the minute of the meeting on 27 July 2020.</p>	
4.	<p>REVIEW OF RECORDS MANAGEMENT PLAN</p> <p>Members noted that the Registers of Scotland's Assessment Team had confirmed that the Standards Commission could again undertake a self-assessment review of its Records Management Plan (RMP). The self-assessment review mechanism was intended to help authorities demonstrate their continuing compliance with the Public Records (Scotland) Act 2011 (the Act) to keep their RMPs under review. Members noted that the Executive Team would, therefore, now proceed to complete and submit the self-assessment template.</p>	
5.	<p>BRITISH SIGN LANGUAGE PLAN</p> <p>Members noted the update on the progress made in respect of the Standards Commission's BSL Plan, which was published on 17 September 2018, in accordance with the requirements of the British Sign Language (Scotland) Act 2015. Members agreed that the following actions should be taken to improve access to information and services for BSL users:</p> <ul style="list-style-type: none"> • A BSL video of the Standards Commission's advice note for members of the public on the Councillors' Code of Conduct should be produced so that BSL users are provided with an awareness of what is expected of a councillor and what actions could constitute a potential breach of the Code. • Consideration was to be given to whether a BSL version could be produced when any new videos or other training material are developed / published. 	
6.	<p>WEBSITE ACCESSIBILITY</p>	

	Members noted the update on the work undertaken to ensure the Standards Commission's website was fully compliant with the Public Sector Bodies (Websites and Mobile Applications) Accessibility Regulations 2018. Members further noted additional planned work aimed at improving accessibility, where possible.	
STRATEGIC MATTERS		
7.	<p>DRAFT DIRECTION UNDER SECTION 10 OF THE ETHICAL STANDARDS IN PUBLIC LIFE ETC. (SCOTLAND) ACT 2000 ON THE OUTCOME OF INVESTIGATIONS</p> <p>Members noted that consultation letters had been sent to the Ethical Standards Commissioner (ESC), SOLAR, SOLACE and COSLA on 18 August 2020 inviting them to submit any comments they wished to make on the draft direction by 30 September 2020. Members agreed that the comments should be circulated before a decision was made on whether to amend and / or issue the direction.</p>	Executive Director
8.	<p>DIRECTION UNDER SECTIONS 10 AND 11 OF THE ETHICAL STANDARDS IN PUBLIC LIFE ETC. (SCOTLAND) ACT 2000 ON THE PROGRESS OF INVESTIGATIONS</p> <p>Members noted that the ESC had failed to comply with the statutory direction, issued on 1 July 2020, requiring her to send the Standards Commission an interim report as to the progress of any investigation about a councillor or member of a devolved public body (including an explanation as to what requires to be done to complete it and an indication of when it is expected that a final report would be issued), if an investigation was likely to exceed three months and at every three month interval thereafter. Members noted that the ESC had also failed to respond to a reminder letter sent to her on 13 August 2020. Members noted that, as a result, the Standards Commission had been unable to estimate how many case referrals were likely to be made (and as a result, the potential number of Hearings likely to be held) in the remaining half of the year and in 2021/22. Members noted that this had a significant impact on the Standards Commission's ability to plan in terms of its resources and budget.</p> <p>Members agreed that the Convener should write to the ESC reminding her of her obligation to comply with the statutory notice and her obligation, under Section 12(5) of the 2000 Act, to advise the Standards Commission if any investigation about a councillor or member of a devolved public body would not be completed within three months of the date on which it began.</p>	<p>Executive Director</p> <p>Convener</p>
BUSINESS MATTERS		
9.	<p>EVALUATION FRAMEWORK</p> <p>At a Development Day on 26 August 2020, Members identified the outcomes they wished to achieve through the Standards Commission's activities and work; how these would be achieved; the indicators they wished to use to evidence this; and how the evidence was to be gathered.</p> <p>Members noted that it had been agreed that evidence would be gathered via:</p> <ul style="list-style-type: none"> • Separate surveys of Monitoring Officers, Standard Officers, councillors (to include issues affecting them such as abuse on social media and bullying) and board members (by sector). • Pre and post training evaluations. • A survey of parties and attendees following the conclusion of a Hearing. • Following up with Monitoring / Standards Officers three months after Hearings. • Meetings with Standards Officers and Monitoring Officers (workshops). • Twice yearly liaison meetings between Executive Director and SOLAR. • Reviews of enquires received and responses to social media posts / mentions on social media. • Seeking feedback after issuing responses to enquiries. <p>Members agreed that the Standards Commission should aim to survey members of devolved public bodies and Standards Officers in quarter one of 2021/22 and councillors (to tie in with</p>	

	<p>the year-end) and Monitoring Officers in quarter three of 2021/22 (to capture the views and experiences of existing elected members before the local government elections in May 2022). Members agreed that the planning on the content and format of the surveys should be added to the organisation's workplan.</p> <p>Members agreed that when a council or devolved public body had confirmed that it had considered a Hearing decision, as required by Section 18(2) of the Ethical Standards in Public Life etc. (Scotland) Act 2000, the Executive Director should write to the respective Monitoring or Standards Officer to ask whether they had noticed any changes in behaviours as a result of the Hearing or decision (such as whether there had been an increase in requests for advice or a change to the nature of advice provided).</p> <p>Members agreed that bi-annual reviews be undertaken of both enquiries and comments received on the Standards Commission's social media accounts, with reports then provided to Members analysing the comments or enquiries received by the category of individual from whom it was from (i.e. a member of the public, officer, councillor etc); the category of individual or organisation it concerns; and by general nature (i.e. how to make a complaint, question about the Councillors' Code, query over Standards Commission's remit etc.), in order to identify common issues or themes.</p> <p>Members agreed a survey should be created to seek feedback on how the Standards Commission has dealt with any enquiries received. Members also agreed that further questions should be added to the survey that participants and attendees were currently asked to complete on the conduct, management and outcome of Hearings.</p>	<p>Executive Director</p> <p>Executive Team</p> <p>Executive Team</p>
<p>10.</p>	<p>REGIONAL ROADSHOWS ON THE COUNCILLORS' CODE OF CONDUCT</p> <p>Members noted that, at the meeting on 27 July 2020, Ms Dunn and Mrs Stewart had agreed to explore potential options on how the roadshows could be held online. Members had noted that it would be helpful to have the capacity to allow participants to be able to engage with them and ask questions on how the Code should be interpreted. Members had further noted that it might also be useful for participants to be able to work through case studies and for the events to be livestreamed or recorded. Members noted, however, that the Standards Commission would have to be mindful that not all participants would have the same IT experience or knowledge.</p> <p>Ms Dunn and Mrs Stewart advised that they considered that the roadshows could be undertaken online, via Zoom, with about 20 participants at a time. Ms Dunn and Mrs Stewart suggested that these be approximately 60-90 minutes long and should cover:</p> <ul style="list-style-type: none"> • the key areas of the Councillors' Code that caused the most confusion or difficulties; • work the Standards Commission was undertaking; • any current issues; and • questions and answers (participants could be asked to submit questions in advance). <p>Ms Dunn and Mrs Stewart suggested that breakout rooms and polls could be used to facilitate group discussions and working through case studies.</p> <p>Members agreed that Ms Dunn, Mrs Stewart and the Executive Director should work towards developing a trial workshop in November, with a view to conducting the first live online workshop in December.</p>	<p>Ms Dunn, Mrs Stewart and Executive Director</p>
<p>11.</p>	<p>SEPTEMBER 2020 STANDARDS UPDATE</p> <p>Subject to some minor amendments, Members approved the proposed Standards Update to be issued and published at the end of September or beginning of October 2020.</p>	<p>Executive Team</p>
<p>12.</p>	<p>BUSINESS PLAN 2020/21: QUARTER TWO UPDATE</p> <p>Members undertook a review of progress in the year to date against the activities outlined in the Business Plan. Members were pleased to note there had been no significant slippages and that good progress had been made in respect of the objectives identified in the plan.</p>	

13.	<p>PROGRAMME FOR MONITORING OFFICERS' WORKSHOP</p> <p>Members noted that the next Monitoring Officers' Workshop had been due to be held on 26 October 2020 at the Radisson Blu Hotel, Edinburgh. Members agreed that, given the current Covid-19 restrictions, it was more appropriate to hold the workshop online.</p> <p>Members discussed and agreed the format and timings of the workshop and asked that a programme and details be sent to attendees.</p>	Executive Team
14.	<p>HEARING RULES 2020 V2.0</p> <p>Members reviewed and agreed changes to Section 4 of the Hearing Rules, which concerned the nature and timing of information to be provided by the Standards Commission and parties before Hearings. Members asked that the amended Rules be published on the website when finalised.</p>	Executive Team
CASES UPDATE		
15.	<p>NO BREACH DECISIONS BY THE ESC & SECTION 14 LETTERS</p> <p>(a) LA/Fi/3278: Members noted that the ESC had advised that a draft breach report had been sent to a Fife councillor.</p> <p>(b) LA/SI/3305: Members noted that the ESC had advised that a draft breach report had been sent to a Shetland Islands councillor.</p>	
16.	<p>CASES</p> <p>(a) LA/Fi/2268: Councillor Linda Erskine of Fife Council. Members noted that an online Hearing took place on 24 August 2020. The Hearing Panel found that the Respondent had not breached the Councillors' Code of Conduct.</p> <p>(b) LA/R/2257 & LA/R/3262: Councillor Paul Mack of Renfrewshire Council. Members noted that a Hearing took place on 10 September 2020, with the sanction decision then made on 28 September 2020. The Hearing Panel found that the Respondent had breached the Councillors' Code of Conduct and disqualified him for 17 months.</p> <p>(c) LA/WD/3016: Councillor James Bolland of West Dunbartonshire Council. Members noted that a Hearing took place on 14 September 2020. The Hearing Panel found that the Respondent had breached the Councillors' Code of Conduct and suspended him.</p> <p>(d) LA/AC/3199: Councillor Alan Donnelly of Aberdeen City Council. Members noted that a Hearing was scheduled to take place on 6 October 2020 but that an adjournment request had been received from the Respondent's representative. Members noted that the Panel was to consider the request later that day.</p> <p>(e) LA/Mo/3132: Councillor Shona Morrison of Moray Council. Members noted that a Hearing was scheduled to take place online on 12 October 2020.</p> <p>(f) LA/AC/2276: Councillor Marie Boulton of Aberdeen City Council. Members noted that a Hearing was scheduled to take place on 22 October 2020.</p> <p>(g) LA/Fi/3125: Councillor Brian Thomson of Fife Council. Members noted that a Hearing was scheduled to take place online on 9 November 2020.</p> <p>(h) LA/ER/3271: Councillor Jim Swift of East Renfrewshire Council. Members noted that a Hearing was scheduled to take place on 13 November 2020.</p> <p>(i) LA/Fi/3039 & 3075: Councillor Tony Miklinski of Fife Council. Members noted that a Hearing was scheduled to take place on 23 November 2020, with a pre-Hearing meeting to be held on 19 October 2020.</p>	

