

MINUTES

Meeting date: Monday 14 December 2020

IN ATTENDANCE ONLINE

Members:

- Kevin Dunion (Convener)
- Paul Walker
- Ashleigh Dunn

Executive Team:

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

ITEM	CONTENT	ACTION
STANDING ITEMS		
1.	<p>APOLOGIES Apologies were received from Mrs Stewart and Mr McCormick.</p> <p>DECLARATIONS OF INTEREST Mr Walker declared an interest and took no part in the discussion on items 15(d) and (e).</p>	
2.	<p>MATTERS ARISING Members noted that the Executive Director was still to arrange a meeting with members of the Human Resources Committee to discuss staffing requirements in light of the Business Manager's decision to retire at the end of March 2021. Members noted that the Committee's proposals would then be put to the full Standards Commission before any final decision on changes to staffing was made.</p> <p>Members noted that all others 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 Members reviewed and, subject to a minor amendment being made, approved the minute of the meeting on 2 November 2020.</p>	
4.	<p>RISK MANAGEMENT POLICY Members undertook their annual review of the Standards Commission's Risk Management Policy, which provides details of the organisation's approach to the management of risk. Members agreed some minor revisions and asked that the policy be amended to reflect these.</p>	Executive Team
5.	<p>SERVICE CHARTER Members undertook their two-yearly review of the Standards Commission's Service Charter, which outlines how the organisation will seek, and listen to, the views of those who are affected by its work and the service it provides. Members agreed some minor revisions and asked that the policy be amended to reflect these, before being published on the website.</p>	Executive Team
STRATEGIC MATTERS		
6.	<p>DIRECTION UNDER SECTION 10 OF THE ETHICAL STANDARDS IN PUBLIC LIFE ETC. (SCOTLAND) ACT 2000 ON THE OUTCOME OF INVESTIGATIONS Members noted that a direction had been issued to the Ethical Standards Commissioner (ESC) on 12 November 2020, requiring her to send to the Standards Commission reports on all complaints received on or after 12 November 2020 about councillors and members of devolved public bodies, following the completion of any investigation, to reflect that the fact</p>	

	<p>that it would now make the final decision on the disposal of all complaints, whether the ESC had concluded there had been a breach of the Code or not. Members noted that the ESC had confirmed, by letter of 13 November 2020, that she would comply with the direction. Members noted that the Standards Commission's Hearing Rules and Section 16 Policy had been updated to reflect the change to its procedures resulting from the application of the direction. Members noted that the Executive Team was in the process of updating all publicly available policies, guidance and information sheets to ensure that these also reflected the position in light of the direction.</p>	Executive Team
7.	<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 Standards Commission had not received any information from the ESC which she was required to provide in terms of the Direction issued on 1 July 2020; being interim reports providing:</p> <ul style="list-style-type: none"> • a summary of the investigative work undertaken; • an explanation as to what requires to be done to complete the investigation; an • an indication of when it is expected that a final report will be issued, on all complaints about councillors and members of devolved public bodies for investigations for which a period of three months has already expired. <p>The Executive Director had sent the ESC a letter on 12 November 2020 noting that, as a reminder had been sent on 13 August 2020 and that the deadline for a response had expired, that the Standards Commission assumed, therefore, that:</p> <ul style="list-style-type: none"> • as of 1 July 2020, no ongoing investigations, where a decision or final report had not yet been issued, were more than three months old; and • that all investigations opened since 1 July 2020 had taken less than three months to complete and for the decision or final report to be issued. <p>The Executive Director had asked the ESC to confirm these assumptions were correct. Members noted that the ESC had done so by letter of 13 November 2020.</p>	
BUSINESS MATTERS		
8.	<p>DECEMBER 2020 STANDARDS UPDATE</p> <p>Subject to some minor amendments, Members approved the proposed Standards Update to be issued and published the following day.</p>	Executive Team
9.	<p>BUSINESS PLAN QUARTER 3</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. Members noted that any outstanding actions would be added to the Business Plan for 2021/22.</p> <p>Members noted that the ongoing coronavirus pandemic meant that, for the time being, the Standards Commission had no option but to continue to hold Hearings online in circumstances beyond those currently outlined in the Hearing Rules.</p> <p>Members noted that the Convener and Executive Director had been invited to share the Standards Commission's experiences and work in respect of complaints about bullying and harassment with a member of the House of Commons' Independent Expert Panel, which was to consider complaints and appeals relating to cases of bullying, harassment and sexual harassment involving MPs as part of the Independent Complaints and Grievance Scheme set up at Westminster. Members noted that the Convener would share the outcome of the discussions at the next meeting.</p>	Convener
10.	<p>STANDARDS OFFICERS' WORKSHOP PROGRAMME</p> <p>Members noted that the next Standards Officers' Workshop was due to be held on 15 March 2021, either online or at the Radisson Blu Hotel, Edinburgh, depending on any</p>	

	<p>restrictions in place resulting from the coronavirus pandemic. Members discussed and agreed the format and timings of the workshop and asked that a programme and details be sent to attendees.</p> <p>Members noted that all of the Hearings held, or scheduled to be held, in 2020/21 concerned councillors. Members agreed that information should be sought from the ESC, at the next joint meeting, as to whether any complaints had been received about members of devolved public bodies and, if so, the general nature of these.</p>	Executive Team
11.	<p>APPEAL IN RESPECT OF LA/R/2257 & 3262: COUNCILLOR PAUL MACK OF RENFREWSHIRE COUNCIL</p> <p>Members noted that a procedural Hearing had been held on 25 November 2020, at which the Sheriff Principal had directed that a case management meeting be scheduled for 12 January 2020.</p> <p>Members noted the estimated cost of the legal fees for defending the appeal. Members noted that while it was likely that the fees would be incurred before the year-end, it was not anticipated that the amount of any expenses to be paid or recovered (depending on whether the appeal succeeds) will be calculated and payable until 2021/22. Members noted that the Standards Commission would not be able to meet the legal costs associated with the appeal from its agreed budget. Members agreed, therefore, funds should be sought from the Officeholders' contingency fund to cover the costs of the appeal. Members confirmed that a request to this effect be made to the Scottish Parliamentary Corporate Body (SPCB). Members noted that any expenses recovered would be remitted directly to the SPCB.</p>	Executive Director
12.	<p>TRAINING WORKSHOPS ON THE COUNCILLORS' CODE OF CONDUCT</p> <p>Members noted that Ms Dunn and Mrs Stewart had facilitated an online training workshop on the Councillors' Code of Conduct for elected members of Borders Council on 7 December 2020. Members noted that similar workshops had been scheduled for elected members of Angus Council on 24 January 2021 and for elected members of Stirling Council on 7 February 2021. Members noted that the Executive Team would update the information on recent Hearings, to be discussed at the workshops, after the Hearings scheduled to be held on 16 and 17 December 2020, and 18 January 2021, had concluded.</p>	Executive Team
13.	<p>REVIEW OF RECORDS MANAGEMENT PLAN</p> <p>Members noted that the Executive Team had completed the annual review of the Standards Commission's Records Management Plan and had notified the Keeper accordingly, via the Progress Update Review procedure.</p>	Executive Team
CASES UPDATE		
14.	<p>NO BREACH DECISIONS BY THE ESC & SECTION 14 LETTERS</p> <p>(a) Members noted that no non-breach reports or section 14 letters had been received since the last meeting.</p>	
15.	<p>CASES</p> <p>(a) LA/Fi/3125: Councillor Brian Thomson of Fife Council. Members noted that an online Hearing took place on 9 November 2020. The Hearing Panel found that the Respondent had breached the Councillors' Code of Conduct and censured him.</p> <p>(b) LA/ER/3271: Councillor Jim Swift of East Renfrewshire Council. Members noted that an online Hearing took place on 13 November 2020. The Hearing Panel found that the Respondent had breached the Councillors' Code of Conduct and suspended him from attending full Council meetings for one month.</p> <p>(c) LA/AC/3199: Councillor Alan Donnelly of Aberdeen City Council. Members noted that an online Hearing took place on 20 November 2020. The Hearing Panel found that the</p>	

	<p>Respondent had breached the Councillors' Code of Conduct and suspended him for one year.</p> <p>(d) LA/Fi/3039 & 3075: Councillor Tony Miklinski of Fife Council. Members noted that an online Hearing took place on 23 November 2020. The Hearing Panel found that the Respondent had breached the Councillors' Code of Conduct and suspended him from attending two meetings of the full Council.</p> <p>(e) LA/Fi/3278: Councillor Andy Heer of Fife Council. Members noted that a pre-Hearing meeting had been held on 17 November 2020 and that a Hearing was scheduled to take place on 16 December 2020</p> <p>(f) LA/SI/3305: Councillor Ryan Thomson of Shetland Islands Council. Members noted that a Members noted that a pre-Hearing meeting had been held on 19 November 2020 and that a Hearing was scheduled to take place on 17 December 2020.</p> <p>(g) LA/OI/3265: Councillor John Ross Scott of Orkney Islands Council. Members noted that a pre-Hearing meeting had been held on 7 December 2020 and that a Hearing was scheduled to take place on 18 January 2021.</p>	
16.	<p>FEEDBACK INCLUDING ANY HEARINGS SURVEY RESPONSES</p> <p>Members noted the survey responses received in respect of Hearings held in November 2020.</p>	
AOB		
17.	<p>AGENDA ITEMS FOR NEXT MEETING</p> <p>Members noted that Mr McCormick had requested that a discussion on the applicability of the Code in respect of criminal matters and the impact on the Standards Commission's Policy on the Application of Sanctions be included on the agenda for the next meeting,</p> <p>Members agreed to advise the Executive Director of any further items they wanted to be added to the agenda for the next meeting.</p>	Executive Director
18.	<p>2020 WORKPLAN</p> <p>Members noted the planned activities.</p> <p>DATE OF NEXT MEETING</p> <p>Members noted that the next meeting of the Standards Commission was scheduled to take place on Monday, 25 January 2021.</p>	