

MINUTES

Meeting date: Monday, 28 June 2021

IN ATTENDANCE ONLINE

Members:

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

Executive Team Members:

- Lorna Johnston (Executive Director)

| ITEM | CONTENT | ACTION |
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| STANDING ITEMS | | |
| 1. | <p>APOLOGIES Apologies were received from Richard Wilson, Caseworker.</p> <p>DECLARATIONS OF INTEREST No declarations of interest were made.</p> | |
| 2. | <p>MATTERS ARISING Members noted that all matters arising were either complete or were due to be discussed at either at the meeting or at the next one, scheduled to take place on 26 July 2021.</p> | |
| CONSENT ITEMS | | |
| 3. | <p>DRAFT MINUTE OF PREVIOUS MEETING Members reviewed the minute of the meeting on 24 May 2021. Subject to the inclusion under item 7 of the decision to review, every three years, the sanction decisions made at Hearings, the minute was approved.</p> | |
| 4. | <p>WORKSHOP FOR CHAIRS OF DEVOLVED PUBLIC BODIES Members agreed that the proposed workshop for Chairs of Devolved Public Bodies should be held online on Wednesday, 24 November from 9:30 to 12:00. Members noted that the draft programme had been shared with the Scottish Government's Public Bodies Unit and the Accounts Commission, who had both confirmed support for the event. Members asked the Executive Team to issue a save the date invitation.</p> | Executive Team |
| STRATEGIC MATTERS | | |
| 5. | <p>ETHICAL STANDARDS COMMISSIONER'S REVISED STRATEGIC PLAN 2020/24 Members reviewed the Ethical Standards Commissioner's (ESC) draft revised Strategic Plan for 2020/24. Members noted that the Acting ESC had indicated the plan had been revised to better reflect how the office intended to operate and that he had sought views on the draft revised plan from the Scottish Parliamentary Corporate Body, Parliamentary Committees, SOLAR, SOLACE and COSLA and all local authorities, amongst others, in order to ensure the consultation on it was both extensive and meaningful.</p> <p>Members welcomed the Acting ESC's approach and the revised plan and, in particular, the emphasis that had been placed on the values of the office and how it intended to operate in light of these. Members agreed that it might be helpful for the Acting ESC to outline, in the plan, how the work of his office linked to that of the Standards Commission (and in particular its oversight role), and to also mention how his office would deal with any new</p> | |

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| | <p>provisions in the proposed revised Codes of Conduct for councillors and members of devolved public bodies when investigating complaints. Members noted that there was a mention, on page 7, that the Commissioner “assesses complaints and investigates as needed”. Members agreed that more detail should be provided around the criteria used to determine whether complaints were to be investigated or not, in order to demonstrate there was transparency and accountability around such decisions. Members asked the Executive Team to provide feedback to the Acting ESC accordingly.</p> | <p>Executive Team</p> |
| <p>BUSINESS MATTERS</p> | | |
| <p>6.</p> | <p>BUSINESS PLAN 2021/22 QUARTER ONE REVIEW</p> <p>Members reviewed the progress made in quarter one against the actions outlined in the Business Plan. Members were pleased to note the majority of tasks identified for quarter one had been completed or progressed. Members agreed that an action to review the effectiveness of the Directions the Standards Commission had issued to the ESC, under Sections 10 and 11 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 should be undertaken at the year end. Members asked that this be added to the workplan.</p> | <p>Executive Team</p> |
| <p>7.</p> | <p>STANDARDS UPDATE JUNE 2021</p> <p>Subject to a minor amendment, Members approved the proposed Standards Update to be issued and published on 30 June 2021.</p> | <p>Executive Team</p> |
| <p>8.</p> | <p>EXPENDITURE REPORT QUARTER ONE</p> <p>Members noted the report on expenditure against budget for the period from 1 April 2021 to 30 June 2021.</p> <p>Members noted that the expenditure to date had been approximately 14% lower than the projected budget as only one Hearing had been held in the first quarter of the year. Members noted, however, that it was forecast that the overall expenditure for the year would nevertheless be as anticipated due to the likely expenditure on Hearings in the forthcoming months and the costs of moving to the new payroll provider that were still to be incurred.</p> | |
| <p>9.</p> | <p>SECTION 31 OF THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973</p> <p>Members noted that the Executive Team had held a meeting on 28 May 2021 with the Home Office, who had advised that, despite the consultation recommendations, it was likely that only the criteria in relation to individuals who were the subject of a Sexual Risk Order or who were on the Sex Offenders’ Register would be included in a forthcoming change to the legislation that applied in England in respect of when a councillor would be automatically disqualified from being able to be, or stand for election as, an elected member.</p> <p>Members noted that, following the meeting, a letter had been sent to the Minister for Local Government, Housing and Planning on behalf of the Standards Commission, suggesting that an analogous review be undertaken in respect of the automatic disqualification provisions in Section 31 of the Local Government (Scotland) Act 1973. Members noted that copies of the letter were sent to the Scottish Government’s Local Government Division and to the Home Office and that a reply was awaited. Members asked the Executive Team to keep them updated and to advise when a response was received.</p> | <p>Executive Team</p> |
| <p>10.</p> | <p>APPEAL LA/AC/2276</p> <p>Members noted that the Appellant had withdrawn her appeal against the decision made at a Hearing held on 22 October 2020 and had agreed to pay the Standards Commission’s expenses.</p> | |
| <p>11.</p> | <p>NEW APPEAL LA/R/2257 & 3262</p> <p>Members noted that the Respondent had lodged an appeal against the sanction made at a Hearing held online on 3 May 2021, at which he had been found to have breached the Code and was disqualified for 20 months. Members noted that the Standards Commission intended to defend the appeal and that Answers would be lodged that day.</p> | |

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| | <p>Members noted that the Appellant had lodged a motion requesting that a procedural hearing scheduled to take place on 6 July 2021 be adjourned. The motion was not opposed by the Standards Commission and had been granted by the Court. The procedural hearing was now due to take place on 1 July 2021.</p> <p>Members asked the Executive Team to keep them updated on the progress of the appeal and to circulate the submitted Answers, once finalised.</p> | Executive Team |
| 12. | <p>DATE FOR RENFREWSHIRE WORKSHOP AND ATTENDEES</p> <p>Members noted that the Executive Team had advised Renfrewshire Council that the Standards Commission had agreed to provide a training workshop for its elected members on the Councillors' Code of Conduct. Members noted that the Executive Team had asked Renfrewshire Council to provide a note of potential dates and that a response was still awaited.</p> | |
| 13. | <p>REVISED CODES OF CONDUCT</p> <p>Members noted the update on the work being undertaken on the Codes of Conduct and associated guidance, following the Scottish Government's consultation on the draft revised Councillors' Code and Model Code. Members noted the Executive Director would arrange a session for them to receive training on the revised provisions once the Scottish Government had confirmed it was content with the proposed revised wording of both Codes.</p> | Executive Team |
| CASES UPDATE | | |
| 14. | <p>REPORTS FROM THE ESC & SECTION 14 LETTERS</p> <p>(a) LA/CES/3453: Section 14 notification about a Comhairle nan Eilean Siar councillor. Members noted that a draft report had been issued to a Comhairle nan Eilean Siar councillor following the conclusion of an investigation by the Ethical Standards Commissioner.</p> | |
| 15. | <p>CASES</p> <p>Members noted that there were no ongoing cases.</p> | |
| 16. | <p>INVESTIGATION EXCEED 3 MONTHS – INTERIM REPORT</p> <p>(a) LA/PK/3477: Members noted the contents of a report from the Ethical Standards Commissioner advising that an investigation into a complaint about a councillor had taken more than three months. Members noted that it was anticipated the investigation would conclude shortly.</p> | |
| 17. | <p>FEEDBACK INCLUDING ANY HEARINGS SURVEY RESPONSES</p> <p>(a) Members noted the feedback from the Respondent in respect of the Hearing on case LA/D/2158, which had been held on 15 May 2019, and the response to this issued by the Standards Commission.</p> | |
| AOB | | |
| 18. | <p>AGENDA ITEMS FOR NEXT MEETING</p> <p>Members agreed to advise the Executive Director of any further items to be added to the agenda for the next meeting.</p> <p>RISK REGISTER 2021/22</p> <p>Members noted that while the Convener's term of office ended on 31 August 2021, the Scottish Parliamentary Corporate Body had advised it would be unable to start the recruitment process for a new member until September 2021. Members noted that it was likely this would mean that the Standards Commission would only have four members for several months. Members agreed that a new risk that the Standards Commission may be unable to hold a Hearing timeously due to having insufficient available Members to form a Hearing Panel should be added to the Risk Register.</p> | |

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| | <p>INTERNAL AUDIT Members noted that the internal audit was underway. Members noted the internal auditor was reviewing the Standards Commission’s response to the Covid-19 pandemic and, in particular, how the decision to hold Hearings online had been made and any associated risks had been managed. Members noted that the internal audit report would be circulated on receipt.</p> | <p>Executive Team</p> |
| <p>19.</p> | <p>2021 WORKPLAN Members noted the planned activities.</p> <p>DATE OF NEXT MEETING Members noted that the next meeting of the Standards Commission was scheduled to take place on Monday, 26 July 2021.</p> | |