

# MINUTES

Meeting date: Monday, 26 July 2021

## IN ATTENDANCE ONLINE

### Members:

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

### Executive Team Members:

- Lorna Johnston (Executive Director)
- Richard Wilson (Caseworker)

ITEM	CONTENT	ACTION
<b>STANDING ITEMS</b>		
1.	<p><b>APOLOGIES</b> No apologies were received.</p> <p><b>DECLARATIONS OF INTEREST</b> No declarations of interest were made.</p>	
2.	<p><b>MATTERS ARISING</b> 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 27 September 2021.</p>	
<b>CONSENT ITEMS</b>		
3.	<p><b>DRAFT MINUTE OF PREVIOUS MEETING</b> Members reviewed and, subject to one minor change being made, approved the minute of the meeting on 28 June 2021.</p>	
4.	<p><b>STANDARDS OFFICERS' WORKSHOP</b> Members agreed to hold the Standards Commission's annual workshop for Standards Officers of devolved public bodies on 23 March 2022. Members asked the Executive Team to issue save the date invitations for the event in due course.</p>	<b>Executive Team</b>
<b>STRATEGIC MATTERS</b>		
5.	<p><b>BUDGET SUBMISSION 2022/23</b> Members noted that the Scottish Parliamentary Corporate Body (SPCB) had requested that the Standards Commission's budget submission for 2022/23 be sent by 2 September 2021. Members noted that the proposed budget submission was based on a projection that 18 Hearings would be held in 2022/23. Members noted that this projection was based on the number of referrals made in recent years and the fact that, under the Direction on the Outcome of Investigations, all reports on investigations into complaints about councillors and members of devolved public bodies were now referred to the Standards Commission for adjudication.</p> <p>Members agreed a budget proposal that represented an approximate 1.5% increase on the 2021/22 approved budget. Members noted that the increase was driven by a funding request to further develop the Standards Commission's website to focus on developing more interactive elements for users, in respect of the organisation's promotional and educational work. In addition, salary costs for the Caseworker role had been included in the bid with a view to making the role permanent (these costs were not included in the budget</p>	

	bid for 2021/22 as it was agreed with the SPCB that these were to be covered by separate contingency funding). Members agreed that a business case in this regard should then be prepared for submission to the SPCB, along with the proposed budget request, for approval.	<b>Executive Team</b>
<b>BUSINESS MATTERS</b>		
6.	<p><b>ANNUAL ACCOUNTS 2020/21</b></p> <p>Members reviewed the draft Annual Accounts for 2020/21, the contents of the proposed external audit report, and the terms of the draft ISA 580 management response letter. Members were pleased to note that the external auditors (Audit Scotland) had reported that:</p> <ul style="list-style-type: none"> <li>• the financial statements gave a true and fair view and were properly prepared in accordance with the financial reporting framework;</li> <li>• expenditure and income were regular and in accordance with applicable enactments and guidance; and</li> <li>• the audited part of the remuneration and staff report, performance report and governance statement were all consistent with the financial statements and properly prepared in accordance with the relevant legislation and directions made by Scottish Ministers.</li> </ul> <p>Members approved the Annual Accounts and confirmed that the Executive Director was to proceed to sign both the Accounts and ISA 580 letter, before submitting them to Audit Scotland for their consideration and final approval.</p>	<b>Executive Director</b>
7.	<p><b>AUDIT &amp; RISK COMMITTEE</b></p> <p>Members noted the verbal report provided by Mr McCormick, Chair of the Audit &amp; Risk Committee, and the draft minutes of its meeting on 19 July 2021. Members further reviewed the terms of the Annual Audit Report from Audit Scotland and the Annual Assurance Statement from the Internal Auditor. Members were pleased to note that strong assurances had been offered from both, with regard to the Standards Commission’s systems of internal control.</p> <p>Members further noted, and advised that they supported, the changes the Committee had made to the Risk Register for 2021/22.</p> <p>Members noted that the external audit report contained a recommendation that the Standards Commission should disclose the interests of close family members on its registers of interest. Members agreed with the Audit &amp; Risk Committee’s proposed response which was to explain that the Standards Commission’s Members’ Code of Conduct (based on the Model Code of Conduct for Members of devolved Public Bodies approved by the Scottish Parliament) did not require the registration of the interests of close family. However, the Code required Members to declare any such interests if they met the objective test. This requirement was further reinforced in the Standards Commission’s Guidance on the Model Code. If such an interest is declared, it is minuted and the Standards Commission Member in question does not take part in the discussion or decision-making on the matter (including any cases). The minutes are published on the Standards Commission’s website and are, therefore, publicly available. In any event, Standards Commission’s Members do not know what cases are to be referred and, as such, are not be in a position to register, in advance, any interest a close family member may have in the matter.</p> <p>The Committee had nevertheless noted that it may be good practice for the Standards Commission to include a ‘catch all’ type category in its registers of interest requiring Members to record the interest of any close family member who has transactions with the organisation or is likely to have transactions or do business with it. Members agreed with the Committee that the Executive Director should raise, with the Scottish Government, the possibility of such a provision being included in the revised Model Code of Conduct.</p>	<b>Executive Director</b>

8.	<p><b>DRAFT REVISED CODES OF CONDUCT &amp; DRAFT REVISED GUIDANCE</b></p> <p>Members noted that the Executive Director and Caseworker had continued to participate in the Working Group tasked with reviewing both the Councillors' Code of Conduct and the Model Code of Conduct for Members of Devolved Public Bodies. Members noted that responses to the public consultation on both the draft revised Codes had been analysed carefully, before the Working Group finalised proposed versions of the Codes. These had now been passed to the Scottish Government's Local Government, Policy and Relationships Team and its Public Bodies Unit, respectively. Officers from both teams were in the process of undertaking a final review of the proposed versions of the Codes, with a view to laying them before the Scottish Parliament on 1 September 2021 (with an anticipated adoption date to follow in early December).</p> <p>Members noted that, in the meantime, the Executive Team have been updating the Standards Commission's Guidance on both Codes. In addition, its existing Advice Notes relating to certain aspects of the Codes were being updated, with new ones being created, where appropriate. Members agreed that the Executive Team should consult on the revised Guidance on both Codes, in order to obtain feedback on both the format and content (and any further suggestions for case illustrations), before it was finalised and issued.</p>	Executive Team
9.	<p><b>MEMBERS' TRAINING SESSION ON REVISED CODES AND GUIDANCE</b></p> <p>Members agreed that, on the assumption that the revised Codes and Guidance would shortly be finalised, without any major changes, the Executive Team should provide them with training on the expected substantive changes. Members asked the Executive Team to set up an online training meeting, before 22 September 2021 (being the date the Standards Commission was scheduled to deliver a training workshop on the Councillors' Code to elected members of Renfrewshire Council).</p>	Executive Team
10.	<p><b>PROGRAMME FOR MONITORING OFFICERS' WORKSHOP</b></p> <p>Subject to some minor amendments, Members agreed the draft proposed programme for the annual Monitoring Officers' workshop due to be held on 25 October 2021. Members asked the Executive Team to issue the programme to attendees in due course.</p>	Executive Team
11.	<p><b>BOARD MEMBER INDUCTION TRAINING</b></p> <p>Members noted that the Acting Ethical Standards Commissioner (AESC) had asked the Executive Director to assist him in presenting on the ethical standards framework and the Codes of Conduct at induction sessions for new board members run by the Scottish Government, which were due to be held on 22 September and 17 November 2021.</p>	
12.	<p><b>LOCAL GOVERNMENT (SCOTLAND) ACT 1973</b></p> <p>Members noted that a response dated 14 July 2021 had been received from the Minister for Social Security and Local Government to the Standards Commission's letter of 1 June 2021 requesting that the automatic disqualification criteria in the Local Government (Scotland) Act 1973 be reviewed to include individuals convicted of sexual offences and those who were placed on the Sex Offenders' Register. Members noted that the Minister had advised that he shared the Standards Commission's view that Section 31 was not fit for purpose and should be reviewed. Members noted that the Minister had advised that the review would commence as soon as practicable and had confirmed that the Standards Commission would be kept updated on any progress.</p>	
<b>CASES UPDATE</b>		
13.	<p><b>REPORTS FROM THE ESC &amp; SECTION 14 LETTERS</b></p> <p>(a) <b>LA/PK/3477:</b> Section 14 notification about a Perth and Kinross councillor. Members noted that a draft report had been issued to a Perth and Kinross councillor following the conclusion of an investigation by the AESC.</p>	
14.	<p><b>CASES</b></p> <p>(a) <b>LA/CES/3453:</b> Members noted the decision to take no action in respect of a referral from the AESC about an elected member of Comhairle nan Eilean Siar.</p>	

	<p><b>(b) LA/Mo/3469:</b> Members noted the decision to take no action in respect of a referral from the AESC about an elected member of Moray Council.</p> <p><b>(c) LA/R/2257 &amp; 3262:</b> Members noted the content of a letter from Renfrewshire Council confirming that the Standards Commission's decision of 10 May 2021 had been considered, as required by Section 18 of the Ethical Standards in Public Life etc. (Scotland) Act 2000.</p> <p><b>(d) LA/AC/3495:</b> Members decided that it was proportionate and in the public interest to hold a conjoined Hearing in respect of a report referred by the AESC about two elected members of Aberdeen City Council, in order to determine whether or not there had been a breach of the Councillors' Code of Conduct.</p>	
15.	<p><b>INVESTIGATION EXCEED 3 MONTHS – INTERIM REPORT</b></p> <p><b>(a) LA/AC/3497:</b> Members noted the contents of a report from the AESC 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>	
16.	<p><b>FEEDBACK INCLUDING ANY HEARINGS SURVEY RESPONSES</b></p> <p>None received.</p>	
<b>AOB</b>		
17.	<p><b>CONVENER</b></p> <p>Members noted that it was Professor Dunion's last meeting, before his tenure as a member of the Standards Commission ended on 31 August 2021.</p> <p>On behalf of Members, Mr McCormick gave a vote of thanks and noted that it had been a professional and personal delight to serve with the Standards Commission under Professor Dunion's convenorship. Mr McCormick noted that all Members had benefited from Professor Dunion's strong intellectual understanding of the ethical standards framework, as well as the experience he had shared from his previous roles. Mr McCormick noted that all Members and staff had greatly appreciated Professor Dunion's personal style and openness and, in particular, his willingness to discuss issues and ensure that everyone participated fully in decision-making.</p> <p>Members agreed that Professor Dunion's leadership as Convenor had been outstanding and that he had left an enormously positive legacy with the Standards Commission now in a strong position in terms of both its adjudicatory role and its work in promoting the ethical standards framework. In addition, members agreed that Professor Dunion's legacy included enhancing the structure of the Standards Commission, enabling it to improve its capability, capacity and resilience.</p> <p>Members and staff thanked Professor Dunion for his leadership, commitment and hard work and agreed that he would be much missed.</p> <p><b>AGENDA ITEMS FOR NEXT MEETING</b></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><b>MEETING DATES IN 2022</b></p> <p>Members agreed that the Executive Team should circulate proposed dates for Standards Commission meetings in 2022. Members agreed to let the Executive Team know if they were unavailable on any of the proposed dates so that alternative dates could be identified.</p>	<b>Executive Team</b>
18.	<p><b>2021 WORKPLAN</b></p> <p>Members noted the planned activities.</p>	

	<b>DATE OF NEXT MEETING</b>	
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Members noted that the next meeting of the Standards Commission was scheduled to take place on Monday, 27 September 2021.