

MINUTES

Meeting date: Monday, 13 December 2021

IN ATTENDANCE ONLINE

Members:

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

Executive Team Members:

- Lorna Johnston (Executive Director)
- Richard Wilson (Caseworker)
- Robin Davidson (Scottish Parliament's Head of Information and Governance), item 1 only.

ITEM	CONTENT	ACTION
1.	<p>INTRODUCTORY MEETING WITH NEW DATA PROTECTION OFFICER</p> <p>The Scottish Parliament's Head of Information and Governance introduced himself and confirmed that he was now the Standards Commission's Data Protection Officer, in terms of the Memorandum of Understanding between the Standards Commission and Scottish Parliamentary Corporate Body (SPCB).</p> <p>The Scottish Parliament's Head of Information and Governance provided an update on the Government's consultation on the existing data protection regime and the potential changes that might be introduced as a result. Members noted the Scottish Parliament's Head of Information and Governance suggestion that the Standards Commission provided refresher training to all staff and members on data protection and cybersecurity. Members asked the Executive to source and arrange such training.</p>	Executive Team
STANDING ITEMS		
2.	<p>APOLOGIES</p> <p>No apologies were received.</p> <p>DECLARATIONS OF INTEREST</p> <p>No declarations of interest were made.</p>	
3.	<p>MATTERS ARISING</p> <p>Members noted that all matters arising were either complete or were due to be discussed either at the meeting or at the next one, scheduled to take place on 31 January 2022.</p>	
CONSENT ITEMS		
4.	<p>DRAFT MINUTE OF PREVIOUS MEETING</p> <p>Members reviewed and approved the minute of the meeting on 1 November 2021.</p>	
5.	<p>RISK MANAGEMENT POLICY</p> <p>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
STRATEGIC MATTERS		

6.	<p>BUSINESS PLAN 2022/23</p> <p>Members noted that the Executive Team would prepare a draft Business Plan for 2022/23 for initial consideration at the Standards Commission meeting on 31 January 2022, with the aim of being able to finalise and publish the plan before the year-end.</p> <p>Members noted that the Business Plan would contain actions, activities and objectives to support the Standards Commission in the achievement of its strategic aims, as outlined in the Strategic Plan 2020-24. Members agreed that this should include a strategy to engage, at least initially, on a one to one basis with other organisations involved in the ethical standards framework across the UK and / or integrity work. Members agreed that time should be set aside in quarter one for a detailed discussion about the best way to approach this.</p> <p>Members agreed that the Business Plan should contain an action to continue to promote the revised codes and to support officers in their work to train and induct councillors and members of devolved public bodies on their provisions. Members further agreed to include an action to review the Standards Commission’s governing legislation, with a view to identifying sections or provisions that should be amended.</p>	Executive Team
BUSINESS MATTERS		
7.	<p>BUSINESS PLAN QUARTER 3 REVIEW</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 2022/23.</p>	Executive Team
8.	<p>UPDATE ON REVISED CODES AND GUIDANCE</p> <p>Members noted that the revised Councillors’ Code of Conduct and Model Code of Conduct for Members of Devolved Public Bodies were issued on 7 December 2021. Members noted that the Councillors’ Code was effective from that date. Members further noted that the Scottish Government’s Public Bodies Unit would be writing to the Chairs of all public bodies listed under Schedule 3 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 to ask them to adopt the revised Model Code within six months.</p> <p>Members noted that the Standards Commission’s revised Guidance on both Codes had been issued to all Monitoring Officers and Standards Officers for onward circulation to colleagues, elected members and members of devolved public bodies. Members noted that the Executive Team intended to begin work on preparing versions of the Guidance with the Codes embedded, and section by section versions (also with the Codes embedded) as soon as practicable.</p> <p>Members noted that the majority of the Standards Commission’s Advice Notes for councillors and members had also been revised and published on the website. Members noted that the Executive Team was working with stakeholders to finalise the Advice Notes for Members on distinguishing between strategic and operational matters and on gifts and hospitality.</p> <p>Members noted that standard presentations on both Codes and the key changes that had been made to them had also been published on the website. Members noted that Monitoring and Standards Officers could use these presentations (or versions of them) to provide in-house training on the new Codes and the key changes therein.</p> <p>Members noted that the Executive Team was continuing to develop interactive content on various topics relating to the Codes. Members asked the Executive Team to keep them apprised of any progress made in respect of this work.</p>	<p>Executive Team</p> <p>Executive Team</p> <p>Executive Team</p>

9.	<p>SERVICE CHARTER</p> <p>Members undertook their biennial review of the Standards Commission’s Service Charter and agreed that no amendments were required.</p>	
10.	<p>DECEMBER 2021 STANDARDS UPDATE</p> <p>Members asked the Executive Team to circulate the draft Standards Update (due to be issued and published on 20 December 2021) for approval.</p>	Executive Team
11.	<p>LA/R/2257 & 3262 APPEAL TO COURT OF SESSION</p> <p>Members note that the Standards Commission had been notified, on 24 November 2021, that the Appellant in case LA/R/2257 & 3263 had lodged an appeal, at the Court of Session, against the Sheriff Principal’s judgement. Members asked the Executive Team to apprise them of the grounds of appeal and Court timetable, once known.</p>	Executive Team
12.	<p>EXPENDITURE AGAINST BUDGET REPORT</p> <p>Members noted the report on expenditure against budget for the period from 1 April 2021 to 30 November 2021.</p> <p>Members noted that the expenditure to date had been approximately 10% lower than the projected budget. Members noted that this was due to Members’ remuneration being lower than anticipated as only four members had been in post from the end of August to date and Hearings were still being held online (due to Covid-19 working from home guidelines), meaning travel costs were not being incurred.</p> <p>Members noted, nevertheless, that it was forecast that the overall expenditure for the year may be as anticipated. This was because further legal fees would be incurred in respect of the appeal to the Court of Session (see item 11 above) and the likely expenditure that would be incurred on Hearings to be held before the year end.</p> <p>Members noted that the forecast expenditure included the salary costs for the temporary Caseworker, despite SPCB having pre-approved separate contingency funding for this role. Members agreed, therefore, that it was unlikely that the Standards Commission would need to seek contingency funding and asked the Executive Team to advise the SPCB accordingly.</p>	Executive Team
13.	<p>UPDATE ON MEMBER RECRUITMENT AND MEMBER INDUCTION</p> <p>Members noted that interviews for the new member had been held on 6 December 2021. The name of the preferred candidate would now be put to the Scottish Parliament for approval in January or February 2022.</p> <p>Subject to some minor amendments, Members agreed an induction plan for the new member.</p>	
14.	<p>DATES FOR REGIONAL ROADSHOWS ON COUNCILLORS’ CODE</p> <p>Members agreed to hold two online regional roadshows on the revised Councillors’ Code of Conduct in February and March 2022. The workshop on 23 February 2022 would be facilitated by Paul Walker and Mike McCormick, and the workshop on 22 March 2022 would be facilitated by Tricia Stewart and Ashleigh Dunn. Members agreed that places should be reserved on a first come, first served basis, with invitations being issued in the first instance to elected members of Stirling, Angus and Edinburgh Councils.</p>	Executive Team
CASES UPDATE		
15.	<p>REPORTS FROM THE ESC & SECTION 14 LETTERS</p> <p>(a) LA/AN/3520: Members noted that a ‘do neither’ decision had been made on a report received from the Acting ESC about an Angus councillor.</p> <p>(b) LA/DG/3543: Members noted that a ‘do neither’ decision had been made on a report received from the Acting ESC about a Dumfries and Galloway councillor.</p>	

	<p>(c) LA/AB/3573: Members noted that a ‘do neither’ decision had been made on a report received from the Acting ESC about an Argyll and Bute councillor.</p> <p>(d) LA/Fi/3526: Members noted that a ‘do neither’ decision had been made on a report received from the Acting ESC about a Fife councillor.</p> <p>(e) LA/DG/3577: Members noted that a ‘do neither’ decision had been made on a report received from the Acting ESC about a Dumfries and Galloway councillor.</p> <p>(f) LA/AC/3545: Members noted that a ‘do neither’ decision had been made on a report received from the Acting ESC about two Aberdeen City Councillors.</p>	
16.	<p>CASES</p> <p>(a) LA/AC/3497: Members noted that an online Hearing took place on 6 December 2021. The Hearing Panel found that the Respondent had not breached the Councillors’ Code of Conduct.</p> <p>(b) LA/Mo/3516: Members noted that a pre-Hearing meeting was to be held in January 2022 and that a Hearing was scheduled to take place on 16 February 2022.</p> <p>(c) LA/H/3515: Members noted the terms of a report received from the Acting ESC about a Highland councillor. Members agreed that it was proportionate and in the public interest to direct the Acting ESC to undertake further investigation. Members asked the Executive Team to advise the Acting ESC, Respondent and complainer accordingly.</p>	Executive Team
17.	<p>INVESTIGATION EXCEED 3 MONTHS – INTERIM REPORT</p> <p>(a) LA/Fi/3526: Members noted the contents of a report from the Acting ESC advising that an investigation into a complaint about a councillor had taken more than three months.</p> <p>(b) LA/H/3515: Members noted the contents of a report from the Acting ESC advising that an investigation into a complaint about a councillor had taken more than three months.</p> <p>(c) LA/DG/3514: Members noted the contents of a report from the Acting ESC advising that an investigation into a complaint about a councillor had taken more than three months.</p>	
18.	<p>FEEDBACK INCLUDING ANY HEARINGS SURVEY RESPONSES</p> <p>Members were pleased to note that positive feedback had been received on the Guidance and the standard presentations on the Codes.</p>	Executive Team
AOB		
19.	<p>STAFF ANNUAL LEAVE</p> <p>Members agreed that, in order to avoid any continuity issues if the Executive Director was on leave, the Chair of the Audit & Risk Committee should be able to sign off the monthly payroll. Members asked the Office Manager to contact the payroll provider to arrange this.</p> <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>	Office Manager Members
20.	<p>2021 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 online on Monday, 31 January 2022.</p>	