

MINUTES

Meeting date: Tuesday, 29 March 2022

IN ATTENDANCE ONLINE

Members:

- Paul Walker (Convener)
- Ashleigh Dunn
- Mike McCormick
- Suzanne Vestri

Executive Team Members:

- Sarah Nicholson (Office Manager)
- Julie Scott (Admin Assistant)

ITEM	CONTENT	ACTION
STANDING ITEMS		
1.	<p>APOLOGIES</p> <p>Apologies were received from Tricia Stewart (Member), Lorna Johnston (Executive Director) and Richard Wilson (Caseworker).</p> <p>DECLARATIONS OF INTEREST</p> <p>Mr Walker declared an interest and took no part in the discussion on item 13A. Mrs Vestri declared an interest and took no part in the discussion on item 13B.</p>	
2.	<p>MATTERS ARISING</p> <p>The Convener reminded Members to arrange a date and time to record their videos for the website if they had not already done so.</p> <p>Members requested the Executive Team to invite feedback from Standards Officers on the Chairs' training event held in November when circulating the notes taken from the recent SO Workshop.</p> <p>All other matters arising were complete or due to be discussed, either at the meeting today or at the next one, which was scheduled to take place on 25 April 2022.</p>	<p>Members</p> <p>Executive Team</p>
CONSENT ITEMS		
3.	<p>DRAFT MINUTE OF PREVIOUS MEETING</p> <p>Subject to one minor amendment, Members reviewed and approved the minute of the meeting on 28 February 2022.</p>	
4.	<p>PROPOSED DATE FOR MONITORING OFFICERS' WORKSHOP</p> <p>Members agreed the Monitoring Officers' Workshop will be held on Monday, 24 October 2022. The event will be held in person at a hotel or other venue in central Edinburgh.</p>	
STRATEGIC MATTERS		
5.	<p>ARTICLE 10 OF THE ECHR AT THE INVESTIGATION, SECTION 16 DECISION-MAKING AND SANCTION STAGES</p> <p>Members agreed this item should be carried forward to the next meeting on 25 April 2022, when the Executive Director and Caseworker will be in attendance. Members requested the Executive Team add this item to the April agenda.</p>	Executive Team

BUSINESS MATTERS		
6.	<p>GOVERNANCE ARRANGEMENTS</p> <p>Members reviewed the governance template supplied by Officeholder Services and agreed on actions required:</p> <ul style="list-style-type: none"> • As part of the annual budget setting process, the Audit & Risk Committee will be invited to consider the budget projections for a three-year cycle. • A review of the Publication Scheme to ensure continued compliance. • A glossary of terminology used by the Standards Commission to be created. <p>Members agreed further discussion on holding Standards Commission meetings in public would be useful but noted the Standards Commission was transparent in its operation and by the publication of its minutes.</p> <p>Members asked the Executive Team to update the template with the agreed actions.</p>	Executive Team
7.	<p>LA/R/2257 & 3262 APPEAL TO COURT OF SESSION</p> <p>Members noted the outcome of the appeal. Members agreed if disqualification is being considered as a sanction at any future Hearing, then reference should be made to this case and the appeal decision.</p> <p>Members asked the Executive Team to update them on the motion for expenses lodged by the Respondent's agents.</p>	Executive Team
8.	<p>EXPENDITURE AGAINST BUDGET QUARTER 4 UPDATE</p> <p>The Office Manager updated Members on expenditure to 18 March 2022 and noted this included all legal fees to date from Shepherd and Wedderburn.</p> <p>Members noted that expenditure for the full year is expected to be within budget. Higher than expected fees for legal advice have been partially offset by lower expenditure on Hearings and associated travel costs.</p>	
9.	<p>STANDARDS UPDATE MARCH 2022</p> <p>Subject to some minor amendments, Members approved the March Standards Update to be issued on 31 March 2022. Members noted it would be useful to include a paragraph on how to follow the Standards Commission on social media in the next Standards Update.</p>	Executive Team
10.	<p>SURVEY OF MONITORING OFFICERS AND COUNCILLORS</p> <p>The surveys for existing elected members and for Council Monitoring Officers on the ethical standards framework and the Standards Commission's role and work closed in mid-March. An initial analysis has been prepared for Members.</p> <p>Members noted the initial analysis of the surveys and asked the Executive Team to analyse the responses further and to develop an action plan to be discussed at the next meeting.</p>	Executive Team
11.	<p>RENEWAL OF STATUTORY DIRECTIONS ISSUED TO THE ETHICAL STANDARDS COMMISSIONER</p> <p>Members agreed this item should be carried forward to the next meeting on 25 April 2022, when the Executive Director and Caseworker will be in attendance. Members requested the Executive Team add this item to the April agenda.</p>	Executive Team
CASES UPDATE		
12.	<p>REPORTS FROM THE ESC & SECTION 14 LETTERS</p> <p>(a) LA/NA/3586: Members noted that a 'do neither' decision had been made on a report received from the Acting ESC about a North Ayrshire councillor.</p> <p>(b) LA/G/3548 and LA/G/3637: Members noted that 'do neither' decisions had been made on two reports received from the Acting ESC about a Glasgow councillor.</p>	

	<p>(c) LA/SL/3575: Members noted that a ‘do neither’ decision had been made on a report received from the Acting ESC about a South Lanarkshire councillor.</p> <p>(d) LA/AB/3533: 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>(e) LA/E/3589: Members noted that a ‘do neither’ decision had been made on a report received from the Acting ESC about an Edinburgh councillor.</p>	
<p>13.</p>	<p>CASES</p> <p>(a) LA/DG/3514: Members noted that a Hearing was scheduled to take place in person on 17 May 2022. Pre-Hearing meeting to take place on 21 April 2022.</p> <p>(b) LA/D/3580: Members noted that a Hearing was scheduled to take place in person on 1 June 2022. Pre-Hearing meeting to take place on 11 May 2022.</p> <p>(c) LA/AC/3600: Members noted that a Hearing was scheduled to take place in person on 7 June 2022.</p> <p>(d) LA/AN/3561: Members noted that a Hearing was scheduled to take place in person on 15 June 2022.</p>	
<p>14.</p>	<p>INVESTIGATION EXCEED 3 MONTHS – INTERIM REPORT</p> <p>(a) LA/SL/3587: Members noted the contents of a report from the Acting ESC advising that an investigation into a complaint about a South Lanarkshire councillor had taken more than three months.</p> <p>(b) LA/E/3595: Members noted the contents of a report from the Acting ESC advising that an investigation into a complaint about an Edinburgh councillor had taken more than three months.</p> <p>(c) LA/OI/3588: Members noted the contents of a report from the Acting ESC advising that an investigation into a complaint about an Orkney Islands councillor had taken more than three months.</p> <p>(d) NHS/ACH/3584: Members noted the contents of a report from the Acting ESC advising that an investigation into a complaint about a member of Aberdeen City Health and Social Care Partnership had taken more than three months.</p> <p>(e) LA/S/3571: Members noted the contents of a report from the Acting ESC advising that an investigation into a complaint about a Stirling councillor had taken more than three months.</p>	
<p>15.</p>	<p>FEEDBACK INCLUDING ANY HEARINGS SURVEY RESPONSES</p> <p>Members noted the Hearing Survey response received on 24 February 2022. Members also noted it is part of their responsibility to consider the impact of the decision to hold a Hearing on the Respondent and the Complainer, as well as proportionality.</p> <p>Members noted too the feedback email from the Monitoring Officer of Angus Council on the training workshop for Councillors.</p> <p>Last, Members noted the feedback emails from four of the complainers on the decision in respect of case LA/G/3548 as well as their appreciation of the clear and reasoned responses issued by the Executive Director.</p>	

ANY OTHER BUSINESS		
16.	<p>AGENDA ITEMS FOR NEXT MEETING</p> <p>Members agreed to apprise the Executive Director of any further items to be added to the agenda for the next meeting.</p> <p>Members agreed that the following matters be discussed:</p> <ul style="list-style-type: none"> • Update on position of postholder of ESC role and governance • Recording and monitoring of Members' time. 	Members
17.	<p>2022 DIARY DATES</p> <p>The Convener reminded Members to keep their unavailability calendar up-to-date.</p> <p>2022 WORKPLAN</p> <p>Members noted the planned activities and requested Article 10 of the ECHR and Renewal of Directions issued to ESC be moved from March to April. Membership of the Audit and Risk Committee to be updated.</p> <p>DATE OF NEXT MEETING</p> <p>Members noted that the next meeting of the Standards Commission was scheduled to take place in person at the Scottish Parliament on Monday, 25 April 2022.</p>	<p>Members</p> <p>Executive Team</p>