

MINUTES

Meeting date: Monday, 30 May 2022

IN ATTENDANCE ONLINE

Members:

- Paul Walker (Convener)
- Ashleigh Dunn
- Suzanne Vestri
- Tricia Stewart

Executive Team Members:

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

ITEM	CONTENT	ACTION
STANDING ITEMS		
1.	<p>APOLOGIES Apologies were received from Mr McCormick.</p> <p>DECLARATIONS OF INTEREST Mrs Vestri declared an interest and took no part in the discussion on item 12A.</p>	
2.	<p>MATTERS ARISING Members noted that the Executive Team had asked the Acting ESC whether a proposed report was sent to a Respondent where it has been concluded Article 10 might afford protection to a formal finding of breach. Members asked the Executive Team to update them on the Acting Ethical Standards Commissioner's (Acting ESC) response in due course.</p> <p>Members noted that all others matters arising were complete or due to be discussed, either at the meeting or at the next one, which was scheduled to take place on 28 June 2022.</p>	Executive Team
CONSENT ITEMS		
3.	<p>DRAFT MINUTE OF PREVIOUS MEETING Members reviewed and approved the minute of the meeting on 25 April 2022.</p>	
STRATEGIC MATTERS		
	None.	
BUSINESS MATTERS		
4.	<p>REPORT FROM HUMAN RESOURCES COMMITTEE Members noted the verbal report provided by Mrs Stewart, the Chair of the Human Resources Committee, and the draft minutes of the Committee meeting on 20 April 2022. Members undertook their annual review of the Committee's Terms of Reference and agreed that no changes were required.</p> <p>Members further noted the Committee's activities during the 2021/22 operational year included:</p> <ul style="list-style-type: none"> • Assisting with the recruitment of the Office Manager and induction of the two new members of staff and the new Member. • Providing assurance to the Commission that appropriate and adequate arrangements were in place to monitor performance and sickness absence and to encourage development in respect of both Members and staff; • Overseeing staff attendance; 	

	<ul style="list-style-type: none"> • Reviewing the performance management and development requirements of staff; • Reviewing the new hybrid working policy and revised flexible working hours policy; • Assisting with the commentary accompanying the budget bid requesting the role of Caseworker be made permanent; and • Assisting with sourcing training and mentoring for staff. <p>Members further noted that the Committee agreed to include the undertaking of an equalities assessment as a standard item in the template meeting paper for the review by Members of any new or amended policies and procedures. In addition, the Committee agreed that reference to any potential equality and diversity issues should be included in briefings the Executive Team gave to Panel Members before Hearings, as well as in a template checklist of issues the Chair may wish to bring to other Panel Members’ attention in any meeting held before any Hearing commences. Members noted that both proposals had been actioned.</p> <p>The Chair confirmed that she was confident that the Committee had discharged its duties effectively in 2021/22, in accordance with the Terms of Reference.</p> <p>The Convener confirmed that, having completed the Executive Director's appraisal, he would schedule annual appraisals with Members, ideally to take place across June 2022.</p>	Executive Team
5.	<p>REPORT OF AUDIT & RISK COMMITTEE MEETING</p> <p>Members noted the verbal report provided on behalf of Mr McCormick, the Chair of the Audit and Risk Committee, and the draft minutes of its Committee meeting on 24 May 2022. Members undertook their annual review of the Committee’s Terms of Reference and agreed that no changes were required.</p> <p>Members further noted the Committee’s activities during the 2021/22 operational year included:</p> <ul style="list-style-type: none"> • Reviewing the draft Annual Accounts for approval by the Standards Commission; • Reviewing the Risk Register and identifying and reviewing actions to be taken to mitigate risks; • Recommending changes to the Risk Register and the individual risk scores in light of developments and actions taken; • Suggesting risks and mitigating actions to be included in the risk register for 2021/22; • Reviewing and recommending the external audit plan (including the timetable and fee); • Reviewing internal and external audit reports and any management responses; and • Reviewing the project to identify and introduce a new payroll services contract. <p>In an accompanying note, the Chair had confirmed that he was confident that the Committee had discharged its duties effectively in 2021/22, in accordance with the Terms of Reference.</p> <p>Members noted that the Committee had reviewed the Risk Register for 2022/23. Members agreed with the Committee’s recommendation that the probability score for the risk relating to the Standards Commission having an increased workload be reduced. This was in light of discussions with the Acting ESC about the probability of the recommendation on the re-opening of certain complaints, made by Audit Scotland in its Section 22 report on the Ethical Standards Commissioner’s 2020/21 audit, being actioned.</p> <p>Members agreed that the score for the risk concerning the possibility of reputational damage to Standards Commission if the appeal to the Court of Session on the decision to disqualify the Respondent on case LA/R/2257 & 3262 was successful be reduced. This was because while the Standards Commission lost the appeal, the Court upheld the Panel’s decision to disqualify.</p>	

	<p>Members agreed that the score for the risk concerning the Standards Commission having insufficient resources in terms of Members' knowledge, time and availability be decreased, in light of discussions with the Parliament's Officeholder Services about the recruitment of new Members and willingness of the Acting ESC to provide information about when cases were likely to be referred.</p> <p>Members asked the Executive Team to update the Risk Register accordingly.</p>	Executive Team
6.	<p>SECTION 16 DECISIONS REVIEW</p> <p>Members reviewed the decisions taken by the Standards Commission in 2021/22, under Section 16 of The Ethical Standards in Public Life etc. (Scotland) Act 2000, on cases referred by the Acting ESC.</p> <p>Members noted that a new standard wording template and flowchart had been introduced to assist Members with their Section 16 Decisions and to help ensure the reasoning for any decision was clear. Members agreed to provide the Executive Team with feedback on the template and flowchart once they had used them a few times, in order for any improvements to be identified and made.</p>	Members
7.	<p>FINAL BUDGET AGAINST EXPENDITURE REPORT 2021/22</p> <p>Members noted the report outlining the expenditure against budget for 2021/22. Members noted that, at 31 March 2022, cash expenditure was £295,550 against a budget of £302,000, giving an underspend of £6,450. Members noted, however, that a number of year-end adjustments and accruals had been made and, once these had been taken into account, the full year expenditure for 2021/22 was likely to be £320,573, representing an overspend of £18,573 against budget.</p> <p>Members noted that the overspend was the result of a specific, one-off provision in respect of estimated expenses for which the Court of Session found that the Standards Commission was liable to pay, following a decision on an appeal in respect of case LA/R/2257 & 3262 in March 2022.</p>	
8.	<p>BUSINESS CONTINUITY PLAN ANNUAL REVIEW</p> <p>Members undertook their annual review of the Standards Commission's Business Continuity Plan. Members agreed a minor amendment and asked that, once made, the revised version of the plan be circulated to all staff and Members, the Scottish Parliamentary Corporate Body, and the Acting ESC.</p>	Executive Team
9.	<p>TRAINING EVENTS AND WORKSHOPS</p> <p>Members noted the training events and workshops, both those held to date in 2022/23 and scheduled.</p> <p>Members asked the Executive Team to review the standard training presentations to see if the improvements could be made to the slides to make them more engaging. Members further agreed that they would each prepare a presentation on individual sections of the Councillors' Code of Conduct to present to each other. Members noted that this would serve to refresh their knowledge on the Code's provisions and would allow them to give each other feedback on their presentation skills. Members asked the Executive Team to identify a suitable date for this and to set up an online session. Members agreed that if they then felt that they would benefit from training on effective presentation skills, the Executive Team could thereafter identify and organise a session.</p>	Members Executive Team
10.	<p>ANNUAL REPORT 2021/22 SECTIONS 4, 5, 6 and Annex A</p> <p>Subject to some minor amendments, Members approved the contents of Sections 4, 5, 6 and Annex A of the Annual Report for 2021/22, being the sections:</p> <ul style="list-style-type: none"> • on all training and engagement work undertaken; • on how the Standards Commission communicated about its adjudicatory work and its interpretation of the Codes; 	

	<ul style="list-style-type: none"> • providing an overview of finance and governance matters; and • containing summaries of all final decisions taken in the year (both as ‘no action’ under and at Hearings. 	Executive Team
CASES UPDATE		
11.	<p>REPORTS FROM THE ESC & SECTION 14 LETTERS</p> <p>(a) LA/AN/3546: Members noted that the ESC had been directed to undertake further investigation.</p> <p>(b) LA/R/3579: Members noted that a ‘do neither’ decision had been made on a report received from the Acting ESC about a Renfrewshire councillor.</p> <p>(c) NHS/ACH/3584: Members noted that a ‘do neither’ decision had been made on a report received from the Acting ESC about an Aberdeen City Health and Social Care Partnership member.</p> <p>(d) LA/E/3595: Members noted that a ‘do neither’ decision had been made on a report received from the Acting ESC about a City of Edinburgh councillor.</p>	
12.	<p>CASES</p> <p>(a) LA/D/3580: Members noted that a Hearing was scheduled to take place in person on 1 June 2022. A pre-Hearing meeting had been held on 11 May 2022.</p> <p>(b) LA/AC/3600: Members noted that a Hearing was scheduled to take place in person on 7 June 2022. A pre-Hearing meeting had been held on 23 May 2022.</p> <p>(c) LA/AN/3561: Members noted that a Hearing was scheduled to take place in person on 15 June 2022. A pre-Hearing meeting had been held on 27 May 2022.</p>	
13.	<p>INVESTIGATION EXCEED 3 MONTHS – INTERIM REPORT</p> <p>(a) LA/NL/3581: Members noted the contents of a second interim report from the Acting ESC advising that an investigation into a complaint about a North Lanarkshire councillor had taken more than three months.</p> <p>(b) LA/NL/3557: Members noted the contents of a second interim report from the Acting ESC advising that an investigation into a complaint about a North Lanarkshire councillor had taken more than three months.</p> <p>(c) LA/SL/3587: Members noted the contents of a further update from the Acting ESC advising that an investigation into a complaint about a South Lanarkshire councillor had taken more than three months.</p> <p>(d) LA/Mo/3615: Members noted the contents of an interim report from the Acting ESC advising that an investigation into a complaint about a Moray councillor had taken more than three months.</p> <p>(e) LA/R/3598: Members noted the contents of an interim report from the Acting ESC advising that an investigation into a complaint about a Renfrewshire councillor had taken more than three months.</p> <p>(f) LA/AN/3631: Members noted the contents of an interim report from the Acting ESC advising that an investigation into a complaint about an Angus councillor had taken more than three months.</p> <p>(g) LA/AN/3564: Members noted the contents of a second interim report from the Acting ESC advising that an investigation into a complaint about an Angus councillor had taken more than three months.</p>	

14.	<p>FEEDBACK INCLUDING ANY HEARINGS SURVEY RESPONSES</p> <p>a) Members noted the feedback emails from Monitoring Officers on the Induction Presentation and video on Councillors' Code.</p> <p>b) Members noted the feedback from a Standards Officer on the Members' Survey.</p>	
ANY OTHER BUSINESS		
15.	<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>	Members
16.	<p>2022 DIARY DATES AND WORKPLAN</p> <p>Members noted the diary dates and updated workplan for 2022.</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 Tuesday, 28 June 2022, following the joint meeting with the ESC.</p>	<p>Members</p> <p>Executive Team</p>