

# MINUTES

Meeting date: Tuesday, 28 June 2022

## IN ATTENDANCE ONLINE

Members:

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

Executive Team Members:

- Lorna Johnston (Executive Director)

ITEM	CONTENT	ACTION
<b>STANDING ITEMS</b>		
1.	<p><b>APOLOGIES</b> Apologies were received from Richard Wilson (Caseworker).</p> <p><b>DECLARATIONS OF INTEREST</b> Ms Vestri declared an interest in item 11A and took no part in the discussion.</p>	
2.	<p><b>MATTERS ARISING</b> Members noted that the question of whether a proposed report on the outcome of an investigation into a complaint about a councillor or member of a devolved public body was sent by the Acting Ethical Standards Commissioner (Acting ESC) to the Respondent, under Section 14 of The Ethical Standards in Public Life etc. (Scotland) Act 2000 in circumstances where:</p> <ul style="list-style-type: none"> <li>• the Acting ESC had concluded that there had, on the face of it, been a breach of the Code but that a formal finding of breach and sanction would not be justified as the Respondent's right to freedom of expression was likely to be protected under Article 10 of the European Convention on Human Rights,</li> </ul> <p>had been discussed at the joint meeting with the Acting ESC earlier that day. Members noted that the Acting ESC had advised that, from August 2022, he intended to send copies of his investigation reports to the Complainer, Respondent and relevant council or devolved public body in all cases following the conclusion of the investigation, regardless of his conclusion. The Acting ESC confirmed that, in order to manage expectations, his office would advise all parties that the Standards Commission would be making a final decision on the disposal of the complaint and that it may reach a different view.</p> <p>The Convener noted that he was still to finalise Members' annual performance appraisals.</p> <p>Members noted that all other 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 25 July 2022.</p>	Convener
<b>CONSENT ITEMS</b>		
3.	<p><b>DRAFT MINUTE OF PREVIOUS MEETING</b> Members reviewed and approved the minute of the meeting on 30 May 2022.</p>	
<b>STRATEGIC MATTERS</b>		
4.	<p><b>DECISION-MAKING ON CASE REFERRALS</b></p>	

	<p>Members reviewed the decisions taken by the Standards Commission to date in 2022/23, under Section 16 of The Ethical Standards in Public Life etc. (Scotland) Act 2000, on cases referred by the Acting ESC.</p> <p>Members agreed that the new standard wording template and flowchart that had been introduced was helpful, assisting them with their Section 16 decision-making. Members noted that they could request a meeting with each other to facilitate the Section 16 decision-making, if they considered it appropriate to do so, and that the Executive Team would then make the necessary arrangements. Members noted that it was important for them to ensure they provided the Executive Team with clear and adequate reasons for the decision.</p>	
<b>BUSINESS MATTERS</b>		
<b>5.</b>	<p><b>BUSINESS PLAN 2022/23 QUARTER ONE REVIEW</b></p> <p>Members reviewed the progress made in quarter one against the actions outlined in the Business Plan for 2022/23. Members were pleased to note the majority of tasks identified for quarter one had been completed or progressed.</p>	<b>Executive Team</b>
<b>6.</b>	<p><b>STANDARDS UPDATE JUNE 2022</b></p> <p>Subject to some minor amendments, Members approved the Standards Update to be issued and published on 30 June 2022.</p>	<b>Executive Team</b>
<b>7.</b>	<p><b>EXPENDITURE REPORT 2022/23 QUARTER ONE REVIEW</b></p> <p>Members noted the report outlining the expenditure against budget to date in quarter one of 2022/23. Members noted that, to date, there had been a small underspend against budget, but that it was expected that the sum involved would be offset over the course of the year, given the pay award to staff for 2022/23 (as agreed by the Scottish Parliamentary Corporate Body) was slightly more than anticipated.</p>	
<b>8.</b>	<p><b>ENCOURAGING COMPLIANCE WITH THE COUNCILLORS' CODE</b></p> <p>Members noted that the question of whether the Standards Commission should explore whether political parties were willing to play a greater role in encouraging compliance with the Councillors' Code of Conduct was raised and included in the potential actions to be taken by the Standards Commission, in light of the responses received to the survey of councillors undertaken at the end of 2021/22.</p> <p>Members noted that just over 80% percent of survey respondents reported being members of a political party, which was broadly consistent with the overall profile of councillors in Scotland. A number of respondents reported that party politics was a root cause of much of the unacceptable behaviour, with councillors failing to respect each other's viewpoints and becoming increasingly less tolerant of others' views. It was contended that the political parties could and should act to try to prevent this, but that they failed to do so. One respondent noted that the ethical standards framework and the Standards Commission were very important in respect of independent councillors, as they are not accountable to any political party.</p> <p>Members noted that the Standards Commission could approach political parties and explain its role in promoting high ethical standards and willingness to support any education work or training that was provided in respect of encouraging compliance with the Code. Members noted, however, that not all councillors were party affiliated and, further, that it was not certain how such an approach to parties would be received. Members agreed that the Executive Team should seek advice about the most appropriate format for such an approach, before adding the matter to an agenda for further consideration at a meeting later in the year.</p>	
<b>9.</b>	<p><b>ANNUAL REPORT 2021/22 SECTION 1</b></p> <p>Subject to some minor amendments, Members approved the contents of Section 1 of the Annual Report for 2021/22, being:</p> <ul style="list-style-type: none"> <li>• an introduction from the Convener;</li> </ul>	

	<ul style="list-style-type: none"> <li>• an outline of the key achievements in 2021/22; and</li> <li>• a summary of the main objectives for 2022/23.</li> </ul> <p>Members noted that a brief outline of the Standards Commission’s role, vision and values; and the key principles would be included as part of the report’s design.</p> <p>Members noted that the approved report would be finalised and laid before the Scottish Parliament before the end of August 2022.</p>	<b>Executive Team</b>
<b>CASES UPDATE</b>		
10.	<p><b>REPORTS FROM THE ESC &amp; SECTION 14 LETTERS</b></p> <p><b>(a) LA/OI/3588:</b> Members noted that a ‘do neither’ decision had been made on a report received from the Acting ESC about an Orkney Islands councillor.</p> <p><b>(b) LA/NL/3557:</b> Members noted that a ‘do neither’ decision had been made on a report received from the Acting ESC about a North Lanarkshire councillor.</p>	
11.	<p><b>CASES</b></p> <p><b>(a) LA/D/3580:</b> Members noted that a Hearing had been held on 1 June 2022. A former Dundee councillor was found, on the face of it, to have breached the Councillors’ Code. The Panel determined, however, that as they would attract the enhanced freedom of expression, under Article 10 of the European Convention on Human Rights, afforded to politicians when discussing matters of public concern, a formal finding of breach was not justified.</p> <p>Members noted that, following the Hearing, the Respondent had posted some offensive comments about members and staff on social media. Members further noted that the Respondent had accused one Member of failing to register an interest. Members noted that the accusation was entirely false.</p> <p>Members agreed to bring forward their annual review of the Service Charter, to ensure that the section on how the Standards Commission would deal with unacceptable actions by service users was sufficiently robust. Members agreed that the Human Resources Committee should undertake a review in the first instance, before recommending any changes to be considered at the Standards Commission meeting on 25 July 2022.</p> <p><b>(b) LA/AC/3600:</b> Members noted that a Hearing had been held on 7 June 2022. The Respondent was found to have not been in breach of the Councillors’ Code of Conduct.</p> <p><b>(c) LA/AN/3561:</b> Members noted that a Hearing was held on 15 June 2022. An Angus councillor was found, on the face of it, to have breached the Councillors’ Code. The Panel determined, however, that as he would attract the enhanced freedom of expression, under Article 10 of the European Convention on Human Rights, afforded to politicians when discussing matters of public concern, a formal finding of breach was not justified.</p> <p><b>(d) LA/AN/3546:</b> Members noted that the Acting ESC had been directed to undertake further investigation. The Acting ESC had reported that he expected to conclude the further investigation by 13 July 2022.</p>	<b>Human Resources Committee</b>
12.	<p><b>INVESTIGATION EXCEED 3 MONTHS – INTERIM REPORT</b></p> <p><b>(a) LA/SL/3587:</b> Members noted the contents of a second interim 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>(b) LA/S/3571:</b> Members noted the contents of an interim report from the Acting ESC advising that an investigation into a complaint about a Stirling councillor had taken more than three months.</p>	

	<p><b>(c) NPA/C/3612 &amp; NPA/C/3628:</b> Members noted the contents of an interim report from the Acting ESC advising that an investigation into a complaint about a Member of Cairngorms National Park Authority had taken more than three months.</p> <p><b>(d) LA/As/3613:</b> Members noted the contents of an interim report from the Acting ESC advising that an investigation into a complaint about an Aberdeenshire councillor had taken more than three months.</p> <p><b>(e) LA/As/3629:</b> Members noted the contents of an interim report from the Acting ESC advising that an investigation into a complaint about an Aberdeenshire councillor had taken more than three months.</p>	
<b>13.</b>	<p><b>FEEDBACK INCLUDING ANY HEARINGS SURVEY RESPONSES</b></p> <p><b>(a)</b> Members noted the feedback from Reach reporters on the briefing on the ethical standards framework provided by the Executive Team and Acting ESC on 27 May 2022.</p> <p><b>(b)</b> Members noted the feedback from a councillor who had attended the online training session on the Councillors' Code of Conduct provided by the Standards Commission to new members of Aberdeen City Council on 20 June 2022.</p>	
<b>ANY OTHER BUSINESS</b>		
<b>14.</b>	<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>	<b>Members</b>
<b>15.</b>	<p><b>2022 DIARY DATES AND WORKPLAN</b></p> <p>Members noted the diary dates and updated workplan for 2022.</p> <p><b>DATE OF NEXT MEETING</b></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 July 2022.</p>	<p><b>Members</b></p> <p><b>Executive Team</b></p>