

# MINUTES

Meeting date: Monday, 27 March 2023

## IN ATTENDANCE

Members:

- Paul Walker (Convener)
- Ashleigh Dunn
- Suzanne Vestri
- Tricia Stewart
- Anne-Marie O'Hara

Executive Team Members:

- Richard Wilson (Case Manager)

ITEM	CONTENT	ACTION
<b>STANDING ITEMS</b>		
1.	<p><b>WELCOME</b></p> <p>The Convener welcomed Ms O'Hara to her first meeting of the Standards Commission following the commencement of her tenure as a Member on 13 March 2023.</p> <p><b>APOLOGIES</b></p> <p>Apologies were received from Lorna Johnston, Executive Director.</p> <p><b>DECLARATIONS OF INTEREST</b></p> <p>No declarations of interest were made.</p>	
2.	<p><b>MATTERS ARISING</b></p> <p>Members noted that all matters arising, as noted, were complete or due to be discussed at the meeting.</p>	
<b>CONSENT ITEMS</b>		
3.	<p><b>DRAFT MINUTE OF PREVIOUS MEETING</b></p> <p>Members reviewed and, subject to further detail on decisions made on two items being included, approved the minute of the meeting on 27 February 2023.</p>	
<b>STRATEGIC MATTERS</b>		
4.	<p><b>PROMOTING THE ETHICAL STANDARDS FRAMEWORK AND UPDATE ON OUTREACH WORK</b></p> <p>Members noted the outreach work undertaken by the Executive Team since the last meeting.</p> <p>The Convener noted that, as part of another voluntary role, he had attended the Highland Reserve Forces and Cadets (HRFCA) Association's Annual Meeting when he was able also to promote a general awareness of the Standards Commission to a number of Councillors attending as their Council's representatives on HRFCA and/or as a Council 'Armed Forces Champion' as well as other local decision-makers.</p> <p>Members noted that positive feedback on the Standards Commission's Standards Officers' Workshop held on 21 March 2023 had been received both on the day and following the event. Members noted that notes of matters discussed and agreed actions were being collated and would be issued to Standards Officers with the next Standards Update. Members noted that the 'hybrid' nature of the event meant that many attendees chose to attend online, resulting in two online breakout groups consisting of around 15-20 delegates each, a large number which potentially prevented them all from being able to fully participate.</p>	<p><b>Executive Team</b></p>

	<p>Members asked the Executive Team to add an item to the next Standards Commission meeting on how to encourage in-person attendance at future workshop events, and to give further thought to how breakout groups for online attendees are managed.</p> <p>Members further noted that, to support the promotion of the ethical standards framework, two animated videos had been commissioned, on:</p> <ul style="list-style-type: none"> <li>• the use of social media; and</li> <li>• bullying and harassment</li> </ul> <p>The video on the use of social media has been received and will be published on the website shortly. Members noted that the Executive Team would promote these videos on social media and in an upcoming Standards Update.</p>	
<b>BUSINESS MATTERS</b>		
<b>5.</b>	<p><b>ANNUAL REVIEW OF CASE DECISIONS AND HEARINGS</b></p> <p>Members undertook a review of the decisions made under Sections 16 and 24 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 (the Act), and at Hearings, in 2022/23 in order to:</p> <ul style="list-style-type: none"> <li>• identify and trends and issues;</li> <li>• check for fairness and consistency in decision-making; and</li> <li>• determine whether any improvements can be made to the decision-making process.</li> </ul> <p>Members noted that Section 12(6) 2000 Act states that investigations undertaken by the Ethical Standards Commissioner (ESC) “shall, so far as is possible, only be undertaken in response to allegations of misconduct which are made in writing and signed by the complainant”. Members agreed to invite the ESC to discuss the interpretation of Section 12(6) and the extent of any limitation he understood the provision placed on investigations and case referrals.</p> <p>Members agreed that the Executive Team should invite the ESC to discuss the way in which cases were presented at Hearings, in order to ensure that, whilst providing a general background for observers, only evidence and submissions that were relevant, in dispute and material to the question of whether there had been a breach of the applicable Code were led.</p> <p>Members agreed the following learning points:</p> <ul style="list-style-type: none"> <li>• that, to ensure Hearings were conducted as efficiently as possible, Panel Chairs should ensure that parties are advised, at pre-Hearing meetings that they should only make submissions, and seek to present evidence, on matters that were relevant and material to the question of whether there had been a breach of the applicable Code. Panel Chairs should make it clear that they will interrupt if it was considered that any party was presenting repetitive or unnecessary information.</li> <li>• that Panels should always consider whether any witnesses who may be able to provide relevant and material testimony and who could assist in its decision-making on the factual basis of the complaint, have been identified and called to give evidence. And, if not, whether the ESC should be asked to consider calling them or the Standards Commission should consider citing them to appear.</li> <li>• that the Executive Team should have all information about committee membership of any councillor Respondent in advance of a Hearing in order to assist members when determining their sanction in cases where suspension was deemed to be appropriate.</li> </ul>	<p><b>Executive Team</b></p> <p><b>Executive Team</b></p>
<b>6.</b>	<p><b>STANDARDS UPDATE MARCH 2023</b></p> <p>Subject to some minor amendments, Members approved the Standards Update to be issued and published on 30 March 2023.</p>	<b>Executive Team</b>
<b>7.</b>	<p><b>DRAFT SECTION 4 OF ANNUAL REPORT 2022/23</b></p> <p>Subject to a minor typographical amendment, Members agreed the content for Section 4 of the Annual Report 2022/23, being the section describing how the Standards Commission</p>	

	<p>pursued continuous improvement in the ethical standards framework and the way undertook its work.</p> <p>Members further agreed the summaries of all case decisions made in the year, to be included as an annex to the Annual Report.</p>	<b>Executive Team</b>
<b>8.</b>	<p><b>MEMBERS' RESEARCH</b></p> <p>Members provided an update on their general online research into work being done to promote respect in political debates / debates on matters of public concern, identifying potential groups or stakeholder in the ethical standards environment. The Convener noted he had recently met with the previous Convener to discuss the issue. Members resolved to discuss the topic in further detail at their upcoming strategy day.</p>	
<b>9.</b>	<p><b>NEW CASES ON ARTICLE 10 OF THE ECHR</b></p> <p>Members noted the content of the summary of a recent court case (<i>Patrício Monteiro Telo de Abreu v. Portugal</i>) concerning the applicability of Article 10 of the European Convention on Human Rights and the right to freedom of expression.</p>	
<b>10.</b>	<p><b>COMMITTEE MEMBERSHIP AND CHAIRS</b></p> <p>Members agreed to appoint Ms Vestri and Anne-Marie O'Hara to the Standards Commission's Audit and Risk Committee, in accordance with the Committee's agreed Terms of Reference, with Ms Vestri as Chair. Members asked the Executive Team to make arrangements for Anne-Marie O'Hara to attend training on effective Audit and Risk Committees.</p> <p>Members further agreed to appoint Ms Dunn and Helen Donaldson (the new Member who was due to start on 1 April 2023) to the Standards Commission's Human Resources Committee, in accordance with the Committee's agreed Terms of Reference, with Ms Dunn as Chair.</p> <p>Members agreed the proposed committee meeting dates for 2023/24.</p>	<b>Executive Team</b>
<b>CASES UPDATE</b>		
<b>11.</b>	<p><b>REPORTS FROM THE ESC &amp; SECTION 14 LETTERS</b></p> <p><b>(a) LA/H/3755:</b> Members noted that the Standards Commission has directed the ESC to undertaken further investigation in respect of a complaint about a Highland Councillor.</p> <p><b>(b) LA/G/3606:</b> Members noted that a 'do neither' decision had been made on a report received from the ESC about a Glasgow City Councillor.</p> <p><b>(c) LA/As/3686:</b> Members noted that a 'do neither' decision had been made on a report received from the ESC about a former Aberdeenshire Councillor.</p> <p><b>(d) LA/E/3158:</b> Members noted that, on 17 March 2023, the ESC referred a breach report regarding a former Edinburgh Councillor and that a decision under S16 of the 2000 Act was to be made at a meeting that day.</p> <p><b>(e) LA/H/3778:</b> Members noted that the ESC referred a breach report regarding a Highland Councillor on Thursday 23 March 2023 and that their decision under S16 of the 2000 Act was pending.</p>	
<b>12.</b>	<p><b>CASES</b></p> <p><b>(a) LA/AC/3788:</b> Members noted that a Hearing was scheduled to take place online on 28 April 2023.</p> <p><b>(b) LA/An/3690:</b> Members noted that a Hearing was scheduled to take place online on 1 May 2023.</p> <p><b>(c) LA/SL/3558:</b> Members noted that a Hearing had been scheduled to take place on 19 May 2023 at South Lanarkshire Council Headquarters, Hamilton but had been adjourned at the</p>	

	<p>request of one of the Respondents. Members noted that a new date of 27 June 2023 had been agreed.</p> <p><b>(d) LA/D/3745:</b> Members noted that a Hearing was scheduled to take place on 6 June 2023 at Dundee City Chambers.</p> <p><b>(e) LA/S/3571:</b> Members noted that a Hearing was scheduled to take place on 21 June 2023 at Council Chambers, Stirling.</p>	
<b>13.</b>	<p><b>INVESTIGATIONS EXCEEDING 3 MONTHS – INTERIM REPORTS</b></p> <p><b>a) LA/D/3745:</b> Members noted the contents of an interim report from the ESC advising that an investigation into a complaint about a Dundee Councillor had taken more than three months to investigate.</p> <p><b>b) LA/WL/3698:</b> Members noted the contents of an interim report from the ESC advising that an investigation into a complaint about a West Lothian Councillor had taken more than three months to investigate.</p> <p><b>c) LA/E/3708 &amp; 3724:</b> Members noted the contents of an interim report from the ESC advising that an investigation into a complaint about a City of Edinburgh Councillor had taken more than three months to investigate.</p> <p><b>d) LA/D/3742:</b> Members noted the contents of an interim report from the ESC advising that an investigation into a complaint about Dundee Councillor had taken more than three months to investigate.</p> <p><b>e) LA/As/3780:</b> Members noted the contents of an interim report from the ESC advising that an investigation into a complaint about an Aberdeenshire Councillor had taken more than three months to investigate.</p>	
<b>14.</b>	<p><b>FEEDBACK INCLUDING ANY HEARINGS SURVEY RESPONSES</b></p> <p>Not applicable.</p>	
<b>ANY OTHER BUSINESS</b>		
<b>15.</b>	<p><b>ETHICAL STANDARDS IN PUBLIC LIFE ETC. (SCOTLAND) ACT 2000 – 25TH ANNIVERSARY</b></p> <p>Members agreed to seek advice from a public relations company on potential ways to mark the anniversary of the 25th anniversary of the Ethical Standards in Public Life etc. (Scotland) Act 2000, in order to help promote the ethical standards framework, the Codes of Conduct and the work of the Standards Commission.</p> <p><b>ANY EMERGING RISKS</b></p> <p>Members noted that the difficulties and potential delays in scheduling Hearings arising from receipt of a high volume of breach referrals from the ESC in a short time period had been added to the Risk Register for 2023/24.</p> <p><b>AGENDA ITEMS FOR NEXT MEETING</b></p> <p>Members agreed that a discussion on the format for making decisions under Section 16 of the ethical Standards in Public Life etc. (Scotland) Act 2000 should be included as an agenda item for the next meeting.</p> <p>Members agreed to let the Executive Director know of any further items to be added to the agenda for the next meeting.</p> <p><b>MRS STEWART</b></p> <p>The Convener noted that Mrs Stewart’s tenure as a Member of the Standards Commission was due to end on 31 March 2023. On behalf of all Members and staff, the Convener thanked Mrs Stewart for her support, hard work and dedication during her six years in post. The Convener noted, in particular, that Mrs Stewart had provided invaluable encouragement and assistance to the Executive Director and successfully chaired the Human Resources</p>	<p><b>Executive Team</b></p> <p><b>Executive Team</b></p>

	<p>Committee. The Convener further noted that Mrs Stewart had undertaken her role with good humour and professionalism and that she would be greatly missed.</p> <p><b>CHANGE OF DATE FOR AUDIT &amp; RISK COMMITTEE MEETING</b>  Members noted that the July Audit &amp; Risk Committee meeting had been moved from Tuesday 18 July 2023 to Tuesday 25 July 2023 and will take place before the Commission meeting on that date.</p>	
16.	<p><b>2023 DIARY DATES AND WORKPLAN</b>  Members noted the diary dates and ongoing workplan. Members agreed that the next public meeting of the Standards Commission should be in February 2024, the intention being to hold one meeting a year in public.</p> <p><b>DATE OF NEXT MEETING</b>  Members noted that the next meeting of the Standards Commission was scheduled to take place online on Monday 24 April 2023.</p>	