

MINUTES

Meeting date: Monday 27 July 2026

IN ATTENDANCE ONLINE

Members:

- Suzanne Vestri (Convener)
- Malcolm Bell
- Helen Donaldson

- Morag Ferguson

- Lezley Stewart

Executive Team:

- Lorna Johnston (Executive Director)

ITEM	CONTENT	ACTION
STANDING ITEMS		
1.	APOLOGIES No apologies were received. DECLARATIONS OF INTEREST No declarations of interest were made.	
2.	MATTERS ARISING Members noted matters arising from the last meeting, on 25 May 2026, were complete.	
CONSENT ITEMS		
3.	DRAFT MINUTE OF PREVIOUS MEETING Members reviewed and approved the minute of the meeting on 25 May 2026.	
STRATEGIC MATTERS		
4.	PROMOTING THE ETHICAL STANDARDS FRAMEWORK AND UPDATE ON OUTREACH WORK Members noted that since their last meeting: • Following a meeting with Planning Aid Scotland, the Standards Commission had provided content on Section 7 of the Councillors' Code for its mandatory training module for elected members on planning it was preparing on behalf of the Scottish Government • The Standards Commission delivered online training on the Councillors' Code for Council Officers on the morning of Friday, 22 May 2026. A video of the Case Manager delivering the training presentation was then prepared, circulated and published on the website. • The Executive Director provided training on distinguishing between strategic and operational matters at a development day for members of South Lanarkshire College on 26 June 2026. Members noted that: • The Executive Director was due to deliver training on the Model Code for IJB carer representatives at the Carer Representatives' National Meeting on 26 August 2026. • The Executive Director was due to deliver online training on the Advice Note for IJB Members to Health and Social Care Alliance Scotland on 9 September 2026. • The Executive Director was to deliver a training event on the Model Code for Members of the Crown Estates Scotland in late September or early October 2026 (date to be confirmed). • The Standards Commission was to hold its annual in-person workshop for Council Monitoring Officers on Monday, 26 October 2026. A save the date email had been sent to invitees. • The Executive Director was to deliver a training event on the Model Code for Members of Public Health Scotland on 21 October 2026. • The Executive Director was due to present on the Model Code at an in person (in Edinburgh) College Development Network event for college board members on 29 October 2026.	

	Members agreed either Dr Stewart or Ms Vestri would support the Executive Director at the event. Members noted the Standards Commission reviewed and updated its Guidance on the Model Code of Conduct for Members of Devolved Public Bodies, in June 2026, in light of some queries received and feedback provided at recent training events. The revised version was issued to Standards Officers and published on the Standards Commission's website. Members noted the Improvement Service is partnering with the Open University (OU) to develop an e-Learning portal for councillors. Members noted the Standards Commission developed content for a module on the Councillors' Code, as part of this, which had been sent to the OU Design Team. A final script and images to be used on this was agreed in early July and it was anticipated the portal would be ready shortly. Members asked the Executive Team to keep them updated on any progress. Members noted that following the Standards Commission's involvement in the Scottish Government's short-life Working Group on its statutory guidance for Health and Social Care Integration Joint Boards (IJBs) and the forthcoming extension of voting rights to lived experience members of IJBs, the Executive Team drafted and was consulting on: • A revised Advice Note for all IJB Members. This covers the key provisions in the Code and, in particular, provides advice on how to identify and manage potential conflicts of interest and reconcile their duty to act in the best interests of the IJB with any organisation or constituent group from which they are appointed. • A card for Lived Experience Members of IJBs, which was aimed at helping them manage expectations of the groups from which they are appointed. Members further noted a standard training presentation on the Code for IJB Members had been prepared. Members noted that following a review they had undertaken, and after consultation with the Ethical Standards Commissioner (ESC), the Standards Commission's Advice Note for Members on Distinguishing between Strategic and Operational Matters has been reviewed, updated and published on the website.	Executive Team
BUSINESS MATTERS		
5.	ANNUAL REPORT AND ACCOUNTS 2025/26 Members reviewed the draft Annual Accounts for 2025/26, the contents of the proposed external audit report, and the terms of the draft ISA 580 management response letter. Members were pleased to note that the external auditors (Audit Scotland) had reported that: • the financial statements gave a true and fair view and were properly prepared in accordance with the financial reporting framework; • expenditure and income were regular and in accordance with applicable enactments and guidance; and • the audited part of the remuneration and staff report, performance report and governance statement were all consistent with the financial statements and properly prepared in accordance with the relevant legislation and directions made by Scottish Ministers. Members approved the Annual Accounts and confirmed that the Executive Director was to proceed to sign both the Accounts and ISA 580 letter, before submitting them to Audit Scotland for their consideration and final approval.	Executive Director
6.	REPORT ON AUDIT AND RISK COMMITTEE MEETING HELD ON 21 JULY 2026 Members noted the verbal report provided by Ms Donaldson, Chair of the Audit & Risk Committee, of the meeting held on 21 July 2026. Members reviewed the terms of the Annual Audit Report from Audit Scotland and the Annual Assurance Statement from the Internal Auditor. Members were pleased to note that satisfactory assurances had been offered from both in respect of the Standards Commission's systems of internal control. Audit Scotland had advised	

	that it had concluded the Standards Commission had effective and appropriate arrangements in place for securing financial sustainability and for securing Best Value. Members further noted, and advised that they supported, the recommendations made by the Committee in respect of updates to the current risk scores on the Risk Register for 2026/27. Members asked the Executive Team to update the Risk Register accordingly. Members further noted the Internal Auditor had undertaken a review of the Standards Commission's Hearing Rules and Hearings process and reported that he was satisfied that he could offer a substantial level of assurance over the systems, controls and processes in place in respect of compliance with the Rules and published process. Members noted two recommendations arising from the review were identified, and that the Executive Team would take steps to implement these in quarter two.	Executive Team Executive Team
7.	REPORT ON EXPENDITURE AGAINST BUDGET FOR QUARTER ONE OF 2026/2027 Members noted there was an overspend in terms of expenditure against the agreed budget for the first quarter of the year, largely due to the expenditure on external legal fees in respect of two appeals against Hearing decisions and a judicial review which was lodged against a decision not to accept certain productions for a Hearing (see item 14 below). Members noted it had been agreed, in advance, with the Scottish Parliamentary Corporate Body that the Standards Commission should not make provision for the cost of any court proceedings in its budget submission, as it would not know at the time this was prepared and agreed, whether any would be lodged. As such it had been agreed that the Standards Commission could apply for contingency funding should any costs on court proceedings (including both external legal fees and expenses) be incurred. Members noted that the Standards Commission may need to apply for contingency funding in 2026/27 to make up for any shortfall in its budget as, even if it was successful in defending all three cases, it would not be able to recover all expenses incurred in full.	
8.	REVIEW OF BUSINESS PLAN FOR QUARTER ONE OF 2026/27 Members reviewed the progress made in the first half of the year to date against the actions outlined in the Business Plan for 2026/27. Members were pleased to note there had not been any significant slippage, with the majority of tasks identified for quarter one having been completed or progressed.	
9.	GENERATIVE AI POLICY Members reviewed and agreed a draft Generative Artificial Intelligence (AI) Policy, which outlined the Standards Commission's approach to the use of Generative AI tools. Members noted the purpose of the policy was to ensure that AI is used in a way that is lawful, ethical, responsible, and aligned with organisational objectives and existing policies. Members agreed that one change be made to emphasise that the Standards Commission was not using AI to make decisions. Members agreed that the policy should be published on the Standards Commission's website.	Executive Team
CASES UPDATE		
10.	REPORTS FROM THE ESC & SECTION 14 LETTERS (a) LA/SL/4465: Members noted that a 'do neither' decision had been made on a report received from the ESC about a South Lanarkshire Councillor. (b) LA/AB/4521: Members noted that the ESC had sent a draft breach report to an Argyll and Bute Councillor under Section 14 of the Ethical Standards in Public Life etc. (Scotland) Act 2000.	

	(c) LA/H/4469: Members noted that a ‘do neither’ decision had been made on a report received from the ESC about a Highland Councillor. (d) LA/Mi/4405 & NHS/MiIJB/4415: Members noted that a ‘do neither’ decision had been made on a report received from the ESC about a Midlothian Councillor. (e) NPA/C/4143: Members noted that a ‘do neither’ decision had been made on a report received from the ESC about a former member of Cairngorms National Park Authority. (f) LA/Mi/4558: Members noted that a ‘do neither’ decision had been made on a report received from the ESC about a Midlothian Councillor. (g) LA/NL/4478: Members noted that a ‘do neither’ decision had been made on a report received from the ESC about four North Lanarkshire Councillors. (h) LA/E/4529: Members noted that the ESC had sent a draft breach report to a City of Edinburgh Councillor under Section 14 of the Ethical Standards in Public Life etc. (Scotland) Act 2000. (i) LA/As/4523: Members noted that a ‘do neither’ decision had been made on a report received from the ESC about an Aberdeenshire Councillor. (j) LA/AB/4541: Members noted that a ‘do neither’ decision had been made on a report received from the ESC about an Argyll and Bute Councillor. (k) LA/Mo/4530: Members noted that a ‘do neither’ decision had been made on a report received from the ESC about a Moray Councillor. (l) LA/AB/4542: Members noted that a ‘do neither’ decision had been made on a report received from the ESC about an Argyll and Bute Councillor. (m) LA/OI/4557: Members noted that a ‘do neither’ decision had been made on a report received from the ESC about an Orkney Islands Councillor. (n) LA/NL/4567: Members noted that a ‘do neither’ decision had been made on a report received from the ESC about a North Lanarkshire Councillor.	
11.	CASES (a) LA/S/4312: Members noted that a Hearing was held on 27 May 2026. The Respondent was found on the face of it, to have breached the Councillors’ Code. Having considered the Respondent’s right to freedom of expression, however, the Panel determined a formal finding of a breach of the Code could not be made. (b) LA/As/4458: Members noted that a Hearing was held on 24 June 2026. The Respondent was found to have breached the Councillors’ Code and was censured. (c) LA/ER/4506: Members noted that a Hearing was held online on 7 July 2026. The Respondent was found to have breached the Councillors’ Code and was censured. (d) LA/EA/4394: Members noted that a Hearing was scheduled to take place on 1 September 2026 in the Council Chambers, Kilmarnock. (e) LA/DG/4408: Members noted that a Hearing was scheduled to take place on 15 September 2026 in the Municipal Chambers, Dumfries.	

	(f) LA/An/4457: Members noted that a Hearing was scheduled to take place on 30 September 2026 in Angus House, Forfar. (g) NPA/LLT/4230: Members noted that a Hearing was scheduled to take place on 6 October 2026 in Loch Lomond and The Trossachs National Park Authority Headquarters, Balloch. (h) NB/HES/4282: Members noted that they had directed further investigation be undertaken in respect of a referral made by the ESC about a former member of Historic Environment Scotland. Members noted the ESC advised he expected to conclude the further investigation within approximately six weeks. The parties had been updated accordingly.	
12.	INVESTIGATIONS EXCEEDING 3 MONTHS – INTERIM REPORTS (a) LA/EA/4438: Members noted the contents of an interim report from the ESC advising that an investigation into a complaint about an East Ayrshire Councillor had taken more than six months to investigate. (b) LA/SL/4470: Members noted the contents of an interim report from the ESC advising that an investigation into a complaint about a South Lanarkshire Councillor had taken more than six months to investigate. (c) LA/AB/4521: Members noted the contents of an interim report from the ESC advising that an investigation into a complaint about an Argyll and Bute Councillor had taken more than three months to investigate. (d) LA/NL/4498: Members noted the contents of an interim report from the ESC advising that an investigation into a complaint about a North Lanarkshire Councillor had taken more than three months to investigate. (e) LA/SA/4134, 4220, 4222: Members noted the contents of an interim report from the ESC advising that an investigation into a complaint about three South Ayrshire Councillors had taken more than 15 months to investigate. (f) LA/E/4529: 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. (g) LA/EL/4546: Members noted the contents of an interim report from the ESC advising that an investigation into a complaint about an East Lothian Councillor had taken more than three months to investigate.	
13.	FEEDBACK INCLUDING ANY HEARINGS SURVEY RESPONSES Members noted the Hearings Survey received on case LA/As/4458.	
ANY OTHER BUSINESS		
14.	ANY ONGOING APPEAL OR JUDICIAL REVIEW PROCEEDINGS NPA/LLT/4184: Members noted that the Respondent had lodged an appeal against both the breach and sanction findings. Members noted the Standards Commission was defending this, with the Court due to hear the matter on 23 October 2026. LA/G/4182: Members noted that the Hearing scheduled to take place on 26 February 2026 in Glasgow City Chambers was postponed after the Respondent lodged a judicial review against a decision to exclude certain proposed productions. Members noted that the Standards Commission was defending this and that the Court was due to consider the merits of the matter at a hearing on 4 August 2026.	

	LA/AC/3994: Members noted that an appeal lodged in September 2025 regarding a decision made at a Hearing in August had now been served. Members noted the Standards Commission was defending this. A date for the Court hearing had not yet been fixed. ANY EMERGING RISKS None identified. AGENDA ITEMS FOR NEXT SCS MEETING AND NOVEMBER DEVELOPMENT DAY Members agreed to discuss the meeting dates for 2027/28 and the Standards Commission's job evaluation process at their next meeting. Members agreed to undertake refresher training on the right to freedom of expression at their next development day, which was due to take place on 2 November 2026.	
15.	2026/27 DIARY DATES AND WORKPLAN Members noted the diary dates and ongoing workplan. DATE OF NEXT MEETING Members noted that the next meeting of the Standards Commission was scheduled to take place online and in public on Tuesday, 29 September 2026.	