

MINUTES

Meeting date: Monday, 25 July 2022

IN ATTENDANCE

Members:

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

Executive Team Members:

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

ITEM	CONTENT	ACTION
STANDING ITEMS		
1.	<p>APOLOGIES No apologies were received.</p> <p>DECLARATIONS OF INTEREST No declarations of interest were made.</p>	
2.	<p>MATTERS ARISING The Convener confirmed that he had finalised all but one of the Members' annual performance appraisals, with the last one scheduled.</p> <p>Members noted that all other matters arising as noted were complete.</p>	
CONSENT ITEMS		
3.	<p>DRAFT MINUTE OF PREVIOUS MEETING Subject to a minor amendment, Members reviewed and approved the minute of the meeting on 28 June 2022.</p>	
4.	<p>DATES FOR STANDARDS COMMISSION MEETINGS AND STANDARDS OFFICERS' WORKSHOP IN 2023 Members agreed the proposed dates in 2023 for all meetings of the Standards Commission and meetings of its Audit and Risk and Human Resources Committees. Members further agreed that the Standards Commission would hold its annual workshop for Standards Officers of devolved public bodies on 21 March 2023. Members noted that a 'save the date' invitation would be issued for the event in due course and a fresh 'Diary Dates' programme would be provided to Members as convenient.</p>	Executive Team
5.	<p>SERVICE CHARTER Members noted that the Human Resources Committee had reviewed the Service Charter, at a meeting on 20 July 2022, to ensure it made adequate provision for identifying and managing unacceptable actions on the part of service users. Members undertook their annual review of the Service Charter and agreed the revisions, as suggested by the Committee, which included adding potential options available to the Standards Commission in responding to unacceptable action by a service user or stakeholder. Members asked the Executive Team to finalise and publish the revised version.</p>	Executive Team
STRATEGIC MATTERS		
4.	BUDGET SUBMISSION 2023/24	

	<p>Members noted that the Scottish Parliamentary Corporate Body (SPCB) had requested that the Standards Commission's budget submission for funding to support its projected and planned business activities for 2023/24 be provided by 9 September 2022.</p> <p>Members noted that the proposed budget submission was based upon a projection that 16 Hearings would be held in 2023/24. Members noted that this projection was in turn based upon the number of referrals made in recent years and the fact that, under the Direction on the Outcome of Investigations, all reports on investigations into complaints about councillors and members of devolved public bodies were now referred to the Standards Commission for adjudication.</p> <p>Members are asked to note that draft budget of £330,013 being proposed represented a 6% increase on the 2022/23 approved budget. Members noted that the increase was driven by a number of factors, including that:</p> <ul style="list-style-type: none"> • The actual pay award for staff in 2022/23 was 4.5% compared to a budgeted increase of 3.1%. This increased the base salary position on which the assumed 2% pay award for 2023/24 was calculated. • An increase in Member and staff travel and expenses to reflect the return to in-person Hearings and other training events. • An increase in training costs to reflect induction training required for two new members in 2023/24. • An assumption that other running costs (including external audit fees, legal fees, annual business insurance, research fees and administration costs) would rise by 5%, to reflect the rise in inflation. <p>Members agreed that the budget request should be submitted to the SPCB for approval.</p>	<p>Executive Team</p>
<p>BUSINESS MATTERS</p>		
<p>5.</p>	<p>ANNUAL ACCOUNTS 2021/22</p> <p>Members reviewed the draft Annual Accounts for 2021/22, 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:</p> <ul style="list-style-type: none"> • 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. <p>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.</p>	<p>Executive Director</p>
<p>6.</p>	<p>AUDIT & RISK COMMITTEE</p> <p>Members noted the verbal report provided by Mr McCormick, Chair of the Audit & Risk Committee, and the draft minutes of its meeting on 19 July 2022. Members further 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, with regard to the Standards Commission's systems of internal control.</p> <p>Members further noted, and advised that they supported, the changes the Committee had made to the Risk Register for 2022/23.</p>	<p>Executive Team</p>

	<p>Members noted that the draft external audit report contained a recommendation regarding a time recording exercise Members had agreed to undertake. Members noted that the recommendation was that they should be asked to keep time recording as accurately as possible, over a longer period, in order for more data to be collected and used to assess whether:</p> <ul style="list-style-type: none"> • the Standards Commission should make any recommendations to the SPCB in respect of Members' terms and conditions of appointment; and • any changes should be made internally to the way work was allocated, distributed and undertaken. 	
<p>7.</p>	<p>INCLUSION OF PRODUCTIONS AS ANNEXES TO WRITTEN DECISIONS OF HEARINGS</p> <p>Members agreed that attaching some written productions submitted by the parties and considered at a Hearing to the written decision of Hearing could, in certain circumstances, supplement it, by providing more context. Members noted that doing so could also allow for a more condensed or succinct report to be produced. Members noted, for example, that if the complaint concerned numerous social media posts or lengthy correspondence, then copies of the correspondence / screenshots could be attached as annexes, rather than being described in detail. Similarly, if a complaint concerned an image, attaching it could aid understanding, even if it is described (as objectively as possible) in the written decision. Members nevertheless noted that, in some cases, attaching a production might serve to draw further attention to something that was disrespectful.</p> <p>Members agreed that it should be left to Hearing Panels to determine, on a case by case basis, whether it was appropriate to attach any production, and if so which, to the written decision of Hearing. Members agreed that Hearing Panels should undertake an equalities risk assessment before doing so. Members further noted that personal data would need to be redacted from any production attached to a written decision, unless specific consent was obtained in advance of the decision being issued and published.</p>	
<p>8.</p>	<p>ANNUAL REVIEW SECTION 19 POLICY ON THE APPLICATION OF SANCTIONS</p> <p>Members undertook their annual review of the Standards Commission's Policy on the Application of Sanctions, under Section 19 of the Ethical Standards in Public Life etc. (Scotland) Act 2000, following a finding of a breach of a Code of Conduct at a Hearing. Members agreed some minor content and formatting amendments, which included making it clear that the least restrictive sanction would be chosen and that discrimination against an individual with protected characteristics could be an aggravating factor. Members agreed that, once finalised, the revised version should be published on the website.</p>	<p>Executive Team</p>
<p>9.</p>	<p>FEEDBACK ON MEMBERS' REFRESHER TRAINING ON PRESENTATION SKILLS</p> <p>Members advised that they had presented training on sections of the Councillors' Code of Conduct to each other at an online session on 18 July 2022. Members noted that this had provided an opportunity for them to refresh their presentation skills and receive feedback from colleagues, as well as to strengthen their understanding of the provisions in the revised Code.</p> <p>Members agreed that, where possible, they should make any training sessions as interactive as possible by using breakout rooms to discuss case studies in smaller groups and also by encouraging questions at the end of each section. Members further agreed that the Executive Team should discuss the proposed agenda with Monitoring Officers in advance of any proposed training session to see if they wanted more time to be spent on a particular topics and / or thought it would be useful to have a discussion at the start on values and why adherence with the Councillors' Code was essential to ensure public confidence in the role of an elected member and local government. Members noted that it could sometimes be helpful to ask participants to discuss case studies before moving on to then provide information about the relevant provisions in the Code. Members further noted that information about the objective test and recent cases should be included in any presentation.</p>	<p>Executive Team</p>

10.	<p>DRAFT PROGRAMME FOR MONITORING OFFICERS' WORKSHOP ON 24 OCTOBER 2022</p> <p>Subject to some minor amendments, Members agreed the draft programme for the Monitoring Officers' workshop, due to be held on 24 October 2022. Members noted that an invitation and copy of the programme would be issued to all Monitoring Officers and to representatives from the Scottish Government, COSLA and the Improvement Service.</p>	Executive Team
11.	<p>ANALYSIS OF RESPONSES TO SURVEYS OF MEMBERS OF DEVOLVED PUBLIC BODIES AND STANDARDS OFFICERS</p> <p>Members reviewed the detailed analysis documents prepared by the Executive Team on the responses to the Standards Commission's surveys of Standards Officers and Members of Devolved Public Bodes (issued on 28 April 2022).</p> <p>Subject to a few minor amendments being made, including identifying the quarter of the year in which work on any proposed actions was to be undertaken, Members agreed that the documents should be circulated to Standards Officers and published on the Standards Commission's website.</p>	Executive Team
CASES UPDATE		
12.	<p>REPORTS FROM THE ESC & SECTION 14 LETTERS</p> <p>(a) LA/An/3631: Members noted that a 'do neither' decision had been made on a report received from the Acting ESC about an Angus councillor.</p> <p>(b) LA/As/3629: Members noted that a 'do neither' decision had been made on a report received from the Acting ESC about an Aberdeenshire councillor.</p>	
13.	<p>CASES</p> <p>(a) LA/G/3563: Members noted that a Hearing was to be held on 13 September 2022 and a pre-Hearing meeting had been arranged provisionally for 24 August 2022.</p>	
14.	<p>INVESTIGATION EXCEED 3 MONTHS – INTERIM REPORT</p> <p>Members noted that they were due to review, by the end of quarter two, the Direction that required the ESC to report on investigations on complaints about councillors and members of devolved public bodies that had taken more than three months. Members agreed that information received as a result of the Direction was helpful as it allowed the Standards Commission to understand the timescales involved in dealing with complaint and it provided assurance that the parties were being kept updated on progress. As such, Members agreed that the Executive Director should write to the Acting ESC advising that it was the Standards Commission's intention to renew the Direction. The Acting ESC should be asked for his views and, in particular, if he considered complying with then Direction caused any difficulties.</p> <p>(a) LA/NL/3596: 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/SL/35581: Members noted the contents of third 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>(c) LA/Fi/3614 Members noted the contents of an interim report from the Acting ESC advising that an investigation into a complaint about a Fife councillor had taken more than three months.</p>	Executive Director
15.	<p>FEEDBACK INCLUDING ANY HEARINGS SURVEY RESPONSES</p> <p>Not applicable</p>	
ANY OTHER BUSINESS		

<p>16.</p>	<p>UPDATE ON MEETINGS HELD AND OUTREACH WORK UNDERTAKEN BY THE EXECUTIVE TEAM</p> <p>Members noted that the Executive Director had held a meeting on 8 July 2022 with the Special Advisor to the First Minister, Local Government and Transport, about the Standards Commission’s role and remit. The Special Advisor had indicated support for the Standards Commission’s proposal to write to all political parties to see if there was scope for collaboration with the Standards Commission to promote adherence to the Councillors’ Code of Conduct.</p> <p>Members further noted that the Executive Director was due to provide training on the Model Code to: Members of Forth Valley NHS board on 9 August 2022; City of Glasgow College on 24 August 2022; Tayside NHS Board on 8 September; and, Highlands and Islands Enterprise in early September 2022 (date to be finalised).</p> <p>Members noted that the Executive Team was due to meet representatives from Cosla, the Scottish Government and the Improvement Service on 8 August 2022 to discuss improving standards of conduct in respect of community councillors.</p> <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>	<p>Members</p>
<p>17.</p>	<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 Monday, 26 September 2022.</p>	<p>Members</p> <p>Executive Team</p>