

# MINUTES

Meeting date: Monday, 27 February 2023

## IN ATTENDANCE

Members:

- Paul Walker (Convener)
- Ashleigh Dunn
- Suzanne Vestri
- Tricia Stewart (items 1-4, 10-18)

Executive Team Members:

- Lorna Johnston (Executive Director)

ITEM	CONTENT	ACTION
<b>STANDING ITEMS</b>		
1.	<p><b>APOLOGIES</b></p> <p>Apologies were received from Richard Wilson, Case Manager. Mrs Stewart had to leave the meeting and missed the discussion on items 5, 6, 7, 8 and 9, for which she tendered her apologies.</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 the Convener's work on sourcing a potential training provider on 'tribunal craft', and Members' research on work being undertaken by other organisations to encourage individuals in public life to lead by example, were ongoing.</p> <p>Members noted that all other 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 approved the minute of the meeting on 31 January 2023.</p>	
<b>STRATEGIC MATTERS</b>		
4.	<p><b>RENEWAL OF DIRECTION ON ELIGIBILITY</b></p> <p>Members noted that they had agreed, at their meeting on 31 January 2023, to consult with stakeholders, including the Ethical Standards Commissioner (ESC) on whether to renew the direction regarding the eligibility of complaints about councillors and members of devolved public bodies (the Eligibility Direction) that had been issued to the former ESC, on 1 March 2021, under sections 10 and 11 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 (2000 Act). Members noted that the Direction was effective from 2 March 2021 and was due to expire on 1 March 2023.</p> <p>Members noted that the ESC's views were sought by letter of 31 January 2022. Consultation letters were then issued, on 2 February 2023, to the Scottish Parliament's Local Government, Housing &amp; Planning and Standards and Procedures &amp; Public Appointments Committees, SOLAR, SOLACE and COSLA.</p> <p>Members noted responses had been received from SOLACE and the ESC. Comments had also been received from the Chief Executive of North Lanarkshire Council.</p>	

	<p>Members noted that the ESC had advised that he was committed to applying the same, or similar eligibility criteria, and to codifying these in his publicly available Investigation Manual. Members were satisfied that this would provide transparency about the criteria for admissibility. Members considered such transparency to be essential as it enables members of the public (including potential complainers), respondents and other stakeholders to understand the circumstances in which a complaint can and will be accepted for investigation. Members noted that it should also provide assurance that complaints about councillors and members of devolved public bodies, that could potentially amount to a breach of a Code, will not be rejected without due consideration or for inconsistent reasons.</p> <p>Members noted, however, that the Investigations Manual had not yet been finalised. In the circumstances, and in order to retain confidence in the consistency and transparency of the process, Members agreed to renew the Direction for a period of six months. Members asked the Executive Team to prepare a renewed Direction, to send it to the ESC and to update other consultation respondees, as appropriate.</p>	<b>Executive Team</b>
<b>5.</b>	<p><b>RISK REGISTER AND BUSINESS PLAN 2023/24</b></p> <p>Members agreed the content and format of the risks to be included in the Risk Register for 2023/24. Members also agreed the current and target scores for each risk, both in terms of potential impact and probability.</p> <p>Members noted the Audit &amp; Risk Committee would review the Risk Register and the actions taken to mitigate each risk at its meetings in May and July 2023, and January 2024. The Audit &amp; Risk Committee would report on these reviews at the subsequent Standards Commission meetings.</p> <p>Members asked that an action for them to undertake more research into what work was being undertaken to determine whether the Standards Commission could undertake further activity to promote the key principles of public life, including that of respect, be added to the Business Plan for 2023/24. Members noted the Executive Team would also add references to the Risk Register, before publishing a summary version of the Business Plan on the website.</p>	<b>Executive Team</b>
<b>6.</b>	<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>Members further noted that, to support the promotion of the ethical standards framework, two animated videos on:</p> <ul style="list-style-type: none"> <li>• the use of social media; and</li> <li>• bullying and harassment</li> </ul> <p>were being created for publication on the website. Members noted that the Executive Team would promote these videos on social media and in the next Standards Update.</p> <p>Members agreed that a discussion on their ongoing research into what work was being undertaken, by other organisations, to encourage respect in public and political debates be added to the agenda for the next Standards Commission meeting.</p>	<b>Executive Team</b>
<b>BUSINESS MATTERS</b>		
<b>7.</b>	<p><b>RESPONSE TO SCOTTISH GOVERNMENT’S CONSULTATION ON ELECTORAL REFORM</b></p> <p>Members noted that the Scottish Government was consulting on possible changes to electoral law.</p> <p>Having reviewed the consultation paper, Members noted that the Government had identified a number of potential changes. While most of these were not relevant to the work, role and remit of the Standards Commission, Members agreed that the Standards Commission should respond to questions concerning candidates in Local Government elections, relating to:</p> <ul style="list-style-type: none"> <li>• whether anyone found guilty of an offence involving the harassment or intimidation of politicians, candidates or campaigners should be subject to an additional sanction of losing the right to stand for election for 5 years;</li> </ul>	

	<ul style="list-style-type: none"> <li>• how a candidate’s location is shown on the ballot paper; and</li> <li>• the proposal to change the law to permit individual councils to authorise and cover the costs of a free mailing for each candidate to send to each voter or to each household and, specifically, whether it would be consistent with the Code of Conduct for councillors to make a decision on these mailings (in terms of whether a conflict of interest would arise).</li> </ul> <p>Members agreed with the following proposals outlined in the consultation paper and asked the Executive Team to submit the Standards Commission’s response accordingly:</p> <ul style="list-style-type: none"> <li>• that anyone found guilty of an offence involving the harassment or intimidation of politicians should be subject to an additional sanction of losing the right to stand for election as a councillor for five years; and</li> <li>• that candidates should only be obliged to record the ward in which they lived on ballot papers.</li> </ul> <p>Members noted that, once submitted, a copy of the response would be published on the Standards Commission’s website.</p>	<b>Executive Team</b>
8.	<p><b>REVIEW OF ENQUIRIES AND SOCIAL MEDIA COMMENTS</b></p> <p>Members reviewed the data on the enquiries received between 1 February and 31 January 2023. Members noted that the data did not include:</p> <ul style="list-style-type: none"> <li>• enquiries from parties or the press about ongoing cases or Hearings;</li> <li>• responses to correspondence or consultations issued by the Standards Commission; and</li> <li>• enquiries from stakeholders about ongoing matters;</li> </ul> <p>as information about these matters are captured and recorded elsewhere.</p> <p>Members noted that the number of enquires received were broadly similar to the preceding year. Members were pleased to note all enquiries were responded to timeously, with a response being provided to 95% of enquiries on either the same day or within one working day, which was well within the timescales outlined in the Standards Commission’s Service Charter.</p> <p>Members further noted the update on the Standards Commission’s social media pages and the engagement with these.</p>	
9.	<p><b>REVIEW OF PROCUREMENT POLICY AND PAYMENT PROCEDURES</b></p> <p>Members reviewed, and agreed some amendments to the format of the document outlining the Standards Commission’s procurement policy and payment procedures. These amendments included updates to reflect current practice, the removal of sections that are included in other policies and re-ordering the sections within the policy. Members further agreed an amendment concerning the authorisation of expenditure in emergency situations.</p> <p>Members asked the Executive Team to make the agreed changes and publish the revised version on the website.</p>	<b>Executive Team</b>
10.	<p><b>ANNUAL REPORT 2022/23 OUTLINE AND SECTION THREE</b></p> <p>Members agreed the proposed format for the Annual Report for 2022/23.</p> <p>Subject to the inclusion of information in the introductory section about detail on how the Standards Commission measured its impact being included in other sections of the Annual Report, Members agreed the content for Section 3, being the section describing how, during the year, the Standards Commission had made its positive impact upon promoting and upholding ethical standards in public life.</p>	<b>Executive Team</b>
11.	<p><b>NEW MEMBER APPOINTMENT AND INDUCTION</b></p> <p>Members noted that a motion seeking agreement to the appointment of two new members of the Standards Commission was due to be considered by the Scottish Parliament on 1 March 2023. Members asked the Executive Team to keep them updated on the motion and the intended start dates for the two new Members.</p>	<b>Executive Team</b>

<b>12.</b>	<p><b>REVIEW OF STANDING ORDERS</b></p> <p>Members undertook their five-yearly review of the Standards Commission’s Standing Orders. Members agreed the changes that had been proposed, to ensure the Standard Orders reflected current practice. Members asked the Executive Team to make the agreed changes, before publishing the revised version on the website.</p>	<b>Executive Team</b>
<b>CASES UPDATE</b>		
<b>13.</b>	<p><b>REPORTS FROM THE ESC &amp; SECTION 14 LETTERS</b></p> <p><b>(a) LA/AN/3690:</b> Members noted that the ESC had sent a draft breach report to an Angus Councillor under Section 14 of the Ethical Standards in Public Life etc. (Scotland) Act 2000.</p> <p><b>(b) LA/AC/3788:</b> Members noted that the ESC had sent a draft breach report to an Aberdeen City Councillor under Section 14 of the Ethical Standards in Public Life etc. (Scotland) Act 2000.</p> <p><b>(c) LA/D/3745:</b> Members noted that the ESC had sent a draft breach report to a Dundee Councillor under Section 14 of the Ethical Standards in Public Life etc. (Scotland) Act 2000.</p>	
<b>14.</b>	<p><b>CASES</b></p> <p><b>(a) LA/E/3651:</b> Members noted that a Hearing about two former City of Edinburgh Councillors was held on 22 February 2023. Both Respondents had been found to have breached the Code and were censured.</p>	
<b>15.</b>	<p><b>INVESTIGATIONS EXCEEDING 3 MONTHS – INTERIM REPORTS</b></p> <p><b>a) LA/H/3759:</b> Members noted the contents of an interim report from the ESC advising that an investigation into a complaint about a Highland Councillor had taken more than three months to investigate.</p> <p><b>b) LA/R/3770:</b> Members noted the contents of an interim report from the ESC advising that an investigation into a complaint about two Renfrewshire Councillors had taken more than three months to investigate.</p> <p><b>c) LA/E/3645:</b> Members noted the contents of a third interim report from the ESC advising that an investigation into a complaint about a City of Edinburgh Councillor had taken more than nine months to investigate.</p> <p><b>d) LA/AC/3711:</b> Members noted the contents of an interim report from the ESC advising that an investigation into a complaint about an Aberdeen City Councillor had taken more than three months to investigate.</p> <p><b>e) LA/I/3764:</b> Members noted the contents of an interim report from the ESC advising that an investigation into a complaint about an Inverclyde Councillor had taken more than three months to investigate.</p> <p><b>f) LA/H/3778:</b> Members noted the contents of an interim report from the ESC advising that an investigation into a complaint about a Highland Councillor had taken more than three months to investigate.</p>	
<b>16.</b>	<p><b>FEEDBACK INCLUDING ANY HEARINGS SURVEY RESPONSES</b></p> <p>Not applicable.</p>	
<b>ANY OTHER BUSINESS</b>		
<b>17.</b>	<p><b>ANY EMERGING RISKS</b></p> <p>Not applicable.</p>	

	<p><b>AGENDA ITEMS FOR NEXT MEETING</b></p> <p>Members noted that the composition of the Standards Commission’s Audit and Risk and Human Resources Committees would be decided at the next meeting, following confirmation of the appointments and start dates of the two new Members.</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>Members</b></p>
<p><b>18.</b></p>	<p><b>2023 DIARY DATES AND WORKPLAN</b></p> <p>Members noted the diary dates and ongoing workplan.</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 the Scottish Parliament on Monday 27 March 2023.</p>	