

MINUTES

Meeting date: Monday, 24 April 2023

IN ATTENDANCE

Members:

- Paul Walker (Convener)
- Ashleigh Dunn
- Suzanne Vestri
- Anne-Marie O'Hara
- Helen Donaldson

Executive Team Members:

- Lorna Johnston (Executive Director)
- Richard Wilson (Case Manager)

ITEM	CONTENT	ACTION
STANDING ITEMS		
1.	<p>WELCOME</p> <p>The Convener welcomed Ms Donaldson to her first meeting of the Standards Commission following the commencement of her tenure as a Member on 1 April 2023.</p> <p>APOLOGIES</p> <p>No apologies were received.</p> <p>DECLARATIONS OF INTEREST</p> <p>No declarations of interest were made.</p>	
2.	<p>MATTERS ARISING</p> <p>Members noted that all matters arising, as noted, were complete or due to be discussed at the meeting.</p>	
CONSENT ITEMS		
3.	<p>DRAFT MINUTE OF PREVIOUS MEETING</p> <p>Members reviewed and approved the minute of the meeting on 27 March 2023.</p>	
STRATEGIC MATTERS		
4.	<p>PROMOTING THE ETHICAL STANDARDS FRAMEWORK AND UPDATE ON OUTREACH WORK</p> <p>Members noted the outreach work undertaken by the Executive Team since the last meeting.</p> <p>Members noted that the Executive Director was due meet a public relations company in early May to discuss the Standards Commission's approach to promoting its consultation on its Strategic Plan for 2024-28, and potential ideas for using the 25th anniversary of the enactment Ethical Standards in Public Life etc. (Scotland) Act 2000 to promote the ethical standards framework.</p>	Executive Director
5.	<p>REVIEW OF PERFORMANCE AGAINST KEY PERFORMANCE INDICATORS</p> <p>Members undertook a review of performance in 2022/23 against the internal and external key performance indicators and percentage targets that had agreed at their meeting on 26 September 2022.</p> <p>Members noted that there had been a recent increase in the number of referrals from the Ethical Standards Commissioner (ESC) and that this was having an impact in terms of the Standards Commission's ability to meet some of the case related targets. Members noted that the ESC had been advised that the referral of numerous reports in quick succession caused</p>	

	<p>difficulties both in terms of Standards Commission Members' availability to make decisions on the referrals (as Members are appointed to work on a two days a month basis for the organisation), and also in terms of staff capacity (as the Standards Commission has a lean staffing complement of 3.1 FTE staff, only one of whom works full-time). Members noted that while the ESC did have full control over how long investigations will take, the current situation appears to have arisen as a result of the ESC clearing its backlog. Members noted the Standards Commission had advised the ESC that it was concerned that the situation may also have arisen as a result of potential inefficiencies in the investigation process, including a failure to ensure parties adhere to reasonable deadlines for responses as well as delays in finalising and referring breach reports despite only brief (or indeed no) comments having been received from Respondents. Members noted that the ESC had indicated that he did not consider that to be the case, but that he would continue to seek to resolve any issues raised and to respond constructively to feedback which he welcomed.</p>	
BUSINESS MATTERS		
6.	<p>BUDGET AND EXPENDITURE REPORT FOR 2022/23</p> <p>Members reviewed the report on expenditure against budget for the period from 1 April 2022 until 31 March 2023. Members noted that the Standards Commission bases its budget submissions on its staffing and associated costs, business plan activities and funding for a projected number of Hearings. As expenditure associated with Hearings depends on a variety of factors, some of which are outwith the Standards Commission's control, it is not possible to forecast the resources required with an absolute degree of certainty. Members noted that, in 2022/23, there had been an underspend against the budget of £334,000, giving an underspend of £19,103. The underspend had arisen largely because fewer Hearings had been held than projected.</p>	
7.	<p>FUTURE WORKSHOP FORMATS</p> <p>Members noted that significantly more attendees had joined the Standards Commission's recent Standards Officers' Workshops online than in person.</p> <p>Members noted that both the Monitoring and Standards Officers' Workshops are integral parts of the Standards Commission's annual event calendar. Both events provide attendees with an opportunity to network with their fellow attendees and also with Members of the Standards Commission, the Executive Team and staff from the ESC's office. Members noted that venue and catering costs meant that in-person events were less cost-effective than online ones, and also made it easier for those based further away to attend.</p> <p>Members nevertheless noted that holding workshops in-person encouraged greater participation by attendees (with evidence from research undertaken by others demonstrating that online attendees tended to view online events as more of an information disseminating forum, than a meeting where experiences were shared). In addition, holding workshops in-person made it easier for facilitators to read cues and body language, that in turn made it easier for them to ensure that participants were engaged with the discussion. It also afforded attendees the opportunity to have informal discussions with each other upon arrival and during the coffee and lunch breaks.</p> <p>Members noted that these benefits might be of particular value to Monitoring Officers and agreed, therefore, that the Executive Team should suggest to Monitoring Officers that the workshop planned for October 2023 be held in-person. Members agreed that the format of the annual Standards Officers' workshop should vary, with it being in-person and online on alternate years (with a remote attendance option only being offered for an in-person event to those who expressly asked for it).</p>	Executive Team
8.	<p>DRAFT SECTIONS 4 AND 5 OF ANNUAL REPORT 2022/23</p> <p>Subject to some minor amendments, Members agreed the content for Sections 4 and 5 of the Annual Report for 2022/23, being the sections outlining how the Standards Commission had pursued and developed strong relationships with its stakeholders, and how it ensured that all</p>	Executive Team

	<p>stakeholders had easy access to high quality information about the organisation and its adjudicatory work, respectively.</p> <p>Members agreed that the draft Annual Report should be shared with the ESC, once all sections had been prepared, to check that there were no inconsistencies between the two organisations in terms of how information about case decisions and statistics was reported.</p>	<p>Executive Team</p>
<p>9.</p>	<p>IMPROVEMENTS TO HEARINGS PROCESS</p> <p>Members noted that, at their meeting on 27 March 2023, a number of actions to improve how Hearings were managed had been agreed (as outlined in the minutes of the meeting).</p> <p>Having reviewed further recommendations made by the Executive Team, Members further agreed, that to reduce the time taken and improve the efficiency of Hearings, Panels would not necessarily attempt to draft full reasoning for their decisions on breach (and, if applicable, the decision on sanction) to be read aloud at the Hearing. Instead, Panels would consider either:</p> <ul style="list-style-type: none"> • stating their decisions with only a very brief summary of the reasoning behind them; or • announcing their decisions only, and advising that all reasoning will be outlined in the written decision to follow. <p>Members further agreed that, in order to ensure that Hearings progress without undue delays, Hearing Panel Chairs should use pre-Hearing meetings to remind the parties that questions to be put to witnesses should only relate to matters in dispute, and that questions should not be:</p> <ul style="list-style-type: none"> • leading in nature (i.e. designed to elicit a specific answer), unless they are on introductory matters or facts; • designed to antagonise; and • repetitive or related to matters that are not in dispute or are not relevant and material to the question of whether the applicable Code had been breached by the Respondent as alleged. <p>Members agreed that Panel Chairs should also be mindful of this at Hearings and should be prepared to intervene to ensure questions of the nature outlined above were not being put to witnesses. Members noted that Chairs could temporarily suspend the proceedings, at any time, to seek the views of the other Panel Members / advice from the Executive Team, as to whether it is appropriate or necessary to intervene in the questioning of a witness.</p>	
<p>10.</p>	<p>REVIEW OF RECORDS MANAGEMENT PLAN</p> <p>Members noted that the Standards Commission had been invited to submit a progress update review on its Records Management Plan in September 2022. This was submitted to the Public Records team at the National Records for Scotland (NRS) on 13 December 2022.</p> <p>Members were pleased to note that a draft report from NRS had been received on 20 March 2023. The report stated that “the Assessment Team has reviewed Standards Commission for Scotland’s Progress Update submission and agrees that the proper record management arrangements outlined by the various elements in the authority’s plan continue to be properly considered. The Assessment Team commends this authority’s efforts to keep its Records Management Plan under review. Based on the progress update assessment the Assessment Team considers that Standards Commission for Scotland continue to take their statutory obligations seriously and are working hard to maintain all the elements of their records management arrangements in full compliance with the Act and fulfil the Keeper’s expectations.”</p>	
<p>11.</p>	<p>REPORT FROM HUMAN RESOURCES COMMITTEE</p> <p>Members noted the verbal report provided by Ms Dunn, the Chair of the Human Resources Committee, and the draft minutes of the Committee meeting on 18 April 2023.</p> <p>Members undertook their annual review of the Committee’s Terms of Reference and agreed the minor formatting changes, as recommended by the Committee.</p>	<p>Executive Team</p>

	<p>Members further noted the Committee’s activities during the 2022/23 operational year included:</p> <ul style="list-style-type: none"> • Assisting with the induction of a new Member; • Reviewing the Caseworker’s role and job title; • Conducting one to one meetings with staff to seek their views on the work of the organisation, particularly in respect of engagement and culture; • Providing assurance to the Commission that appropriate and adequate arrangements were in place to monitor performance and sickness absence and to encourage development in respect of both Members and staff; • Overseeing staff attendance; • Reviewing the performance management and development requirements of staff; • Reviewing the hybrid working policy and flexible working hours policy; • Work to ensure equality and diversity remained at the forefront of the Standards Commission’s work and culture; and • Assisting with the adoption of the healthy living scheme and social impact pledge. <p>The Chair confirmed that she was confident that the Committee had discharged its duties effectively in 2022/23, in accordance with the Terms of Reference.</p> <p>Members noted that the Committee discussed the format of the two strategy days scheduled for September and October 2023. Members noted that it had been agreed that the Executive Team would seek proposals and costs from at least three external facilitators, with a view to the Committee then meeting again to identify the best option and thereafter make a recommendation to the Standards Commission.</p> <p>The Convener confirmed that he would schedule annual appraisal meetings with other Members.</p>	<p>Executive Team</p> <p>Convener</p>
<p>CASES UPDATE</p>		
<p>12.</p>	<p>REPORTS FROM THE ESC & SECTION 14 LETTERS</p> <p>(a) LA/Mi/3803: Members noted that the ESC had sent a draft breach report to a Midlothian Councillor under Section 14 of the Ethical Standards in Public Life etc. (Scotland) Act 2000.</p> <p>(b) LA/E/3653: Members noted that a ‘do neither’ decision had been made on a report received from the ESC about six City of Edinburgh Councillors.</p> <p>(c) LA/D/3742: Members noted that the ESC had sent a draft breach report to a former Dundee City Councillor under Section 14 of the Ethical Standards in Public Life etc. (Scotland) Act 2000.</p>	
<p>13.</p>	<p>CASES</p> <p>(a) LA/AC/3788: Members noted that a Hearing had been scheduled to take place online on 28 April 2023. Following receipt of new and material information, however, the Standards Commission had decided to re-make its decision on the referral. The decision would be made after the meeting.</p> <p>(b) LA/An/3690: Members noted that a Hearing was scheduled to take place online on 1 May 2023.</p> <p>(c) LA/H/3755: Members noted that a Hearing was scheduled to take place on 25 May 2023 at Council Headquarters, Inverness.</p> <p>(d) LA/D/3745: Members noted that a Hearing was scheduled to take place on 6 June 2023 at Dundee City Chambers.</p> <p>(e) LA/S/3571: Members noted that a Hearing was scheduled to take place on 21 June 2023 at Council Chambers, Stirling.</p>	

	<p>(f) LA/SL/3558: Members noted that a Hearing had been scheduled to take place on 27 June 2023 at Council Headquarters, Hamilton.</p>	
14.	<p>INVESTIGATIONS EXCEEDING 3 MONTHS – INTERIM REPORTS</p> <p>a) LA/NL/3705: 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.</p> <p>b) LA/NA/3707: Members noted the contents of an interim report from the ESC advising that an investigation into a complaint about a North Ayrshire Councillor had taken more than three months to investigate.</p> <p>c) LA/R/3781: Members noted the contents of an interim report from the ESC advising that an investigation into a complaint about a Renfrewshire Councillor had taken more than three months to investigate.</p> <p>d) LA/Fi/3740: Members noted the contents of an interim report from the ESC advising that an investigation into a complaint about two former Fife Councillors had taken more than three months to investigate.</p> <p>e) LA/Fi/3614: Members noted the contents of an interim report from the ESC advising that an investigation into a complaint about a Fife Councillor had taken more than 12 months to investigate.</p>	
15.	<p>FEEDBACK INCLUDING ANY HEARINGS SURVEY RESPONSES</p> <p>(a) Members noted the positive feedback from a Monitoring Officer on the Polarisation in Politics Blog published on 15 February 2023.</p> <p>(b) Members noted the positive feedback received from a delegate at the Standards Officers’ Workshop held on 21 March 2023.</p>	
ANY OTHER BUSINESS		
16.	<p>UPDATE ON GOVERNMENT REVIEW OF SECTION 31 OF LOCAL GOVERNMENT (SCOTLAND) ACT 1973</p> <p>Members noted that the Executive Team had sought an update from the Scottish Government on the Standards Commission’s recommendation to the Minister for Local Government, Housing and Planning that Section 31 of the Local Government (Scotland) Act 1973 Act (which outlined the criteria under which an individual would automatically be disqualified from being a councillor) be reviewed. Members noted that as no response had been received to date, the Executive Team would follow this up and provide a further update.</p> <p>ANY EMERGING RISKS</p> <p>None identified.</p> <p>AGENDA ITEMS FOR NEXT MEETING</p> <p>Members noted that agenda items identified to date included:</p> <ul style="list-style-type: none"> • A response to the National Performance Framework Review consultation; • Consideration of alternative ways of seeking and making Section 16 decisions; and • A review of the Audit & Risk committee meeting scheduled to be held on 23 May 2023. 	Executive Team
17.	<p>2023 DIARY DATES AND WORKPLAN</p> <p>Members noted the diary dates and ongoing workplan.</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 Tuesday 30 May 2023.</p>	