

MINUTES

Meeting date: Tuesday 30 January 2024

IN ATTENDANCE IN PERSON

Members:

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

Executive Team Members:

- Lorna Johnston (Executive Director)

MEMBERS IN ATTENDANCE ONLINE

- Suzanne Vestri

ITEM	CONTENT	ACTION
STANDING ITEMS		
1.	<p>APOLOGIES Apologies were received from Richard Wilson, Case Manager.</p> <p>DECLARATIONS OF INTEREST No declarations of interest were made.</p>	
2.	<p>MATTERS ARISING Members noted that all but one of the matters arising, as noted, were complete. The remaining item concerned an accessibility review of the website. Members noted a quote from the website providers for some of the work was awaited.</p>	
CONSENT ITEMS		
3.	<p>DRAFT MINUTE OF PREVIOUS MEETING Members reviewed and approved the minute of the meeting on 11 December 2023.</p>	
STRATEGIC MATTERS		
4.	<p>PROMOTING THE ETHICAL STANDARDS FRAMEWORK AND UPDATE ON OUTREACH WORK Members noted that:</p> <ul style="list-style-type: none"> • The Executive Director and Case Manager had appeared before the Local Government, Housing & Planning Committee on 12 December 2023 to discuss the Standards Commission's Annual Report for 2022/23. • The Executive Director and Case Manager presented on the Model Code of Conduct to Members of the Judicial Appointments Board on 18 December 2023. • Members of the Standards Commission attended a session with the Scottish Parliamentary Corporate Body (SPCB) on 21 December 2023 to discuss the Standards Commission's priorities, any issue it faced as well as its draft strategic plan; along with the SPCB's reflections upon the officeholder landscape, funding, shared services and any new functions. • On 24 January 2024 the Executive Director and Case Manager presented a joint webinar for councillors, with the Improvement Service, on engaging with constituents. The Executive Director and Case Manager were due to present a further joint webinar for councillors, with the Improvement Service, on social media on 2 February 2024. 	
5.	<p>STRATEGIC PLAN 2024/28 Members noted that the draft Strategic Plan for 2024/28 had been published on the Standards Commission's website and directly issued to consultees, for comment and feedback, on 20 November 2023.</p>	

	<p>Members noted that, to date, responses had been received from 13 organisations and that feedback was positive, with a number of consultees noting that they were looking forward to working closely with the Standards Commission over the forthcoming four years.</p> <p>Members agreed some minor changes in light of the feedback received to date. Members noted that any further feedback could be considered either by email or at their meeting on 26 February 2024, before the final version was then laid and published by the deadline of 31 March 2024.</p>	
BUSINESS MATTERS		
<p>6.</p>	<p>DRAFT BUSINESS PLAN 2024-25</p> <p>Members reviewed the draft Business Plan for 2024/25 prepared by the Executive Team. Members noted that it was based on the objectives outlined in the draft Strategic Plan for 2024/28 and followed its format.</p> <p>Members agreed some minor amendments in respect of the activities outlined in the plan. Members agreed that there should be some focus on how the Standards Commission would measure achievements and outcomes arising from the activities identified. Members agreed to consider and discuss these further at their next meeting, scheduled to take place on 26 February 2024.</p> <p>Members noted that any outstanding activities from 2024/25, that the Standards Commission has been unable to action due to time and resourcing constraints, would be added before the Business Plan was finalised.</p> <p>Members further noted that a draft Risk Register for 2024/25 would be prepared for consideration at the Standards Commission meeting on 26 February 2024. Once this was agreed, references to the Risk Register will be added to the Business Plan.</p>	<p>Executive Team</p>
<p>7.</p>	<p>AUDIT AND RISK COMMITTEE MEETING</p> <p>Members noted the minutes and the verbal report provided by the Chair of the Audit & Risk Committee, Ms Vestri, of the meeting on 23 January 2024.</p> <p>Members agreed the audit fee, as proposed by Audit Scotland, for the 2023/24 audit. Members noted that the draft audit plan would be issued and circulated in due course.</p> <p>Members noted that the Committee had proposed that the Internal Auditor be invited to review how the Standards Commission approached and undertook the training and induction of new members. This would include a review of the induction plan and feedback from the three members appointed in the last two years. Members agreed with the proposal and asked the Executive Team to notify the internal auditor accordingly.</p> <p>Members noted that the Committee had conducted a review of the 2023/24 Risk Register. Members agreed with the Committee's recommendations in respect of changes to overall risk scores in light of activities undertaken. Members agreed that any ongoing risks should be incorporated in the Risk Register for 2024/25.</p>	<p>Executive Team</p>
<p>8.</p>	<p>EXPENDITURE REPORT 2023-24</p> <p>Members noted the report outlining the expenditure in the year to date against the agreed budget of £338,000. Members noted that the Executive Team anticipated that there could be a small overspend (amounting to approximately 2% over budget) at the year end, although this was dependent on the amount of Members' time and associated salary costs for the Hearings scheduled and still to be held in February and March. Members noted that the potential overspend was largely due to the staff cost of living pay award agreed by the SPCB being higher than initially anticipated. Members noted that the contingency funding had been sought to</p>	

	cover the likely shortfall. Members asked the Executive Team to update them when a response was received.	Executive Team
9.	NEW MEMBER / CONVENER RECRUITMENT Members noted that the SPCB had advertised the two upcoming Member vacancies, with the closing date for applications being noon on 14 February 2024. Members noted that the Standards Commission had promoted the adverts on its website and social media pages.	
10.	STANDARDS OFFICERS' WORKSHOP PROGRAMME Members noted that the Standards Commission's annual Standards Officers' Workshop was due to be held online on Tuesday, 19 March 2024. Members agreed the content for the open discussions and the topics they wished to discuss with attendees during the breakout groups. Members noted that the Ethical Standards Commissioner had agreed to speak, and intended to present a very brief slot on boardroom ethics and its relationship with governance and succession planning. Members asked the Executive Team to circulate an invitation with the programme to all Standards Officers and any other relevant stakeholders.	Executive Team
11.	REFRESHER TRAINING ON SECTION 7 OF THE COUNCILLORS' CODE Members noted that a refresher training session for them, focussing upon Section 7 of the Councillors' Code of Conduct (quasi-judicial and regulatory decision-making), which was to be held earlier in the month, required to be postponed, due to resource constraints. Members agreed that the intended session should be combined with the mock Hearing training to be held on 29 April 2024. Members agreed that, in the interim, they would observe a webcast of a council planning or licensing meeting.	Executive Team Members
12.	FINANCE AND PUBLIC ADMINISTRATION COMMITTEE Members noted that the Parliament's Finance and Public Administration Committee had launched a call for views as part of an inquiry into Scotland's 'commissioner landscape', with the deadline for responses being Monday 11 March 2024. Members note the inquiry would consider whether a more coherent and strategic approach was needed for the creation of such commissioners in Scotland. The Committee was seeking responses to the following questions: 1. Why was the Commissioner model chosen over other approaches, such as a public body or government department, and why has there been such a growth in Commissioners in recent years? 2. What were the implications of this growth on Scotland's finances, other organisations and wider society? 3. Noting that there were currently a mix of regulatory, investigatory, rights-based, and policy-focused Commissioners in Scotland; what should the role of Commissioners be and which should report directly to Parliament (and why)? 4. Looking across the entire model of Commissioners, was there a coherent approach? What, if any, improvements could be made to the Commissioner landscape in the future to ensure a coherent and strategic approach? 5. Noting the criteria developed by the Finance Committee to help guide decisions on whether to create a new commissioner; how was the criteria working in practice and where could improvements be made to the criteria, its use, or its status? 6. Were the existing governance and oversight arrangements adequate and, if not, what improvements are required? 7. How appropriate were existing lines of accountability and how does the process work in practice? What other accountability models should be considered?	

	<p>8. To what extent is the current model of Parliamentary committee scrutiny of the performance and effectiveness of how Commissioners exercise their functions appropriate?</p> <p>9. Does the current Commissioner model in Scotland deliver value for money?</p> <p>10. Are the processes for setting and scrutinising the budgets of each Commissioner adequate?</p> <p>11. To what extent is there overlap and duplication of functions across Commissioners, and across other organisations in Scotland and how can this be avoided?</p> <p>Members agreed that the Executive Team should prepare a draft response to the inquiry, for consideration by Members at their meeting on 26 February 2024. Members agreed that the Standards Commission was not able to respond to questions 1 – 4 inclusive, as it could only comment on its own experiences. Members agreed, therefore, that the response should outline the Standards Commission’s views in respect of questions 5 - 10 only where relevant.</p>	Executive Team
CASES UPDATE		
13.	<p>REPORTS FROM THE ESC & SECTION 14 LETTERS</p> <p>(a) LA/E/3865: Members noted that a ‘do neither’ decision had been made on a report received from the ESC about a City of Edinburgh councillor.</p> <p>(b) LA/SB/3722: Members noted that the ESC had sent a draft breach report to a Scottish Borders Councillor under Section 14 of the Ethical Standards in Public Life etc. (Scotland) Act 2000.</p> <p>(c) LA/R/3886: Members noted that a ‘do neither’ decision had been made on a report received from the ESC about a Renfrewshire councillor.</p> <p>(d) LA/As/3852: Members noted that a ‘do neither’ decision had been made on a report received from the ESC about an Aberdeenshire councillor.</p> <p>(e) CSE/NPA/3831: Members noted that the ESC had sent a draft breach report to a former member of Cairngorms National Park Authority under Section 14 of the Ethical Standards in Public Life etc. (Scotland) Act 2000.</p> <p>(f) LA/PK/3888: Members noted that a ‘do neither’ decision had been made on a report received from the ESC about a Perth and Kinross councillor.</p>	
14.	<p>CASES</p> <p>(a) LA/AC/3812: Members noted that a Hearing was held online on 17 January 2024. The Respondent was found to have breached the Councillors’ Code.</p> <p>(b) LA/NA/3707: Members noted that a Hearing was held on 26 January 2024 at the Council Chambers, Irvine. The Respondent was found not to have breached the Councillors’ Code.</p> <p>(c) LA/H/3759: Members noted that a Hearing was scheduled to take place on 6 February 2024 at the Council Headquarters, Inverness.</p> <p>(d) LA/WL/3698: Members noted that a Hearing was scheduled to take place at the West Lothian Civic Centre, Livingston on 16 February 2024.</p> <p>(e) LA/H/3838: Members noted that a Hearing had been scheduled to take place online on 1 March 2024. Members noted that an adjournment request submitted by the Respondent had been agreed by the Panel and the Executive Team was close to identifying an alternative date.</p>	

	<p>(f) LA/I/3764: Members noted that a decision to hold a Hearing had been made on a report received from the ESC about an Inverclyde councillor. The Hearing was scheduled to take place at the Municipal Buildings, Greenock on 13 March 2024.</p> <p>(g) LA/WL/3790: Members noted that West Lothian Council had considered the ‘no breach’ decision made about one of its elected members at a Hearing held on 30 November 2023.</p>	
15.	<p>INVESTIGATIONS EXCEEDING 3 MONTHS – INTERIM REPORTS</p> <p>(a) LA/AC/3864: Members noted the contents of an interim report from the ESC advising that an investigation into a complaint about two Aberdeen City Councillors had taken more than three months to investigate.</p> <p>(b) CSE/NPA/3831: Members noted the contents of an interim report from the ESC advising that an investigation into a complaint about a former member of Cairngorms National Park Authority had taken more than three months to investigate.</p> <p>(c) LA/NL/3889: 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>(d) LA/G/3829: Members noted the contents of an interim report from the ESC advising that an investigation into a complaint about a Glasgow City Councillor had taken more than six months to investigate.</p> <p>(e) LA/SB/3908: Members noted the contents of an interim report from the ESC advising that an investigation into a complaint about a Scottish Borders Councillor had taken more than six months to investigate.</p> <p>(f) LA/AC/3794: 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 nine months to investigate.</p> <p>(g) LA/AC/3847: 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 six months to investigate.</p>	
16.	<p>FEEDBACK INCLUDING ANY HEARINGS SURVEY RESPONSES</p> <p>Members noted the feedback received in respect of a recent Hearing that had been held.</p>	
ANY OTHER BUSINESS		
17.	<p>ANY EMERGING RISKS</p> <p>None identified.</p> <p>AGENDA ITEMS FOR NEXT MEETING</p> <p>Members agreed to advise the Executive Director of any items to be included in the agenda for discuss at the next meeting.</p>	
18.	<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 Monday, 26 February 2024.</p>	