

MINUTES

Meeting date: Tuesday 26 March 2024

IN ATTENDANCE ONLINE

Members:

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

Executive Team Members:

- Lorna Johnston (Executive Director)

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 following acceptance of a quote of the work the website provider was to undertake work to ensure the website met accessibility regulations. Members noted all matters arising, as noted, were complete.</p>	
CONSENT ITEMS		
3.	<p>DRAFT MINUTE OF PREVIOUS MEETING Members reviewed and approved the minute of the meeting on 30 January 2024.</p>	
STRATEGIC MATTERS		
4.	<p>PROMOTING THE ETHICAL STANDARDS FRAMEWORK AND UPDATE ON OUTREACH WORK Members noted the outreach work undertaken since the last meeting. Members noted, in particular, that:</p> <ul style="list-style-type: none"> • The Executive Director presented on the Model Code to Members of the Scottish Environment Protection Agency (SEPA) on 27 February 2024. Members were pleased to note the positive feedback received. • The Executive Director and Case Manager were due to present on the Model Code to Members of Public Health Scotland on 24 April 2024. • The Executive Director was due to present on the Model Code at the Scottish Government's Public Bodies Board Induction session on 21 May 2024. 	
BUSINESS MATTERS		
5.	<p>RISK REGISTER 2024-25 Members agreed some minor amendments to the descriptions of two of the risks previously identified and included in the draft Risk Register for 2024-25. Members further agreed the current and target scores, both in terms of potential impact and probability, for each risk.</p> <p>Members noted that the Risk Register would now be finalised and the references to the risks would be added to the Business Plan for 2024-25.</p>	Executive Team

	<p>to ensure the Panel has the option to refuse to give the parties the opportunity if it considers they have made their positions perfectly clear in the submissions already made.</p> <p>Members agreed that the task of agreeing the wording of any press statements to be released after Hearings did not need to be undertaken by the full Panel and could, at a Panel's discretion, instead be delegated to the Executive Team and Panel Chair.</p>	
CASES UPDATE		
<p>11.</p>	<p>REPORTS FROM THE ESC & SECTION 14 LETTERS</p> <p>(a) LA/AC/3847: 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) LA/AC/3794: Members noted that a ‘do neither’ decision had been made on a report received from the ESC about an Aberdeen City councillor.</p> <p>(c) LA/G/3919: Members noted that the ESC had sent a draft breach report to a Glasgow City Councillor under Section 14 of the Ethical Standards in Public Life etc. (Scotland) Act 2000.</p> <p>(d) LA/G/3829: Members noted that a ‘do neither’ decision had been made on a report received from the ESC about a Glasgow City councillor.</p> <p>(e) LA/AC/3864a: Members noted that a ‘do neither’ decision had been made on a report received from the ESC about an Aberdeen City councillor.</p> <p>(f) LA/AC/3864b: 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>(g) LA/As/3958: Members noted that the ESC had sent a draft breach report to an Aberdeenshire Councillor under Section 14 of the Ethical Standards in Public Life etc. (Scotland) Act 2000.</p> <p>(h) LA/NL/3944: Members noted that a ‘do neither’ decision had been made on a report received from the ESC about a North Lanarkshire councillor.</p> <p>(i) LA/NL/3889: Members noted that the ESC had sent a draft breach report to a North Lanarkshire Councillor under Section 14 of the Ethical Standards in Public Life etc. (Scotland) Act 2000.</p> <p>(j) LA/S/3867: Members noted that the ESC had sent a draft breach report to a Stirling Councillor under Section 14 of the Ethical Standards in Public Life etc. (Scotland) Act 2000.</p> <p>(k) LA/AC/3847: Members noted that a ‘do neither’ decision made been made on a report received from the ESC about an Aberdeen City Councillor.</p> <p>(l) LA/H/3954: Members noted that a ‘do neither’ decision made been made on a report received from the ESC about a Highland Councillor.</p>	
<p>12.</p>	<p>CASES</p> <p>(a) LA/I/3764: Members noted that a Hearing was scheduled to take place at the Municipal Buildings, Greenock on 10 April 2024.</p> <p>(b) LA/H/3838: Members noted that a Hearing was scheduled to take place online on 2 April 2024.</p>	

	<p>(c) LA/AC/3812: Members noted that an appeal had been lodged by the Respondent against a decision made, at a Hearing on 17 January 2024, to find him in breach of the Councillors' Code. The Standards Commission was seeking external legal advice in respect of a defence to the appeal.</p> <p>(d) NPA/C/3831: Members noted that a Hearing was scheduled to take place online on 30 April 2024.</p> <p>(e) LA/SB/3722: Members noted that a Hearing was scheduled to take place at Scottish Borders Headquarters, Newton St Boswells on 13 May 2024.</p> <p>(f) LA/NL/3705: Members noted that North Lanarkshire Council had confirmed that it had formally considered a decision the Standards Commission made at a Hearing held on 29 September 2023.</p> <p>(g) LA/WL/3698: Members noted that West Lothian Council had confirmed that it had formally considered a decision the Standards Commission made at a Hearing held on 16 February 2024.</p>	
<p>13.</p>	<p>INVESTIGATIONS EXCEEDING 3 MONTHS – INTERIM REPORTS</p> <p>(a) LA/AB/3953: 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.</p> <p>(b) LA/NL/3869: 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>14.</p>	<p>FEEDBACK INCLUDING ANY HEARINGS SURVEY RESPONSES</p> <p>(a) Members noted the feedback received in respect of a recent Hearing that had been held.</p> <p>(b) Members noted the feedback received in respect of a presentation on the Model Code by the Executive Director to SEPA Board Members.</p>	
<p>ANY OTHER BUSINESS</p>		
<p>15.</p>	<p>HEARING RULES: IMPACT STATEMENTS</p> <p>Members noted that the current version of the Hearing Rules provide that Hearing Panels may consider any impact statement provided by those affected in cases concerning a breach of the respect and/or bullying and harassment provisions in the applicable Code. The rules further provide that the Respondent will be provided with any such information at the mitigation stage, before they are given the opportunity to make submissions on mitigation or on the sanction to be applied.</p> <p>Members noted that provision could be problematic in practice, however, as</p> <ul style="list-style-type: none"> • An individual may include personal information (for example, about their health) in an impact statement; • An individual may also include information that is entirely unrelated to the alleged breach of the Code. While Panels know not to take any such information into account; providing a copy of the impact statement could led the Respondent to feel that they have to make submissions on the irrelevant information; and • A Respondent, when provided with a copy of an impact statement, could feel compelled to try to rebut or disprove information it contains. <p>Members proposed, therefore, that paragraph 4.7 of the Hearing Rules be amended to state that a Hearing Panel may also consider any impact statement provided by those affected in</p>	

	<p>cases concerning a breach of the respect and/or bullying and harassment provisions in the applicable Code before determining the sanction to be applied. In doing so, the Panel will:</p> <ul style="list-style-type: none"> • only take into account information that is relevant to any finding of breach it has made; • consider whether any alleged impact could reasonably be taken as a being a likely and direct consequence of the conduct it has found to have occurred; and • be mindful of, and take into account, the fact that the information in any such a statement has not been given under oath or tested. <p>Members agreed that the potential change should be discussed with the ESC before the Hearing Rules and any corresponding information on the website were amended accordingly, as agreed.</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 2023. This was submitted to the Public Records team at the National Records for Scotland (NRS) on 23 November 2023.</p> <p>Members were pleased to note that a draft report from NRS had been received on 18 March 2024. 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>APPEARANCE BEFORE FINANCE AND PUBLIC ADMINISTRATION COMMITTEE</p> <p>Members noted that the Finance and Public Administration Committee had invited the Standards Commission to give evidence, at a hearing on 30 April 2024, as part of its inquiry into Scotland’s Commissioner Landscape. Members agreed the Executive Director should appear before the Committee on behalf of the Standards Commission.</p> <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>	<p>Executive Team</p>
<p>16.</p>	<p>2024 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 on Tuesday, 28 May 2024. Members further noted that they were due to attend a refresher training session on Section 7 of the Councillors’ Code of Conduct on 29 April 2024.</p> <p>MS O’HARA</p> <p>The Convener noted that Ms O’Hara was due to leave the Standards Commission on 31 March 2024. On behalf of all Members and staff, the Convener thanked Ms O’Hara for her support and hard work during her tenure. Members noted, in particular, that Ms O’Hara had made invaluable suggestions and input both as a Commission Member and member of its Audit and Risk Committee. The Convener further noted that Ms O’Hara had undertaken her role with good humour and professionalism and that she would be greatly missed.</p>	

