

# MINUTES

*Meeting date: Monday 24 September 2018*

**IN ATTENDANCE**

- Kevin Dunion (Convener)
- Lindsey Gallanders
- Tricia Stewart
- Paul Walker
- Lorna Johnston (Executive Director)
- Elaine McLean (Business Manager)

ITEM	CONTENT	ACTION
<b>STANDING ITEMS</b>		
1.	<p><b>APOLOGIES</b> Apologies were received from Mr McCormick.</p> <p><b>DECLARATIONS OF INTEREST</b> No declarations of interest were made.</p>	
2.	<p><b>DRAFT MINUTE OF PREVIOUS MEETING</b> Members reviewed and approved the minutes of the meeting on 30 July 2018.</p>	
3.	<p><b>MATTERS ARISING</b> Members noted that all matters arising were either complete or were due to be discussed under the main agenda.</p>	
<b>STRATEGIC MATTERS</b>		
4.	<p><b>OUTREACH AND PROMOTION WORK</b> Members noted that the Convener and Executive Director had decided not to extend the contract with the public relations company. Members agreed that while the work undertaken had resulted in a good deal of local press coverage of Hearings, the focus going forward should be on trying to gain as much national coverage as possible on the role and remit of the Standards Commission and the promotion of the highest possible ethical standards. Members agreed that the Standards Commission should, in particular, seek to take advantage of the current publicity concerning a number of high profile bullying and harassment cases to reinforce the message that such behaviour by those in public life was unacceptable and would not be tolerated, and that ensuring they behaved with respect and integrity was key to maintaining public confidence in public bodies.</p> <p>Members noted that the Standards Commission was awaiting a response from the Cabinet Secretary for Finance, Economy and Fair Work to its suggestion that the Model Code of Conduct be amended to include a provision similar to that in the Councillors' Code of Conduct, to the effect that bullying and harassment was completely unacceptable and would be considered to be a breach of the Code. Members agreed that this initiative, along with fact that the Standards Commission had conducted a survey of members of devolved public bodies on their awareness of the ethical standards framework; had issued an Advice Note for councillors on bullying and harassment; and had conducted a training event for members of Health &amp; Social Care Integration Joint Boards could all be used as examples of how the Standards Commission was working to improve standards of behaviour and promote and encourage compliance with the Codes.</p>	

## BUSINESS MATTERS

5. **COMMUNICATIONS:**
- a) Regional Training Events on the Councillors' Code of Conduct**  
Members noted that invitations to the roadshows to be held in Perth on 14 November 2018 and Motherwell on 18 February 2019 had been both sent and published on 24 August 2018. Reminders for both events would be issued in due course.
- b) Standards Commission's social media presence**  
Members were pleased to note that the number of followers of the Standards Commission's Twitter feed had increased by 25% on the last quarter. Members further noted that the Standards Commission's Facebook page was now live and could be accessed via [facebook.com/StandardsCommission](https://facebook.com/StandardsCommission). Members asked that the Executive Team continue to work to increase the organisation's social media profile, in order to support the Standards Commission's attempts to promote the highest possible ethical standards and encourage awareness of, and compliance with, the Codes of Conduct.
- c) Meeting between Executive Director, the CESPLS and SOLAR**  
Members noted that the Executive Director had held a meeting on 20 September 2018 with the Commissioner for Ethical Standards in Public Life in Scotland (CESPLS) his Senior Investigating Officer and representatives from the Society of Local Authority Lawyers and Administrators in Scotland (SOLAR). Members were pleased to note that the SOLAR representatives had indicated at the meeting that the Standards Commission Advice Note for Councillors on Distinguishing between Operational and Strategic Matters had been well received by both officers and elected members. Members further noted that the SOLAR representatives had advised that the content of Standards Commission's professional briefings was also useful (particularly the summaries of Hearings held) but had suggested that changes be made to the branding and format of these, to encourage elected members to read them in full. Members asked the Executive Team to review the format and branding of the professional briefings to see if any improvements could be made in time for the one due to be issued at the end of December 2018.
- d) Meeting with Standards Commission's Data Protection Officer**  
Members noted that Claire Turnbull, the Data Protection Officer appointed to act for the Standards Commission under a Memorandum of Understanding with the Scottish Parliamentary Corporate Body, was due to attend the meeting on 17 December 2018 to meet Members and further her understanding of the role and work of the Standards Commission.
- e) Governance Hub for Members of Devolved Public Bodies**  
Members noted and welcomed the fact that the Scottish Government had advised that it was in the process of producing a dedicated website for board members of devolved public bodies. The intention was to have all training material (such as that contained in the current "On Board" manual) and continuing professional development material in one place. The website would have compulsory online training and development modules that members would be required to complete, along with general information on what was expected of them in their role as a board member.
- Members noted that the Scottish Government had advised that the plan was to have a dedicated page on the website about the ethical standards framework. This would include information about the Model Code of Conduct, how to make a complaint and the roles and remit of both the CESPLS and the Standards Commission. The Convener had been asked, and had agreed, to take part in a video being produced by the Scottish Government that would be published on that page. In addition, links to the Standards Commission's

Executive  
Team

	<p>Guidance and Advice Notes would be included. Members asked that the Executive Team keep them updated on any progress made in respect of the website.</p> <p><b>f) Standards Officers' Workshop</b> Members noted that a venue in Glasgow had been booked for the Standards Officers' workshop, which is scheduled to take place on 25 March 2019.</p>	
6.	<p><b>DRAFT PROGRAMME FOR MONITORING OFFICERS' WORKSHOP</b> Members reviewed and agreed the programme for the Monitoring Officers' Workshop due to be held on 5 November 2018. Members agreed that the programme should now be issued to attendees. Members further agreed that as Monitoring Officers would be asked to split into small groups to discuss potential amendments to the Councillors' Code, it would not be practical for anyone to take part in the workshop by video conference. Members noted that comments should be sought in advance from any Monitoring Officers who were unable to attend and that notes of what was discussed and agreed should be issued to them after the workshop.</p>	Executive Director
7.	<p><b>SURVEY OF MEMBERS OF DEVOLVED PUBLIC BODIES</b> Members were pleased to note that some 300 responses had been received in respect of the survey of members of devolved public bodies, which had been issued on 22 August 2018. Members noted that the timescales involved meant that the Executive Team had only been able to undertake a brief analysis of the responses. Members agreed that a fuller review should be carried out and that the Executive Director should then circulate a paper outlining the main themes and key messages arising from the answers provided and comments received, and any recommendations in respect of actions the Standards Commission could undertake.</p>	Executive Director
8.	<p><b>DRAFT SEPTEMBER PROFESSIONAL BRIEFING</b> Members reviewed and, subject to some amendments, agreed the content of the September 2018 professional briefing. Members agreed that the briefing should be issued and published at the end of the month.</p>	Executive Team
9.	<p><b>BUSINESS PLAN 2018/19 (quarter 2)</b> Members reviewed the report on progress made in quarters one and two against the 2018/19 Business Plan. Members were pleased to note that no significant slippages had been recorded in respect of the agreed activities.</p>	
10.	<p><b>EXPENDITURE REPORT (quarter 2 to end of August)</b> Members noted the report on expenditure against budget for quarter two of 2018/19 (up to the end of August 2018). Members noted that significant fees had also been incurred in the quarter in respect of the provision of legal representation in the appeal to the Sheriff Court against the Standards Commission decision on case LA/Fi/2050, but that these were not included in the report as they had been billed in September. Members noted that, if the Standards Commission's defence of the appeal was successful, it should be possible to recover some, although not all, of these costs. Members further noted that pursuing any award of expenses would also result in further costs being incurred.</p>	
<b>CASES UPDATE</b>		
11.	<p><b>NOTES OF DECISION/CASES NOT PURSUED (CNP) &amp; SECTION 14 NOTIFICATION LETTERS</b> Members noted the terms of the one non-breach report issued by the CESPLS.</p>	
12.	<p><b>BREACH REPORTS HEARING AND POST HEARING UPDATES</b> <b>a) LA/Fi/2050:</b> Councillor David MacDiarmid. Members noted that the substantive Hearing on Councillor MacDiarmid's appeal against the Standards Commission's decision had been held on 13 August 2018. The Sheriff Principal had gone to <i>avizandum</i>. Members asked that the decision be circulated as soon as it was received so that any learning points</p>	

	<p>could be identified and any improvements to the Hearings decision-making process implemented accordingly.</p> <p><b>b) LA/As/2062:</b> Councillor Anne Allan of Aberdeenshire Council. Members noted that the Hearing took place on 28 August 2018. Councillor Allan was found to have breached the Councillors' Code of Conduct and was censured.</p> <p><b>c) LA/I/2113:</b> Councillor Luciano Rebecchi of Inverclyde Council. Members noted that a Hearing took place on 21 September 2018. Councillor Rebecchi was found to have breached the Councillors' Code of Conduct and was censured.</p>	<b>Executive Director</b>
<b>AOB</b>		
<b>13.</b>	<p><b>AGENDA ITEMS FOR NEXT MEETING</b></p> <p>Members agreed that discussions on the results of the survey and outcome of the appeal on LA/Fi/2050 (if known) should be added to the agenda for the next meeting. Members agreed to advise the Executive Director of any other items to be included in due course.</p>	<b>Members</b>
<b>14.</b>	<p><b>FOR INFORMATION</b></p> <p><b>2018-19 DIARY DATES &amp; 2018 WORKPLAN</b></p> <p>Members noted the planned activities relating to the 2018/19 calendar.</p> <p><b>2019-20 DRAFT DIARY DATES – MEETING SCHEDULE</b></p> <p>Members reviewed the schedule and noted the agreed meeting dates identified within it.</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 on Monday, 5 November 2018.</p>	