

MINUTES

Meeting date: Monday, 28 February 2022

IN ATTENDANCE ONLINE

Members:

- Paul Walker (Convener)
- Ashleigh Dunn
- Mike McCormick
- Tricia Stewart
- Suzanne Vestri

Executive Team Members:

- Richard Wilson (Caseworker)

ITEM	CONTENT	ACTION
STANDING ITEMS		
1.	<p>INTRODUCTION Members welcomed Mrs Vestri to her first Standards Commission meeting.</p> <p>APOLOGIES Apologies were received from Lorna Johnston, Executive Director.</p> <p>DECLARATIONS OF INTEREST Mr Walker declared an interest and took no part in the discussion on item 14B. Mrs Vestri declared an interest and took no part in the discussion on item 14C.</p>	
2.	<p>MATTERS ARISING Members noted that, with the exception of Members having filmed new videos for the website, all matters arising were complete or due to be discussed, either at the meeting or at the next one, scheduled to take place on 29 March 2022.</p>	
CONSENT ITEMS		
3.	<p>DRAFT MINUTE OF PREVIOUS MEETING Members reviewed and approved the minute of the meeting on 31 January 2022.</p>	
4.	<p>STANDARDS COMMISSION MEETINGS 2022/23 Members noted the dates and venue for the meetings for the remainder of 2022.</p>	
STRATEGIC MATTERS		
5.	<p>RISK REGISTER 2022/23 Subject to the inclusion of more detail in respect of:</p> <ul style="list-style-type: none"> • where Members requested that the ongoing planned actions be distinguished from specific one-off planned actions; and • any short-term resources related risks associated with the clearing of the ESC's investigation backlog under risk 8, <p>the Risk Register for 2022/23 was agreed. 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 & Risk Committee would review the Risk Register and the actions taken to mitigate each risk as its meetings in May and July 2022, and January 2023. The Audit & Risk Committee would report on these reviews at the subsequent Standards Commission meetings.</p>	Executive Team

	Members further noted the Executive Team would add references to the approved Business Plan for 2022/23.	
BUSINESS MATTERS		
6.	<p>ANNUAL REPORT 2021/22</p> <p>Subject to some minor revisions being made, Members agreed the content for Sections 2: Impact; and 3: Improvement of the Annual Report for 2021/22, being the section describing how, in the past year, the Standards Commission had a positive impact on ethical standards in public life, and how the Standards Commission had pursued continuous improvement in the ethical standards framework and the way it had undertaken its work, respectively.</p>	
7.	<p>LA/R/2257 & 3262 APPEAL TO COURT OF SESSION</p> <p>Members noted that an appeal against the decision by a Sheriff Principal to uphold the Standards Commission's decision in respect of cases LA/R/2257 & 3262 had been made to the Court of Session in November 2021.</p> <p>Members noted the answers submitted on behalf of the Standards Commission to the Appellant's grounds of appeal and notes of argument that had been exchanged. Members further noted that the Court of Session was due to consider the appeal on 2 March 2022 and asked the Executive Team to update them on the hearing and when the decision could be expected.</p>	Executive Team
8.	<p>STANDARDS OFFICERS' WORKSHOP 23 MARCH 2022</p> <p>Members noted that the Standards Commission's annual Standards Officers' Workshop was due to be held online on 23 March 2022. Members agreed the content for the opening presentation and the topics they wished to discuss with attendees during the breakout groups. Members requested that the recent Chairs' Workshop was mentioned as part of the opening presentation and that Standards Officers be asked if they had received any specific feedback from Chairs following that event. Members noted that the core function of members and councillors holding executives to account is critical, whilst appreciating that some areas of activity generate a dual mandate, for example IJBs. Members noted that an open session would also be held, to enable the Standards Commission to gather feedback and comments from attendees on its Guidance, Advice Notes, training materials and its adjudicatory processes.</p> <p>Members requested that they be assigned to their respective breakout groups based on their experience in particular sectors, where appropriate.</p> <p>Members agreed that the Executive Team should collate all notes taken at the workshop and circulate them afterwards, both to the participants and also to those who were unable to attend.</p>	Executive Team Executive Team
9.	<p>REVIEW OF ENQUIRIES RECEIVED IN 2020/21</p> <p>Members reviewed the data on all enquiries received in the year to 31 January 2022. Members noted that the data did not include:</p> <ul style="list-style-type: none"> • enquiries from parties or the press about ongoing cases or Hearings; • responses to correspondence or consultations issued by the Standards Commission; and • enquiries from stakeholders about ongoing matters. <p>Members noted that the number of enquires received was in excess of what they had expected. Members discussed with the Executive Team whether an "auto-response" to enquiries might be useful, but after a further explanation from the Executive Team about the nature of the enquiries and the work involved, Members determined that such an approach would not be appropriate.</p>	

10.	<p>SURVEY OF MONITORING OFFICERS AND COUNCILLORS</p> <p>Members noted that the previously agreed surveys for existing elected members and for Council Monitoring Officers, on the ethical standards framework and the Standards Commission’s role and work, had been issued on 14 February 2022. Elected members and Monitoring Officers had been asked to complete the online surveys by 14 March 2022.</p> <p>Members noted that, the Executive Team would then prepare a report analysing the responses for consideration by Standards Commission members and for publication on the website. The Standards Commission would then consider whether any improvements to its educational material, its approach to training and its adjudication of complaints should be made in light of the feedback and any suggestions received.</p>	Executive Team
11.	<p>REGIONAL ROADSHOWS ON COUNCILLORS’ CODE OF CONDUCT</p> <p>Mr McCormick provided feedback on the roadshow he had hosted with the Executive Director on 23 February 2022 for elected members of Angus Council. Members noted that the roadshow had been successful, with a good level of engagement from a number of attendees.</p>	
12.	<p>PROGRESS OF INVESTIGATIONS</p> <p>Members noted the information provided by the Acting Ethical Standards Commissioner (Acting ESC) on all investigations about councillors and members of devolved public bodies, where the investigations had been ongoing for more than three months. Members noted the current number of investigations which had passed the three-month period and understood that, as the backlog currently experienced by the ESC eased, the number of three-month plus investigations would likely decrease.</p> <p>Members requested that the Executive Team request further clarification on the ESC’s “triage” procedure, under which inadmissible complaints were fast-tracked out of the system. Members queried whether, correspondingly, serious complaints that were clearly admissible could be fast-tracked through the system, or whether everything was conducted on a strictly chronological basis. Members asked the Executive Team to raise this with the Acting ESC and to circulate his response.</p>	Executive Team
CASES UPDATE		
13.	<p>REPORTS FROM THE ESC & SECTION 14 LETTERS</p> <p>LA/G/3563: Members noted that a draft report had been issued by the Acting ESC to a Glasgow City Council councillor</p>	
14.	<p>CASES</p> <p>(a) LA/Mo/3516: Members noted that a Hearing had been held on 16 February 2022. The former councillor was found not to have breached the Councillors’ Code of Conduct. Members commended the ESC’s Representative on her first presentation at a Hearing, noting that she was very fluent and clearly structured, and had dealt with questions well.</p> <p>(b) LA/DG/3514: Members noted that a clarification had been requested from the ESC following a referral about a Dumfries & Galloway councillor. Once that clarification has been received, Members would be asked to make a decision as to whether or not to hold a Hearing.</p> <p>(c) LA/D/3580: Members noted that a decision on whether to hold a Hearing about a complaint about a Dundee councillor was to be made.</p> <p>(d) LA/E/3589: Members noted that, while complying with the Standards Commission’s request to undertake further investigation, the Acting ESC had identified a new issue of complaint. Members noted that the new issue would be investigated, before a further report would be sent to the Standards Commission on all matters, for it to make a decision</p>	

	<p>as to whether to hold a Hearing. Members noted the Acting ESC expected to be in a position to submit the further report by 30 April 2022.</p> <p>(e) LA/H/3515: Members noted that, following a request for further investigation, the Acting ESC reported back to the Standards Commission on 25 February 2022. Members noted that they were to consider this further information and revert to the Executive Team with their decision as to whether a Hearing should be held.</p>	
15.	<p>INVESTIGATION EXCEED 3 MONTHS – INTERIM REPORT</p> <p>(a) LA/NL/3581: Members noted the contents of a report from the Acting ESC advising that an investigation into a complaint about a North Lanarkshire councillor had taken more than three months.</p> <p>(b) LA/NL/3557: Members noted the contents of a report from the Acting ESC advising that an investigation into a complaint about a North Lanarkshire councillor had taken more than three months.</p> <p>(c) LA/AN/3564: Members noted the contents of a report from the Acting ESC advising that an investigation into a complaint about an Angus councillor had taken more than three months.</p> <p>(d) LA/Fi/3544: Members noted the contents of a report from the Acting ESC advising that an investigation into a complaint about a Fife councillor had taken more than three months.</p> <p>(e) LA/NA/3586: Members noted the contents of a report from the Acting ESC advising that an investigation into a complaint about a North Ayrshire councillor had taken more than three months.</p>	
16.	<p>FEEDBACK INCLUDING ANY HEARINGS SURVEY RESPONSES</p> <p>Members noted the feedback emails from the complainer on the Hearing decision in respect of case LA/Mo/3516 and the response issued by the Executive Director.</p>	
ANY OTHER BUSINESS		
17.	<p>AGENDA ITEMS FOR NEXT MEETING</p> <p>Members agreed to advise the Executive Director of any further items to be added to the agenda for the next meeting.</p> <p>Members requested that the following matters be discussed:</p> <ul style="list-style-type: none"> • The Acting ESC’s approach to Article 10 of the European Convention on Human Rights; • The relevance of Article 10 considerations decision-making process under Section 16 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 (on whether a Hearing should be held); and • Renewal of the oversight Directions issued to the ESC under Sections 10 and 11 of the 2000 Act. 	<p>Members</p> <p>Executive Team</p>
18.	<p>2021 WORKPLAN</p> <p>Members noted the planned activities. Members requested that a workplan for 2022/23 be circulated.</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, 29 March 2022.</p>	<p>Executive Team</p>