

RECORD OF MEMBERS MEETING

Monday 10 April 2017, Large Boardroom, Pacific Quay, 13:00 – 16:30

Attendees: Andrew Flanagan (Chair), Graham Houston, David Hume, Nicola Marchant, Robin McGill, Iain Whyte, Elaine Wilkinson, Caroline Stuart, Matt Smith, Grant Macrae, Catherine MacIntyre, Danny Hatfield and Colette Watson (Record Note).

Apologies

Apologies were received from George Graham.

The Chair noted that items of business should not be brought directly to the SPA Members Meeting without first being addressed at a Committee. Items that may cross several Committees could be brought to the Committee Chairs' Meeting where Members can discuss how best to address them.

Corporate Governance Framework

Review of Committee Membership

The Chair stated that with the arrival of new Members and the resignation of 2 former Members, Committee membership needed to be reviewed. It had been hoped that all Members would only be required to sit on one Committee, however, that is not possible at this time.

The Chair took an action to meet with the new members to discuss further.

The Chair wished to clarify the issue of remuneration for Co-opted Board Members as this matter did not appear to have been fully settled at the previous meeting. D Hume stated that this issue was now pressing as he was looking to Co-opt a member to attend the Audit Committee on a regular basis.

Members discussed options and noted the importance of ensuring appropriate openness and transparency and that a process must be followed when selecting Co-optees to ensure they have required skills. The Chair confirmed that there was no requirement for the SPA to engage in a Public Appointments Process for Co-opted members. The Chair also proposed that there should be no more than one Co-opted Member per committee and that appointment should be only on the basis that those skills that are not available within the current Board Membership.

J Foley took an action to provide Members with a process for Co-opting Board Members and related remuneration

Draft Board Agenda and Workplans

3 May 2017 Closed Session and 9.2 25 May 2017 Public Session

The Chair addressed items 9.1 and 9.2 together.

The Chair stated that the agenda for 3 and 25 May appeared to be in good order and Chair requested Members review the agenda and provide any feedback / comments to C MacIntyre.

C MacIntyre highlighted that the first Deep Dive, on Sexual Crime, will take place at the Public Session on 25 May.

Workplans for Members' Business, Closed and Public Sessions Board Meetings

RECORD OF MEMBERS MEETING

Wednesday 8 March 2017, Pacific Quay, 11:20 – 15:40

Attendees: Andrew Flanagan (Chair), Graham Houston, David Hume, George Graham, Nicola Marchant, Iain Whyte, Elaine Wilkinson, Catherine MacIntyre and Colette Watson (Record Note).

The Chief Constable, DCC Iain Livingstone, David Page, ACC Malcolm Graham and James Gray joined the meeting.

Apologies

Apologies were received from Robin McGill and John Foley

The Chair advised Members that he had some proposals to make around the issue of committees in private and the issuing of papers and wanted to have a discussion on this at the Review of Police Governance item on the agenda.

Item 9.1: Review of Police Governance

9.1.1 The Chair and Members discussed the issues around committees in private and board papers. After a full discussion Members were in agreement that committees in private was the right approach and were supportive of Board papers being released under embargo. These two issues would be discussed further at the Board meeting on 22 March.

The Chair mentioned that Independent Custody Visiting should transfer to the Policing Committee and asked if members were content with that. Members agreed.

RECORD OF MEMBERS MEETING

Tuesday 2 February 2017, Pacific Quay, 10:00 – 12:55

Attendees: Andrew Flanagan (Chair), John Foley, Moi Ali, David Hume, Nicola Marchant, Robin McGill, Iain Whyte, Elaine Wilkinson, Catherine MacIntyre and Colette Watson (Record Note).

Apologies Apologies were received from George Graham and Graham Houston.

The Chair referred to the agenda and mentioned that he wanted ICV and local engagement to have more exposure. The Chair also wanted to know if going forward Members were content to include ICV as separate agenda item in open board meetings.

MALi supported the Chair's comments as it is one of the few functions that we have as an Authority and agreed that separating it out and having a focus on that would be helpful. MALi asked the Chair if a board member had been allocated to ICV since Douglas had left. The Chair replied that he hadn't done that yet but thought the new Board Member with responsibility for Human Rights would be the most appropriate place to put it.

IWhyte mentioned that the Chair had asked him to take this on in an interim basis and advised Members that he had spoken with Brian and everything seem to be fairly stable and his report would suggest that too.

The Chair referred to the action on the whistleblowing policy which was documented in the action log and after a full discussion it was agreed to close the action from the Members Meeting and ask both the Audit Committee and People Committee to continue to pursue this issue. The Chair also took an action to speak to the Chief Constable and / or DCC Johnny Gwynne to find out what is happening with the policy.

It was agreed to close the whistleblowing policy from the Members Meeting action log and to ask both the Audit Committee and People Committee to continue to pursue this issue.

The Chair will raise issue of a Police Scotland whistleblowing policy with the Chief Constable and/or DCC Johnny Gwynne.

The Chair then referred to the action relating to ICV and after discussion agreed to transfer this item to the Policing Committee for further action and discussion.

It was agreed to close ICV action from the Members Meeting action log and transfer this item to Policing Committee for further action and discussion.

Audit Committee to incorporate into workplan a deep dive into custody looking at all data points that come from IVC and Police Scotland.

Policing Committee to consider what role they have looking at all the custody data points.

MAli asked to raise the issue of cue cards for individuals detained in custody. NMarchant suggested that the Policing Committee is asked to look at this issue.

Policing Committee to raise issue of Police Scotland cue card or similar for individuals detained in custody.

Assuring Local Accountability and Localism

NMarchant welcomed Eleanor Gaw to the meeting and mentioned that as the Chair had stepped out, she was temporarily Chairing. NMarchant thanked EGaw for her paper and asked if she would like to raise any top themes before opening up for discussion.

EGaw indicated that the key things she hoped to get from the discussion was an indication of whether members are in agreement with the direction of travel as outlined in the paper that:

- a) the SPA focuses assurance on delivery of the localism strands of service delivery;
- b) to deliver this, SPA team are right to forge much closer alignment between localism and the developing performance framework;
- c) related assurance should be streamed through the Policing Committee, and presents a significant opportunity to provide direction and strengthen accountability;
- d) SPA should offer support for the improvement agenda in local scrutiny and engagement; and
- e) delivering against these priorities will require some limited engagement with local authorities to take place, as outlined in the paper.

EGaw asked Members if the range of activity outlined in the paper would meet their need for assurance, the support offered for the improvement agenda, and whether they were comfortable with the extent of local engagement outlined. Members indicated support for the overall approach. There was discussion around communicating changes in local engagement and the end of the board liaison function, it was noted that currently c 50 % of local authorities have a named board SPA board liaison.

It was agreed that the new approach would be informally communicated at the Partners in Scrutiny meeting, with a more formal communication to local authorities at a later date and to new administrations. EGaw agreed to circulate key messages to Members for use as needed in their local discussions about this change. The messages would reflect Members' views that this is not a sudden withdrawal of all contact for elected members where local relationships are well established, but rather a "weaning off" approach to this reliance and strengthening local committee engagement with Police Scotland.

After a full discussion it was agreed that following the local government elections in May, the Chair would write to the Leaders of Councils and the Chairs of their Scrutiny Panels congratulating them on their appointment and using the opportunity to set out key messages about local engagement going forward.

After the local government elections in May and once appointed the Chair will write to the Leaders of the Councils and the Chairs of the Scrutiny Panels congratulating them on their appointment and using the opportunity to set out key message about local engagement going forward.

Review of Police Governance Progress Update

JFoley referred to his progress update report and advised Members that all recommendations would be concluded by end of March, albeit some of the original dates had been delayed. The only item that remains outstanding is the SPA Corporate structure and made reference to the HR issues such as counter proposals. JFoley said there are some dependencies most of which are on Police Scotland but the view from the most recent engagement with Police Scotland and Scottish Government is that they want to push forward with it.

Board Workplans

The Chair referred to the Workplans and mentioned that they would be updated and advised Members if they notice anything that is missing they should contact Catherine. The Chair said that the workplans need further population and that

they will improve as we go through the year. The Chair also mentioned that Catherine will include a section in the workplan containing issues that have arisen but that haven't yet been assigned to a particular meeting.

Members to advise Catherine if anything is missing from the workplan, also that Catherine will include section within the workplans to flag issues that have arisen but not yet assigned to a particular meeting.

RECORD OF MEMBERS MEETING

Monday 11 January 2017, Fettes Police Station, 13:15 – 16:55

Attendees: Andrew Flanagan (Chair), John Foley, Moi Ali, George Graham, David Hume, Graham Houston, Nicola Marchant, Robin McGill, Lisa Tennant, Iain Whyte, Elaine Wilkinson, Catherine MacIntyre and Colette Watson (Record Note).

The Chief Constable, DCC Iain Livingstone, David Page, ACC Malcolm Graham and Tom McMahon joined the meeting.

Apologies

There were no apologies.

Governance Review Implementation Update

JFoley referred Members to the December Board meeting when the governance framework was approved. Members noted that officers are now in the process of defining the schedules of meetings and workplans for each of the committees. JFoley said there would be a requirement for a few tweaks as we move through implementation, but a commitment had been given to review after 6 months regardless. JFoley said that Police Scotland had to reflect changes to the Authority's governance and work was underway in relation to that.

JFoley then mentioned some clarifications that Police Scotland and the Chief Constable are looking at in relation to definition of terms and that this would be addressed with Tom McMahon taking the lead on the implementation. JFoley referred to the 12 items discharged at December and said some actions are ongoing and others relate to dependencies associated with Police Scotland and in two instances Scottish Government. JFoley advised Members that there is a steering group which he chairs and Rose Fitzpatrick has been nominated as the lead from Police Scotland. The intention now is to move forward quickly to close off the remaining recommendations.

JFoley then made reference to the fact that HMIC issued a statement about inspecting the arrangements which he believed would be towards the autumn or second half of the year. JFoley said he was confident of closing off all of the remaining recommendations in reasonably short order so there were no major issues in relation to implementation of the review recommendations.

EWilkinson asked if all the recommendations will be implemented by 31 March as she was conscious of the Auditor having referred to the governance review and the Auditor we have this year is likely going to look at progress with this.

JFoley said that all are scheduled to be implemented by 31 March with the exception of the review of the SPA corporate structure and he did not think the auditors would have a difficulty with that.

GGraham commented on the arrangements and timings for the six month internal review, and implications for the timing of the review if discharge of any recommendations did go beyond 31 March. GGraham also asked if there was a plan in place for taking forward the review and also questioned whether Police Scotland could provide supplementary support to the SPA.

JFoley said that on the first point, a formal plan would be put in place so that it is clear that what is required going forward is a continuous review and improvement. JFoley also confirmed that he had been considering Police Scotland as an option for interim support to the SPA.

Board Meeting

MAli said that she could not see on the February Board agenda the action arising from the December meeting, relating to Iain's point about approval of committee membership. She thought that it had been agreed in December that it was to go to the February Board but could not see it on the agenda – unless it is to be included under Item 11, review of corporate governance.

The Chair agreed with Moi's point about the need for this to go to the Board. The Chair then stated that in fact he had got different advice from JFoley after the Board meeting regarding whether committee appointments need Board approval. He was advised that we could simply reach an agreement amongst ourselves, although Iain's point was that it did require Board approval. He also added that we also we need to add in information strategy, and Moi's point about decision-making and the Community Empowerment Act

IWhyte said the section in the standing orders was about removals or changes to committee membership. There was nothing specific about appointments. The only thing he could see that referred to appointments was about changes – putting new people on. The Chair restated that JFoley doesn't feel it needs Board approval, it needs Members' agreement as individuals.

IWhyte said it would satisfy him if JFoley, in his report on governance for the Board, included a section noting committee membership. Once in place, the standing order about changes will cover it going forward.

MAli said that she was aware of a proposed change to the committees. The Chair replied that this was not necessarily the case. MAli noted the standing orders were clear that changes to, including removals from, committees needed to go to the Board and the Chair agreed.

John Foley to include section in governance update a list of who the Committee members are. The Corporate Governance Framework will require to be updated to reflect this.

RECORD OF MEMBERS MEETING

Monday 5 December 2016, Pacific Quay, 13:15 – 15:45

Attendees: Andrew Flanagan (Chair), John Foley, David Hume, Moi Ali, Iain Whyte, Nicola Marchant, Elaine Wilkinson, Graham Houston, Catherine MacIntyre and Colette Craig (Record Note).

David Page and DCC Livinstone joined the meeting.

Apologies

Apologies were received from Robin McGill and Lisa Tennant.

Review of Governance

The Chair advised Member's that the Review of Governance was reaching the stage of needing to go to the Board for approval and noted that it could be reviewed and revised annually.

GHouston advised that he was content with document, however, there could have been a better reflection around the SPA's scrutiny performance role, and sought clarity on how that could be developed. The Chair advised that the performance framework would be key to supporting the SPA's scrutiny role, however, that was not yet available. JFoley advised that it was still being developed therefore it was difficult to reflect it. The Chair advised that its purpose could be reflected within the Proceedings of the Board section around how the SPA will handle performance

The purpose of the Performance Framework to be reflected within Proceedings of the Board section.

MAlI referred to section 19 and the scheduling of meetings and advised the need to clarify that meetings would be scheduled by the Chair or approved by the Chair.

Section 19 of the document to clarify that meetings would be scheduled of approved by the Chair.

MAlI asked to remove reference to "his" within paragraph 14 in order for it to be gender neutral. The Chair asked for the whole document to be gender neutral.

The complete SPA Governance Framework Document to be gender neutral.

MAli referred to section 25 and meeting in private and asked that it be cross referenced with section 26.

Section 25 of the SPA Governance Framework Document to be cross referenced with section 26 of the same document.

MAli referred to section 24 where is it referred to Chief Executive and Chair and asked for that to be amended to Chair and Chief Executive.

Section 24 of the SPA Governance Framework Document to be amended to refer to the Chair and Chief Executive.

GGraham referred to proceedings in private and sought clarity around the merits of staying with that approach. The Chair advised that the Governance Review was consulted on, taking in a wide range of views, before going into conclusion which was approved by the Cabinet Secretary. The Chair advised that if Members wanted to come back to the issue at a time when there was evidence that it was not working then that would be a legitimate action. The Chair believed that, on balance, it was the correct approach and advised that more business should be conducted at Board level and, unless there was good reason not to, should be held in public. The Chair said that he had asked JFoley to conduct a comparison between the SPA and other public bodies to understand their approach. The Chair advised of the need for perspective on the matter before taking any further decision and noted the importance of Members being able to discuss openly and constructively.

NMarchant noted that when resetting it was important for others to understand the difference between closed and private meetings. The Chair advised that committees should have the freedom to invite individuals for specific agenda items. DHume advised that the significant and invaluable principle is that the SPA take decisions in public.

GGraham advised that he had always supported the view presented within the Governance Review originally around closed meetings, however, noted NMarchant concerns around what Unions and Staff Associations had become used to. GGraham advised that it might be useful to engage with Derek Penman to ensure that he has not been provided with an ill informed decision which could lead him to push forward a line that comes from an unsettled trade unions or federations.

MAli noted that although she did not support this area of the Governance Review as an individual, she would support it as a Board Member, however, advised that it was the opinion of Derek Penman that the SPA should be moving to greater

transparency and there are a number of factors that make it appear otherwise. MAli advised that Derek Penman had not yet formed a view that it may become a subject of inspection, however, he did have concerns around less transparency. MAli added that she had received a letter from one of her local authority scrutiny Chairs which noted that it was all very well that decisions would be taken at Board Meetings, but it is only on the day of a Board Meeting that where the venue is. MAli advised that there were a package of issues that needed to be looked at in order to identify whether transparency could be enhanced.

The Chair agreed that comments of MAli were valid, however, returned to comments made by DHume, The Chair reiterated that the number of Board Meetings being held in public had increased, more was being pushed into these meetings than the closed meetings and those enhancements were not being recognised, and as a result the SPA were being criticised for lacking in transparency. The Chair advised that although MAli had always been clear on her approach, it was important to persevere. The Chair advised that he would be willing to publishing agenda's one week before a meeting takes place to be more transparent. The Chair reminded Members that previously, papers were provided with critical comments 1 week prior to Members being able to sit down and discuss. The Chair advised that it was important to recognise that previous problems were due to the SPA being too transparent. MAli agreed with the proposal of publishing agendas a week in advance and advised that it would be helpful. CMacI advised that if the workplan could be agreed then agendas could be published more than a week in advance of meetings. Members agreed that populating work plans would be an additional method of being transparent.

SPA Board Meetings agendas to be made available to the public one week prior to meetings taking place.

EWilkinson advised that the previous Finance and Investment Committee, which was held in closed session, was extremely constructive, however, there was now an education required for Police Scotland on what they can bring to committees to allow them to use this to their best effect.

EWilkinson advised that she would like the covering paper of items coming to the Board to include what had been discussed at committee level and advised that it would provide real transparency. MAli advised that the committee journey should be included within the "Background" section of papers.

Previous discussions at committee level advising the journey of the recommendation to the Board to be detailed within the "Background" section of the paper.

IWhyte advised that, perhaps not within Board papers, but a mechanism which would evidence that more items were going into the public agenda rather than the closed it would be helpful. The Chair noted that Police Scotland seem to have difficulty providing papers suitable for public consumption.

NMarchant sought clarity on whether there was a set of comms in place prior to the 15th December. CMacIntyre advised that she and JFoley were meeting with John McCroskie to discuss this.

DHume advised that he had comments on the Audit Committee Terms of Reference. The Chair asked that comments were followed up with JFoley to ensure some consistency across all committees.

David Hume to feed back his comments regarding the Audit Committee Terms of Reference to John Foley.

The Chair said that there was a need for a review of the ToRs in order to give chairs an understanding of how they are working in practice.

GHouston sought clarity on whether it was appropriate that the accountable officer was also chair of the advisory board. CMacI advised that the SPA had looked at the advisory board that sat within Education Scotland and noted that the CEO chaired as it was advisory to him. However, other options could be considered.

DHume referred to whistleblowing and asked for Members to have early sight of what JFoley was proposing in terms of an SPA Whistleblowing Policy.

Members to have early sight of John Foley's proposal on the SPA's Whistleblowing Policy.

JFoley advised that he had received some comments from Police Scotland on the Governance Framework, most of which were acceptable. The Chair asked Members to forward any additional comments they may have on the governance framework to JFoley for consideration.

Members to provide any additional comments they had on the Governance Framework to John Foley.

Delegation & Financial Protocol

JFoley advised that Police Scotland had put forward a proposal in relation to delegated authorities to replace what was previously approved by the F&I

Committee so that Police Scotland would now have authority to give approval for the same limits. JFoley did not agree to this proposal and advised that the Authority set the limits and the delegated authority.

The Chair advised that it was unclear on who had the authority for what. The Chair advised that it would be helpful if the Scheme of Delegation was placed into 3 categories as noted below:

- John Foley's authority within the SPA.
- Material levels of expenditure coming through from Police Scotland.
- Set of Delegation of Authority within Police Scotland.

John Foley to ensure that the Corporate Governance Framework is placed into 3 categories clearly advising the following:

- **John Foley's authority within the SPA.**
- **Material levels of expenditure coming through from Police Scotland.**
- **Delegation of Authority within Police Scotland.**

The Chair noted that it was important not to be imposing a Delegation Framework onto Police Scotland, however, the SPA did have a responsibility to understand how those controls are exercised within Police Scotland and, therefore, they should be asking the SPA for approval of their Internal Scheme of Delegation.

Police Scotland to provide a Delegation Framework to the SPA for approval.

NMarchant noted the importance of being clear on the language around whether the CEO or a named Committee should be seeking assurance from Police Scotland on providing a healthy working environment. In addition, NMarchant noted the importance on understanding who Members should be seeking assurance from on emergency planning and business continuity.

John Foley to be explicit on the language around whether the CEO or a named Committee should be seeking assurance from Police Scotland on providing a healthy working environment. Also be clear on understanding who Members should be seeking assurance from on emergency planning and business continuity.

NMarchant referred to section 23, Ill Heath Retirement and Injury on Duties and noted that all applications should be referred to the People Committee for advice

and sought clarity on what that meant. JFoley advised that the People Committee would be advised of those applications for information. The Chair requested that the word “referred” to be changed to “advised” within Section 23.

John Foley to amend the word “advised” to “referred” within Section 23 of the Scheme of Delegation.

MAli referred to section 17.1, point C and sought clarity on complaints received about staff at a CEO level and who those complaints would be delegated to. NMarchant advised that it was noted within page 9 of the SPA Governance Framework. MAli asked for that area to be cross referenced.

John Foley to cross reference page 9 of the SPA Governance Framework with section 17.1 of Scheme of Delegation.

The Chair asked Members to provide any further drafting points to John Foley as soon as possible.

Members to provide John Foley with any additional drafting points on the SPA Governance Documentation as a matter of urgency.

JFoley updated Members on how the documents had been received by Police Scotland and advised that he had spoken to COSLA and other staff associations. NMarchant sought clarity on whether Diversity Staff Associations had been updated and JFoley advised that he would follow up on that.

John Foley to contact Diversity Staff Associations and inform them on recent changes to the SPA Governance Framework.

DHume advised that following the Governance Review being finalised, Members’ objectives would now not align with committee responsibilities and asked if that could be revisited.

Board Members to follow up with the Chair if objectives require to be realigned with the new committee responsibilities.

DHume advised that it would be helpful for all Members to have sight of papers going through all committees. The Chair advised that all committee agendas should be circulated to all Members in advance of a Committee Meeting taking place in addition to Committee Minutes being circulated to Members.

All future Committee Agendas to be circulated to Board Members prior to a committee taking place.

GGraham advised that he hoped to have the C3 Governance and Assurance Group to meet mid-January in order to arrange bringing the closure of the Aberdeen Service Centre to the SPA Board Meeting on the 24th February 2017.

GGraham advised that he was hoping to have a planning meeting on the 9th January to progress the Policing Committee.

Workplans for 2017

Members were asked to circulate any comments on the Board workplans for 2017 to Catherine as soon as possible.

Members to circulate any comments on the Board workplans for 2017 to Catherine as soon as possible.

RECORD OF MEMBERS MEETING

Friday 4 November 2016, Pacific Quay, 12:30 – 16:00

Attendees: Andrew Flanagan (Chair), John Foley, David Hume, Moi Ali, Iain Whyte, Nicola Marchant, Elaine Wilkinson, Graham Houston, Robin McGill, Catherine MacIntyre and Karen Vallance (Record Note).

DCC Livingstone joined the meeting. David Page joined the meeting by telephone.

Apologies

Apologies were received from George Graham and Lisa Tennant.

Review of Governance

DCC Fitzpatrick referred Members to the paper on the Cosla/ Police Scotland Resolution Process and provided an overview, highlighting that it allows Recommendation 7 of the Review of Governance in Policing to be closed.

DCC Fitzpatrick confirmed that an invitation had been extended to the SPA to attend the Cosla Scrutiny Conveners Forum and that she would be attending to represent Police Scotland and present on 2026 progress. The Chair commented that the invitation to the SPA was as a member of the Forum and that this would not be appropriate. The SPA could, however, accept the invitation as an observer. DCC Fitzpatrick confirmed that Police Scotland had agreed to participate, but would not be a member.

DCC Livingstone, DCC Fitzpatrick, David Page, Catherine MacIntyre and Karen Vallance withdrew from the meeting.

Members and John Foley held a private discussion on the draft revised SPA corporate structure.

J Foley advised Members that Scott Moncrieff had been asked to review the draft Governance Framework and a slimmed down, revised draft document had now been received. Other related governance documentation such as the Scheme of Delegation will progress from this and discussions with Police Scotland will recommence shortly. It was agreed that the Chair would review the current draft and then circulate to Members the following week with further discussion and agreement to take place at the additional meeting scheduled for 14 November.

Revised draft Governance Framework to be circulated to Members ahead of the meeting on 14 November.

Members agreed that all future Committees from 14 November will be held in Closed session and the dates will not be advertised on the SPA website.

Calendar of Meetings 2017

The Chair commented on the number of Committee meetings scheduled for 2017 and noted his assumption that this was because of transition to new arrangements. Members confirmed that Committees intended to review frequency of meetings after 6 months.

RECORD OF MEMBERS MEETING

Friday 07 October 2016, Pacific Quay, 13:00 – 16:00

Attendees: Andrew Flanagan (Chair), John Foley, David Hume, Moi Ali, Iain Whyte, Nicola Marchant, Elaine Wilkinson, Graham Houston, Douglas Yates, Ian Ross, George Graham, Lisa Tennant, Catherine MacIntyre and Karen Vallance (Record Note).

CC Gormley, DCC Gwynne and David Page joined the meeting.

Apologies

Apologies were received from Robin McGill.

New Board Member Recruitment

M Ali requested it be formally noted that a clear and consistent process with specific criteria for appointing co-opted Members was needed. The Chair responded that it was a matter for the Committees to have the right people, but agreed that consistency on process and criteria was required. The Chair suggested that it be discussed during the Committee Chairs meeting with J Foley with the outcome being fed back to the whole Board.

Outcome of discussion at Committee Chairs' meeting re co-opted Members to be fed back to whole Board.

Draft Revised SPA Corporate Structure

Members and John Foley held a private discussion on the draft revised SPA corporate structure.

Upcoming Issues/Forward Look

G Graham requested that an early date for a meeting with Committee Chairs to discuss Terms of Reference, work plans, etc., be arranged. C MacIntyre confirmed that an early date was currently being arranged.

Review of Police Governance Progress Update

J Foley advised that work was on schedule apart from the Committee Terms of Reference. Work continues on the Governance Framework and is currently with Scott Moncrieff for review. J Foley noted that Police Scotland were not responding to updates as they should and a better relationship with them was

needed. C MacIntyre added that a draft role profile for co-opted Members was being progressed.

RECORD OF MEMBERS MEETING

Thursday 8 September 2016, Tulliallan, 13:00 – 16:00

Attendees: Andrew Flanagan (Chair), John Foley, David Hume, Moi Ali, Iain Whyte, Nicola Marchant, Elaine Wilkinson, Graham Houston, Douglas Yates, Robin McGill and Colette Craig (Record Note).

Apologies

Apologies were received from Lisa Tennant, Ian Ross and George Graham.

Review of Police Governance Progress Update

JFoley advised Members that the Governance Manual required refinement. Scottish Government had been approached to gain their assistance and a meeting was scheduled with Scott Moncrieff in order to understand if they could offer assistance.

The Chair advised that suggestions had been received from Members regarding committees and a proposal was now complete. The Chair circulated the proposal to Members and noted that due to Member shortage those with "temporary" next to their name would sit on more than one committee until additional Board Members were recruited.

The Chair asked Members to volunteer to take on Community Safety Glasgow and Independent Custody Visiting. DHume volunteered to take on Community Safety Glasgow. The Chair asked Members to come back to him on Independent Custody Visiting. Douglas Yates advised that he would bring a paper to the next Members Meeting explaining the dynamics of Independent Custody Visiting.

Douglas Yates to bring a paper to the next Members Meeting explaining the dynamics of Independent Custody Visiting.

The Chair advised that the committee proposal would take effect immediately and that each Committee Chair would produce the Committees Terms of Reference including the quorum for each meeting. The Chair said that any Member can attend any committee if they have a particular interest in any agenda item. The Chair advised that he would suggest that Committee Chairs look to co-opt Members as quickly as possible. Co-opted Members would be a Committee decision and the Board would only need to be advised. IWhyte proposed that the quorum would need to remain as it is until there was a change to Standing Orders. IWhyte also sought clarity on what stage engagement was with local authorities on the change to committees. JFoley advised that he

would circulate a positive message to local authorities on the change to committees and advising them on their escalation routes.

John Foley to produce a positive message to local authorities on the change to committees and advising them on their escalation routes.

EWilkinson sought clarity on whether a communication had been issued to HMICS, Audit Scotland and other organisations who would previously had an open invitation to committees. JFoley advised that he had discussed the matter with Derek Penman who **had a relaxed approach to the change,** however, would still like sight of the papers. JFoley advised that Scottish Government were more reluctant. NMarchant raised the issue of trade unions and staff associations. JFoley advised that he would take that up with John McCroskie in order to fill that void.

John Foley to discuss with John McCroskie the approach of advising trade unions and staff associations around the committee changes.

Note to readers dated 4 May 2017 – The extract highlighted in yellow above refers specifically to no longer having an open invitation to meetings ; it does not refer to any other governance changes.

RECORD OF MEMBERS MEETING

Tuesday 2 August 2016, Pacific Quay, 13:00 – 16:00

Attendees: Andrew Flanagan (Chair), John Foley, David Hume, Moi Ali, George Graham, Iain Whyte, Nicola Marchant, Elaine Wilkinson, Graham Houston, Douglas Yates, Robin McGill, Catherine MacIntyre, DCC Iain Livingstone, James Gray and Colette Craig (Record Note).

Apologies

Apologies were received from Lisa Tennant.

Review of Police Governance

John Foley (JFoley) provided Members with an updated of the current status and advised that a half-day session would take place on the 24th August 2016 which would provide further detailed information. David Hume (DHume) thanked JFoley for the revised format of the timeline.

Members noted that a tripartite steering group had been established with involvement from Police Scotland and Scottish Government.

JFoley advised that Lindsey McNeill was currently reviewing the draft Committee Structure. Members sought clarity of when they could move to Committees being held in closed sessions. JFoley advised that his recommendation would be from 1st September onwards.

The Chair agreed that he envisaged implementation of changes on a phased approach. Ian Ross (IRoss) noted his concerns around Complaints & Conduct being taken within a closed session. IRoss advised that his preliminary view was that there was a need for a legislative change to allow that to happen and, therefore, requested a status quo for that committee at this stage.

The Chair noted that there were some challenges around how the committees would change in terms of structure and quorum and added that a new recruitment process for Members would begin in September.

George Graham (GGraham) advised that he was content for committees to be held within closed sessions. Moi Ali (MAli) noted the importance of handling the announcement to those that previously attended public committees.

The Chair noted the views in relation to the Complaints & Conduct Committee. However, his view was that if decisions are made Board meetings in public, that would allow committees to move to closed sessions.

Iain Whyte (IWhyte) highlighted concerns around the Scheme of Delegation and Standing Orders which would no longer corresponded to current Terms of Reference, if Committees were held in closed session and no longer had decision-making powers. The Chair advised that revision to the SoD would be part of the new SPA Governance Framework.

Members agreed that committees should move to closed sessions from 1st September 2016.

GGraham sought clarity on why item 8 under Local Accountability Development had been marked as complete. Catherine MacIntyre (CMacIntyre) clarified that it was only the annual review feedback process that had been completed.

RECORD OF MEMBERS MEETING

Wednesday 8 June 2016, Pacific Quay, 14:00 – 16:00

Attendees: Andrew Flanagan (Chair), John Foley, David Hume, George Graham, Iain Whyte, Nicola Marchant, Elaine Wilkinson, Graham Houston, Douglas Yates, Catherine MacIntyre, DCC Iain Livingstone, CS Craig Naylor, James Gray and Colette Craig (Record Note).

Apologies

Apologies were received from Moi Ali, Ian Ross and Lisa Tennant.

Review of Governance in Policing: Implementation Plan Update

The Chair advised that acceptance of the recommendations by the Cabinet Secretary remained. JF advised that progress was being made around delivery of the recommendations in the best way possible. The Chair advised that there was a slight area of discomfort in terms of committee structure and operating to the old model. Members discussed the timelines and agreed there was a need for the Authority to continue to progress with recommendations.

RECORD OF MEMBERS MEETING

Thursday 12 May 2016, Pacific Quay, 10:00 – 15:30

Attendees: Andrew Flanagan (Chair), John Foley (JFoley), David Hume (DHume), George Graham (GGraham), Iain Whyte (IWhyte), Nicola Marchant (NMarchant), Elaine Wilkinson (EWilkinson), Graham Houston (GHouston), Douglas Yates (DYates), Catherine MacIntyre (CMacIntyre), Tom McMahon (TMcMahon), DCC Iain Livingstone (DCCLivingstone), DCC Rose Fitzpatrick (DCCFitzpatrick), ACC Bernie Higgins (ACCHiggins), CS Paul Anderson (CSAnderson) Deborah Christie and Colette Craig (Minute).

Apologies

Apologies were received from Moi Ali, Ian Ross and Lisa Tennant.

Note to readers 4 May 2017- There was no governance or related items discussed at this meeting.

RECORD OF MEMBERS MEETING

Thursday 31 March 2016, Stirling Court Hotel, 11:00 – 12:30

Attendees: Andrew Flanagan (Chair), Nicola Marchant, Douglas Yates, Moi Ali, David Hume, Graham Houston, Iain Whyte, Elaine Wilkinson, John Foley, Catherine MacIntyre, Karen Kelly, Tom McMahon, Chief Constable Phil Gormley, DCC Rose Fitzpatrick, DCC Iain Livingstone, Janet Murray and Colette Craig (Minute).

Apologies (Andrew Flanagan)

Lisa Tennant

Note to readers 4 May 2017- There was no governance or related items discussed at this meeting.

RECORD OF MEMBERS MEETING

Thursday 24 March 2016, Pacific Quay, 10:00 – 13:00

Attendees: Andrew Flanagan (Chair), John Foley (JFoley), David Hume (DHume), George Graham (GGraham), Iain Whyte (IWhyte), Nicola Marchant (NMarchant), Elaine Wilkinson (EWilkinson), Graham Houston (GHouston), Douglas Yates (DYates), Catherine MacIntyre (CMacIntyre), Tom McMahon (TMcMahon), DCC Iain Livingstone (DCCLivingstone), DCC Rose Fitzpatrick (DCCFitzpatrick), ACC Bernie Higgins (ACCHiggins), CS Paul Anderson (CSAnderson) Deborah Christie and Colette Craig (Minute).

Apologies

Apologies were received from Moi Ali and Lisa Tennant.

Review of Governance in Policing

Members discussed the current press focus being on local aspects at the moment, and noted that there might be more coverage in days to come. The Chair advised Members that a letter from Cabinet Secretary for Justice was still to be received.

RECORD OF MEMBERS MEETING

Wednesday 9 March 2016, Pacific Quay, 10:00 – 16:15

Attendees: Andrew Flanagan (Chair), Nicola Marchant, Douglas Yates, Moi Ali, David Hume, Graham Houston, Iain Whyte, Elaine Wilkinson, John Foley, Catherine MacIntyre, DCC Neil Richardson, Supt Rob Hay, Superintendent Craig Naylor, Janet Murray and Colette Craig (Minute).

Note to readers 4 May 2017- There was no governance or related items discussed at this meeting.

RECORD OF MEMBERS MEETING

Tuesday 2 February, Pacific Quay, 13:00 – 16:30

Attendees: Andrew Flanagan (Chair), Nicola Marchant, Douglas Yates, Moi Ali, David Hume, Graham Houston, Iain Whyte, Elaine Wilkinson, George Graham, John Foley, Catherine MacIntyre, Amy McDonald, Chief Constable Phil Gormley, DCC Rose Fitzpatrick, CI Lynn Ratcliff and Colette Craig (Minute).

Apologies (Andrew Flanagan)

Morag McLaughlin and it was noted that Iain Whyte would be a late arrival.

Review of Police Governance (John Foley)

JF informed Members that there was a reference group meeting scheduled for 8th February and that the project is on track to meet with the timeline for submitting the report to the Cabinet Secretary prior to Purdah. MA advised that the narrative was important to be clear from a public perspective. JF agreed and advised he would discuss with the Chair.

John Foley to discuss the narrative being placed into the Review of Police Governance report.

MA added that there was lack of analysis and highlighted the importance of the document being analysed to allow for recommendations to go into the report.

John Foley to ensure that there is evidence of analysis to support recommendations within the report.

RECORD OF MEMBERS MEETING

Thursday 14 January 2016, Pacific Quay, 10:00 – 15:30

Attendees: Andrew Flanagan (Chair), Nicola Marchant, Douglas Yates, Moi Ali, David Hume, Graham Houston, Morag McLaughlin, Iain Whyte, Elaine Wilkinson, John Foley, Catherine MacIntyre, Amy McDonald (left after item 3), Chief Constable Phil Gormley (left after item 3), DCC Rose Fitzpatrick (left after item 3), CS Andy Morris (left after item 3) and Colette Craig (Minute).

Apologies (Andrew Flanagan)

George Graham, Paul Rooney, Jeane Freeman and Lisa Tennant

Board Members: (Andrew Flanagan)

- **Interim Committee Chairs (F&IC and HRRC)**

AF informed Members about the departure of Jeane Freeman and Paul Rooney as Board Members. AF advised that Nicola Marchant had agreed to be Interim Chair of the HRRC and Elaine Wilkinson had agreed to be Interim Chair of F&I. Members endorsed this.

It was noted that JFr and PR attendance at other meetings needed to be reviewed. JF agreed to advise Members of JFr and PR commitments to determine what could be picked up by current Members in their absence.

Members agreed that Elaine Wilkinson was to attend the next BCWG in replacement of Jeane Freeman.

John Foley to arrange meetings with Committee Chairs to discuss SPA commitments and determine what Members can assist with.

Elaine Wilkinson to attend the next BCWG in place of Jeane Freeman

Review of Police Governance (Andrew Flanagan)

AF advised Members that a paper would be going to a reference group on the 15/1 and again to the Board workshop on the 26/1. AF advised that there was a further reference group meeting on the 8/2 and that an additional one would be scheduled for March. AF advised that the intention was to have the Report with the Cabinet Secretary before Purdah.

Andrew Flanagan and Catherine MacIntyre to arrange the final reference group during March with the aim of getting the report to Cabinet Secretary ahead of Purdah.

Board & Members' Meeting Work Plans (Andrew Flanagan/Catherine MacIntyre)

AF discussed the structure of current Board Meetings and suggested that Members consider the following:

- Public and closed Meetings take place on different days in order to allow better workflow.
- committee meetings having the same structure as above.
- who should be invited to attend closed meetings
- consider whether there is an ongoing requirement for Members Meetings.

AF noted that development work plans the Board and Members' meetings were becoming problematic due to scheduling of meetings and noted that the SPA were out of step compared to other public bodies.

Members to give consideration to public and closed board meetings taking place on separate days and further consider whether Members Meetings would therefore be a requirement.

RECORD OF MEMBERS MEETING

Thursday, 3 December 2015, Pacific Quay, 10:00 – 15:30

Attendees: Andrew Flanagan (Chair), George Graham, Jeane Freeman (left after agenda item 9), Nicola Marchant, Lisa Tennant, Douglas Yates, Moi Ali, David Hume, Graham Houston, Morag McLaughlin (from agenda item 4), Iain Whyte, Paul Rooney, John Foley, Catherine MacIntyre and Deborah Christie (Minute).

Apologies (Andrew Flanagan)

Elaine Wilkinson and Ian Ross

Review of Police Governance (Andrew Flanagan)

The Chair provided Members with a brief overview of the progress in relation to the Review. Members noted that the CEO of ASCVO, would not be participating in the Reference Group because of personal commitments in the early part of 2016. It was, therefore, suggested that it may be beneficial to the Reference Group if the CEO of SCVO was able to contribute and it was agreed an approach would be made to him to participate in future Reference Group meetings.

ACTION MM-20151203-001

Members Meeting Draft Work Plan (Andrew Flanagan)

Members requested that the plan be updated to include details of any relevant external information planned for publication (e.g. HMICS, PIRC reports) and the various statutory reporting obligations for the SPA. Members were advised that this planning would be implemented for all Governance Committees and Sub Committees to allow a full oversight of the sequencing and interdependencies.

ACTION MM-20151203-002

The Chair invited Members to submit any suggestions for future agenda items to him, via Catherine, for consideration. **ACTION MM-20151203-003**

Implementation of Standing Orders for Board & Committees (Andrew Flanagan)

Members were advised that it was anticipated the Standing Orders would be reviewed after the Review of Governance was completed but the implementation of the revised SO which were approved in June 2015 would allow an improved consistency of delivery in the meantime.