



## News in Brief

- A new Member. Professor Kevin Dunion has been appointed to the Standards Commission and commences in post on 1 September 2015.
- A Hearing is due to take place in July 2015 to review a report of an alleged breach referred by the CESPLS. Case findings will continue to be published on the Standards Commission website.
- The Standards Commission would strongly urge anyone who is involved in a Hearing, either as a Respondent, complainant or witness, to engage with the Standards Commission to ensure Hearings run as smoothly and efficiently as possible and are conducted in a fair and just manner.

## Guidance on the Councillors' Code of Conduct

The Standards Commission is currently reviewing the Guidance on the Councillors' Code of Conduct with a view to making it as up to date and fit for purpose as possible. For example, we are aware that the use of social media can be problematic and may include guidance about this. We would welcome any suggestions on areas of the existing Guidance that can be improved and/or ideas on information that should be included. Please send any feedback, ideas or suggestions to the Executive Director, Lorna Johnston, using the contact details below.

## Nestrans

The Standards Commission received a request for a dispensation under the Councillors' Code of Conduct for councillor members who might otherwise have to declare a non-financial interest and withdraw from consideration of a modification to /discharge of a planning application by virtue of being either present or past members of Nestrans (the Transport Partnership for Aberdeen City and Shire). This request was considered by the Standards Commission at its meetings on 30 March and 27 April 2015. Members decided, based on the information provided, that the dispensation should not be granted. It would be contrary to the spirit and intent of the Code of Conduct to grant a dispensation to allow councillor members of Nestrans to undertake quasi-judicial functions, such as voting on planning applications, where they had expressed an opinion (directly or by association with the representations made on behalf of Nestrans), and who may have a significant non-financial interest in the outcome of an application.

## Update on IJBs

Integration Joint Boards (IJBs) are covered by the ethical standards framework as listed bodies within Schedule 3 of the Ethical Standards in Public Life etc. (Scotland) Act 2000. The Scottish Government is aiming to produce a Model Code of Conduct for IJBs. IJBs will then be asked to submit their own Code, based on this, to the Scottish Ministers for approval. The Standards Commission will be involved in discussions about the content of the Model Code and the production of any supporting Guidance.

## East Lothian Council Training Event

The Standards Commission undertook a training event on the Councillors' Code of Conduct in East Lothian in May 2015. The training presentation can be found on the website at:

<http://www.standardscommissionscotland.org.uk/content/training>

## CASES

### Overview

Since the last briefing in March 2015, no cases have been referred to the Standards Commission by the CESPLS. However, the Standards Commission held two Hearings in respect of two cases concerning eight councillors. One other case referred before March 2015 has been scheduled but not yet heard.

### Outcome of Cases

The Standards Commission determined that there had been no breach of the Councillors' Code of Conduct by the seven councillors involved in one of the cases it heard. In the other, the Standards Commission decided that the councillor concerned had breached the Code and censured him.

### Details

Details of the outcomes of cases and scheduled Hearings can be found at:  
[www.standardscommissionscotland.org.uk/full\\_list](http://www.standardscommissionscotland.org.uk/full_list)

### Learning Outcomes from Cases

1. If councillors are declaring a non-financial interest, where neither a general or specific exclusion applies, they must withdraw from the meeting and not take part in the discussion or decision-making unless the interest is too remote or insignificant to fall within the objective test.
2. A breach of the Code of Conduct can still be found even if the Hearing Panel accepts that it was entirely unintentional.



**STANDARDS  
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For further information on what support we can offer councillors and members of devolved public bodies, please either speak to your Monitoring Officer or Standards Officer or look out for new information on our website.

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