



## News in Brief

- New Model Code of Conduct now published for Devolved Public Bodies. Available to download at: <http://www.scotland.gov.uk/Resource/0044/00442087.pdf>
- Workshops were arranged for Standards Officers and Monitoring Officers during March 2014. Invites and programmes were sent directly to named individuals and outcomes will be shared in future briefings.
- Two alleged breach cases were convened for Hearing by the Commission Members during February / March 2014. Case overviews will be provided in future issues.

## CASE REVIEW 1

### **Case Details**

(LA/H/1231 – January 2013 - [http://www.standardscommissionscotland.org.uk/full\\_list](http://www.standardscommissionscotland.org.uk/full_list))  
Complaints alleged that a Councillor contravened the Councillors' Code of Conduct and in particular paragraph 5.13 in respect of compliance with the 'objective test'; 5.6 in respect of declaration of financial interests; 7.15 in respect of making representations on behalf of constituents or other parties in respect of planning matters.

### **Outcome: CENSURE**

The Respondent had breached paragraph 5.3, 5.6 and 7.15 of the Code insofar as he had failed to declare an interest while at the time of the application being considered he was acting on behalf of the objectors to the application; he was in receipt of monies paid to him by the objectors to the application in respect of expenses, while acting in a professional capacity on their behalf and made no declaration of interest in respect of this matter; he had attended and made representations where he had failed to declare any interest and he did not absent himself prior to the decision being made.

### **Decision for Sanction**

1. Recognition of the serious nature of the failure to disclose an interest and the potential impact of such an action on the planning process. This could have resulted in the applicant not being afforded an equal opportunity to make representations. The Hearing Panel carefully considered this factor when deciding between the sanctions of 'suspension' and 'censure'.
2. The actions of the respondent were judged to have been negligent rather than intentional.
3. The statement in mitigation of the Respondent that he had personal business and family issues to address at the time of the incident under report.

## CONSIDERATIONS GOING FORWARD:

- How often do you update your Register of Interests?
- Do you assess agenda items far enough in advance to give you time to get advice whether you need to make any declarations at the start of meetings?
- Are you familiar with your Council's procedure for representations at Planning meetings?

## CASE REVIEW 2

### **Case Details**

(LA/Fa/1264 - December 2012 - [http://www.standardscommissionscotland.org.uk/full\\_list](http://www.standardscommissionscotland.org.uk/full_list))

Complaints alleged that a Councillor contravened the Councillors' Code of Conduct and in particular paragraph 3.16 Use of Council Facilities.

### **Outcome: CENSURE**

The Respondent had breached paragraph 3.16 of the Code insofar as he had used Council staff and facilities for campaigning activities in the distribution of political campaigning material.

### **Decision for Sanction**

1. Paragraph 3.16 is a fundamental principle of the Councillors' Code of Conduct. The requirement was established by the Local Government Act 1986 and was incorporated into the Code in 2003 and repeated in the revised Code issued in 2011.
2. It is a personal responsibility of every Councillor to comply with the Code of Conduct.
3. The Councillor has been a Councillor for 22 years and the Hearing Panel would have expected him to have a clear understanding of the Code and his own Council's protocol.
4. The Councillor had apologised for his actions at an early stage and now accepted he had breached the Code of Conduct.

The Hearing Panel recommended that the Councillor should refresh his knowledge of the Code and the Council's own protocol and attend any training opportunities.

### **CONSIDERATIONS GOING FORWARD:**

- Are you aware of what you are allowed to use staff and facilities for?
- Does your organisation have a policy in place to support this? Are the relevant policies clear and up to date, covering for example, use of Council premises for media purposes?
- What learning can your organisation take from this?



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For further information on what support we can offer Councillors and Board Members, please either speak with your Monitoring /Standards Officer or look out for new information coming on our website.

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