



NEWS IN BRIEF

- The Standards Commission is holding a Workshop for all standards officers of devolved public bodies on 28 March 2017. If you would like to attend or send a representative from your organisation, please contact us at enquiries@standardscommission.org.uk.
- The Scottish Parliamentary Corporate Body held interviews for two new Members of the Standards Commission in December 2016. Details of the appointments made will be announced on the Standards Commission website in due course.
- The Standards Commission has published its standard training presentation on the Councillors' Code of Conduct and the Model Code of Conduct. These can be found on the website at www.standardscommission.scot.nhs.uk/education-and-resources/training

New Convener Appointed

The Standards Commission for Scotland is pleased to announce that Professor Kevin Dunion OBE has been appointed by the Scottish Parliamentary Corporate Body to be the new Convener of the Standards Commission as of 1 February 2017.

Professor Dunion commenced his appointment as a Member of the Standards Commission on 1 September 2015. As well as having chaired and participated in a number of Hearings of the Standards Commission since his appointment as a Member, Professor Dunion also brings to his Convener's experience of disputes and appeals, as well as a high level of integrity and discretion and a strong commitment to encouraging high ethical standards in public life.

Professor Dunion is Honorary Professor in the Dundee Law School, University of Dundee, where he is also Director of the Centre for Freedom of Information. During his time in post as the first Scottish Information Commissioner, Professor Dunion issued over 1,500 formal determinations on appeals made under the Freedom of Information (Scotland) Act 2002. In 2014 he was appointed by the President of the World Bank as a member of the Bank's Access to Information Appeals Board. He also continues to serve as a Board Member of the Scottish Legal Complaints Commission.

The term of office of the current Convener, Mr Ian A. Gordon OBE, ends on 31 January 2017. The Standards Commission is grateful to Mr Gordon for his leadership, hard work and commitment over the past seven years.

Cases Overview

Since the last briefing in September 2016, the five cases mentioned in that briefing have been heard and two new cases have been referred to the Standards Commission by the Commissioner for Ethical Standards in Public Life in Scotland. The Standards Commission will be holding one Hearing in respect of one councillor from Aberdeen City Council in January 2017. A Hearing into a breach of the Scottish Fire and Rescue Service's Code of Conduct by a Member of that Devolved Public Body has also been scheduled and will take place in February 2017.

CASES OVERVIEW

Outcome of Hearings

One Hearing that commenced in September concluded in October, with the Standards Commission determining that the councillor from Argyll & Bute Council had breached the Councillors' Code of Conduct in respect of one out of six allegations. The councillor involved was censured. In the other four cases heard in respect of councillors from Renfrewshire, Falkirk, West Dunbartonshire and West Lothian Councils, the Standards Commission also determined that there had been breaches of the Councillors' Code of Conduct by all the councillors involved. The Standards Commission censured the councillors involved in three cases and, in the other, suspended the Renfrewshire councillor from all meetings of a particular Council committee for a period of three months.

Learning Outcomes from Cases

1. Councillors have a personal responsibility to ensure that they are aware of the provisions and requirements of the Code of Conduct. A breach of the Code can be found even when it is accepted the actions that led to the contravention were inadvertent or unintentional. Where a breach has been found, the Hearing Panel is required by statute to impose a sanction regardless of whether or not it is accepted there was no deliberate intent behind the breach.
2. A key aim of the Councillors' Code of Conduct is to ensure there is mutual trust and respect in relationships between councillors and officers, and a mutual understanding of their respective roles. This enables councils to function effectively and helps maintain public confidence in local government. Mutual trust and respect is undermined if a councillor demonstrates a lack of courtesy to an officer in public.
3. While councillors are entitled to challenge other councillors, they should not do so in a personal or offensive manner. Abusive or offensive language and/or unnecessary disruptive behaviour should not be tolerated.
4. The objective test, as outlined in both the Councillors' Code of Conduct and the Model Code of Conduct, obliges councillors and members of public bodies to consider whether a member of the public, with knowledge of the relevant facts, would reasonably regard any interest as so significant as to be likely to prejudice the councillor's or member's discussion or decision-making. In applying the objective test, therefore, councillors and members should consider not only whether they could be influenced by an interest in a matter being discussed, but also how their interest might be perceived by members of the public.

Details

Details of the outcome of cases and about scheduled Hearings can be found at:

www.standardscommissionscotland.org.uk/cases/case-list



INTEGRITY IN PUBLIC LIFE

For further information on the 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.

Alternatively, please contact us at:

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