



NEWS IN BRIEF

The Standards Commission (SCS) held a Workshop for standards officers on 28 March 2017. Discussions included identifying issues arising in respect of compliance with Codes of Conduct, particularly in respect of the operation of Health & Social Care Integration Joint Boards, and also ways of increasing awareness of the ethical standards framework amongst members of devolved public bodies.

The SCS has agreed an abbreviated process to be followed, with the agreement of the parties, at Hearings where there is no substantive dispute as to the factual circumstances behind an alleged breach a Code of Conduct. A copy of the process can be found at: www.standardscommissionscotland.org.uk/cases/hearing-rules.

The SCS has produced guidance for Respondents who are unrepresented at Hearings in order to aid their understanding of the procedures to be followed. The guidance can be found at www.standardscommissionscotland.org.uk/cases.

New Member Appointed

The Standards Commission is pleased to announce that Mr Michael McCormick commenced as a Member of the Standards Commission on 1 February 2017.

Mr McCormick is currently also a Non-Executive Director on the Board of NHS 24 and he periodically performs the role of selector at assessment centres operated by the College of Policing.

Mr McCormick previously competed thirty years in policing in Scotland, serving with Dumfries and Galloway Constabulary, Lothian and Borders Police and the Police Service of Scotland. Joining the service in 1985 as a Constable, he held a wide range of roles from uniform beat duties and a period in the Criminal Investigation Department before working his way through the ranks serving latterly as a Chief Officer in the three forces mentioned, including a period as the Deputy Chief Constable in Dumfries and Galloway Constabulary where his duties included providing leadership and direction in respect of conduct and discipline matters.

The term of office of another member, Mr Matt Smith OBE, ends on 31 March 2017. The Standards Commission is grateful to Mr Smith for his hard work and commitment over the past seven years.

Scottish Government's Consultation on Potential Changes to the Councillors' Code of Conduct

The Scottish Government published a consultation on possible amendments to the provisions on conflicts of interests in the Councillors' Code of Conduct on 12 December 2016. Information on the consultation can be found on the Scottish Government's website at www.gov.scot/Publications/2016/12/5065.

The consultation closed on 20 March 2017. The Standards Commission's response, issued on 6 March 2017, can be found on its website at: www.standardscommissionscotland.org.uk/guidance/consultation-documents.

CASES OVERVIEW

Overview

Since the last briefing in December 2016, four cases have been referred to the Standards Commission by the Commissioner for Ethical Standards in Public Life in Scotland. The Standards Commission has scheduled three Hearings to consider these four cases, which concern councillors from North Lanarkshire Council, the City of Edinburgh Council and West Lothian Council.

In addition, the Standards Commission held two Hearings in respect of a councillor from Aberdeen City Council and a former member of the Scottish Fire and Rescue Service.

Outcome of Hearings

The Standards Commission determined there had been breach of the Councillors' Code of Conduct in respect of the Hearings held concerning the Aberdeen City councillor. It suspended the councillor from all committees and sub-committees of the Council that make decisions on quasi-judicial or regulatory matters for a period of four months. In the other case, the Standards Commission did not find that the former member of the Scottish Fire and Rescue Service had breached the Authority's Board Members' Code of Conduct.

Learning Outcomes from Cases

1. Councillors should not pre-judge, or be perceived as having pre-judged, any quasi-judicial or regulatory application as doing so has the potential to result in decisions on such applications being legally challenged and can erode public confidence and trust in local government and the democratic process itself.
2. Councillors must avoid any appearance of improper conduct, in order to reduce the risk of a Council's decision being legally challenged. The duty on a councillor to act fairly and to be seen to be acting fairly when taking quasi-judicial and regulatory decisions is a fundamental requirement of the Councillors' Code of Conduct.

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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