

Regional Roadshow

Inverness
5 October 2017



STANDARDS
COMMISSION
FOR **SCOTLAND**

INTEGRITY IN PUBLIC LIFE

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Convener

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Agenda

- **Standards Commission's Role & Remit**
- **Introduction**
- **General Conduct: Respect**
 - **Approach to Application of Article 10 of ECHR**
- **Relations with Officers**
- **Separate Responsibilities**
- **Confidentiality**
- **Use of Social Media**
- **Registration of Interests**
- **Declaration of Interests**
- **Lobbying & Access**
- **Quasi Judicial & Regulatory Applications**
- **Learning Points from Recent Hearings**
- **Where to Find Assistance**



Our Role & Remit

What do we do?

- Proactive educational role
- Adjudicatory role in relation to cases where the Commissioner for Ethical Standards (CESPLS) has reported a breach



If the Standards Commission hold a Hearing and find a breach has occurred, it must impose a sanction:

- Censure
- Suspend (up to 1 year)
- Disqualify (up to 5 years)

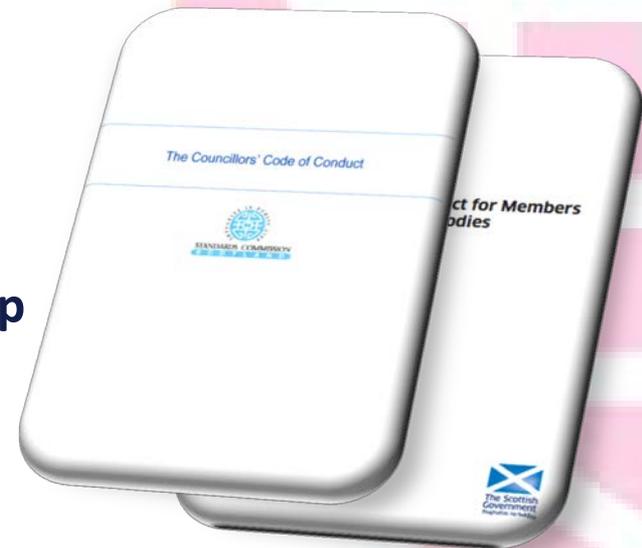
Introduction

It is your **PERSONAL RESPONSIBILITY** to comply with your Code of Conduct

“You must not, at any time, advocate or encourage any action contrary to the Code of Conduct.”

Key principles

1. Duty
2. Selflessness
3. Integrity
4. Objectivity
5. Accountability & Stewardship
6. Openness
7. Honesty
8. Leadership
9. Respect

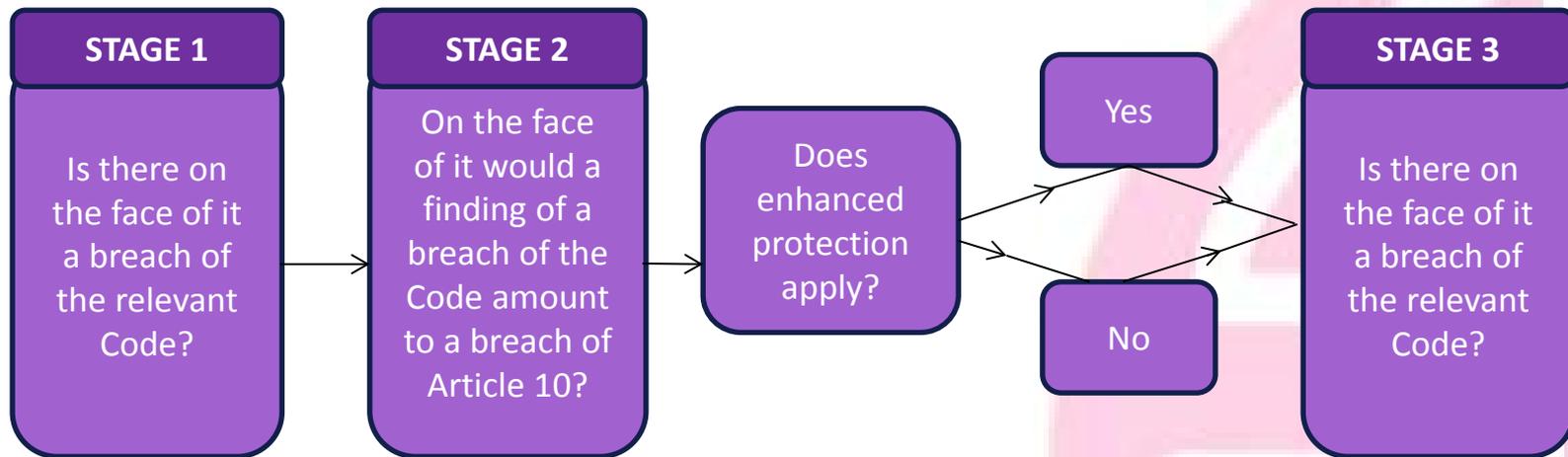


General Conduct: Respect

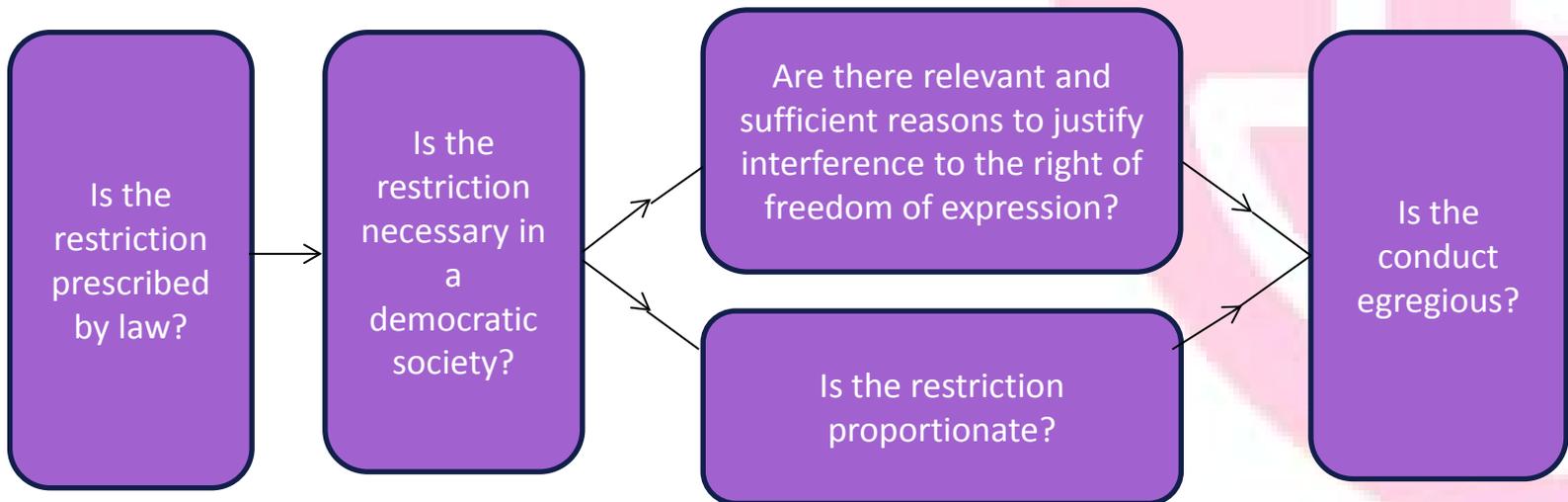
You should treat everyone you come into contact with in the course of work as a Councillor with **courtesy and respect**, even if you disagree with their views.



SCS Approach to Article 10 of ECHR



Approach at Stage 3:



Relations with Officers

Scenario 1: Relations with Officers

An officer is presenting a report at a public meeting of the Council. You have a number of queries on the report but feel the officer is not responding adequately.

What can you do / what factors should you consider?

- Any Questions?

Councillor / Officer Responsibilities

Scenario 2: Operational Management

A constituent approaches you for assistance in respect of a dispute about housing benefit entitlement.

What factors should you consider?

Confidential Information / Media

Scenario 3: Confidentiality

You are concerned that the Council is failing to adhere to its own policy on secondment opportunities for officers. You wish to engage the press in support of your argument by providing a journalist with a copy of an internal email exchange.

What do you need to consider when deciding whether or not you can provide a copy of the exchange?

- Any Questions?

Use of Social Media



Scenario 4: Social Media

Some of your constituents have set up a Facebook page which criticises disabled access at various Council facilities. They have asked for your support.

What are the factors / risks you should consider?

The Improvement Service guidance

www.improvementservice.org.uk/documents/elected_members/follow-me-guide-to-social-media-for-elected-members.pdf

- Any Questions?

Registration of Interests

Categories

- | | |
|-------------------------|------------------------------------|
| 1: Remuneration | 5: Houses, Land & Buildings |
| 2: Related Undertakings | 6: Interest in Shares & Securities |
| 3: Contracts | 7: Gifts & Hospitality |
| 4: Election Expenses | 8: Non-Financial Interests |

Things to Consider

- **Frequency of registration - one month of circumstances changing**
- **What requires to be registered**
- **Responsibility for registration**

Registration of Interests

Scenario 5: Non-Financial Interests.

You are a member of a football club's supporters' trust.

Should you register your membership?

- Any Questions

Declaration of Interests

Can seek advice, but is **your personal responsibility** to decide whether you need to declare an interest.

You must always comply with the **objective test**:

whether a member of public, with knowledge of relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your discussion or decision making in your role as a councillor.

See Standards Commission's **Advice Notes** for Councillors on:

- Arm's Length External Organisations
- How to Declare Interests

Declarations of Interests

Scenario 6: Financial Interests of Other Persons.

You are a member of a political party. You are on the Licensing Committee which is to consider an application from a social club affiliated to the party for an alcohol licence.

Should you make a declaration?

Lobbying and Access

Scenario 7: Lobbying & Access.

You are on a Planning Committee. Some of your constituents have asked you for assistance in opposing an application to extend a public car park.

What factors should you consider if you agree to help?
What should you consider if you do not agree to assist?

- Any Questions?

Quasi Judicial & Regulatory Applications

To reduce the risk of your decisions being legally challenged, you must not only avoid impropriety, but must at all times avoid any occasion for suspicion and any appearance of improper conduct.

- Any Questions?

Learning Points from Recent Hearings

- 1. Councillors have personal responsibility to ensure aware of provisions and requirements of Code. A breach can be found even if accepted contravention inadvertent or unintentional. If breach found, Hearing Panel required to impose sanction regardless of intent.**
- 2. Key aim of Code is to ensure mutual trust and respect in relationships between councillors and officers and mutual understanding of respective roles. Enables Councils to function effectively and helps maintain public confidence in local government. Mutual trust and respect undermined if lack of courtesy demonstrated.**
- 3. Registration of Interest requirements are integral part of Code. Provide opportunity for openness and transparency and affords public the opportunity to consider whether an interest could influence a councillor in discussion and decision-making.**

Learning Points cont.

- 4. Objective test obliges councillors to consider whether member of public, with knowledge of relevant facts, would reasonably regard interest as so significant as to be likely to prejudice discussion or decision-making. In applying test, councillors should consider not only whether they could be influenced by an interest, but also how their interest may be perceived.**
- 5. Councillors should not pre-judge, or be perceived as having pre-judged, any quasi-judicial or regulatory application. Doing so has potential to result in decisions being legally challenged and can erode public confidence and trust in local government and democratic process itself.**
- 6. Councillors must avoid any appearance of improper conduct, in order to reduce risk of a Council's decision being legally challenged.**

Where to find assistance...

Standards Commission website:

- Hearings Decisions
- Codes of Conduct
- Guidance and Advice Notes
- Professional Briefings



www.standardscommissionscotland.org.uk

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Contact the Standards Commission for general queries

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