



The Councillors' Code of Conduct

VENUE

NAME
&
NAME

Standards Commission
Members

Xx December 2018

AGENDA

- Ethical Standards Framework
 - Role & Remit
 - Respect & Courtesy
 - Article 10 of ECHR
 - Case Study
 - Declarations of Interest
 - Illustrations
 - Exclusions
 - Quasi-Judicial and Regulatory Decisions
 - Planning Decisions
 - Lobbying & Access
 - Questions / Further Information
- 

ETHICAL STANDARDS FRAMEWORK

- The Ethical Standards in Public Life etc. (Scotland) Act 2000
- Scottish Parliamentary Commissions and Commissioners etc. Act 2010

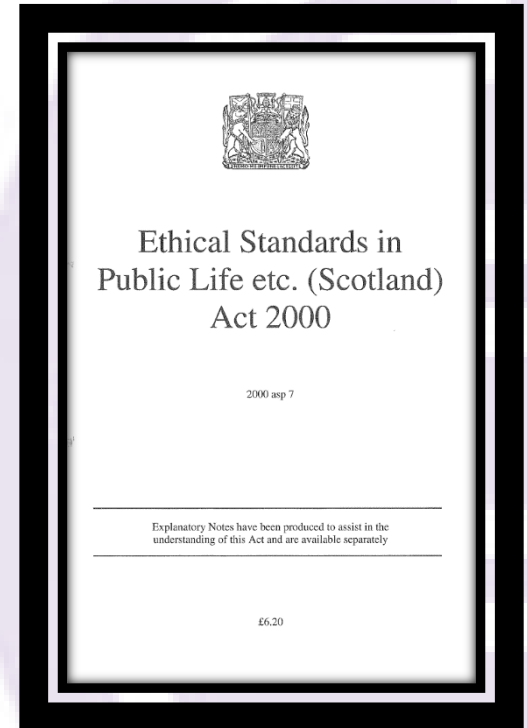


COMMISSIONER FOR ETHICAL STANDARDS
IN PUBLIC LIFE IN SCOTLAND



**STANDARDS
COMMISSION
FOR
SCOTLAND**

INTEGRITY IN PUBLIC LIFE



ROLE & REMIT

What do we do?

- Proactive educational role
- Adjudicatory role



Sanctions:

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

RESPECT & COURTESY

All situations where acting as a
councillor



Officers, other councillors, members of public

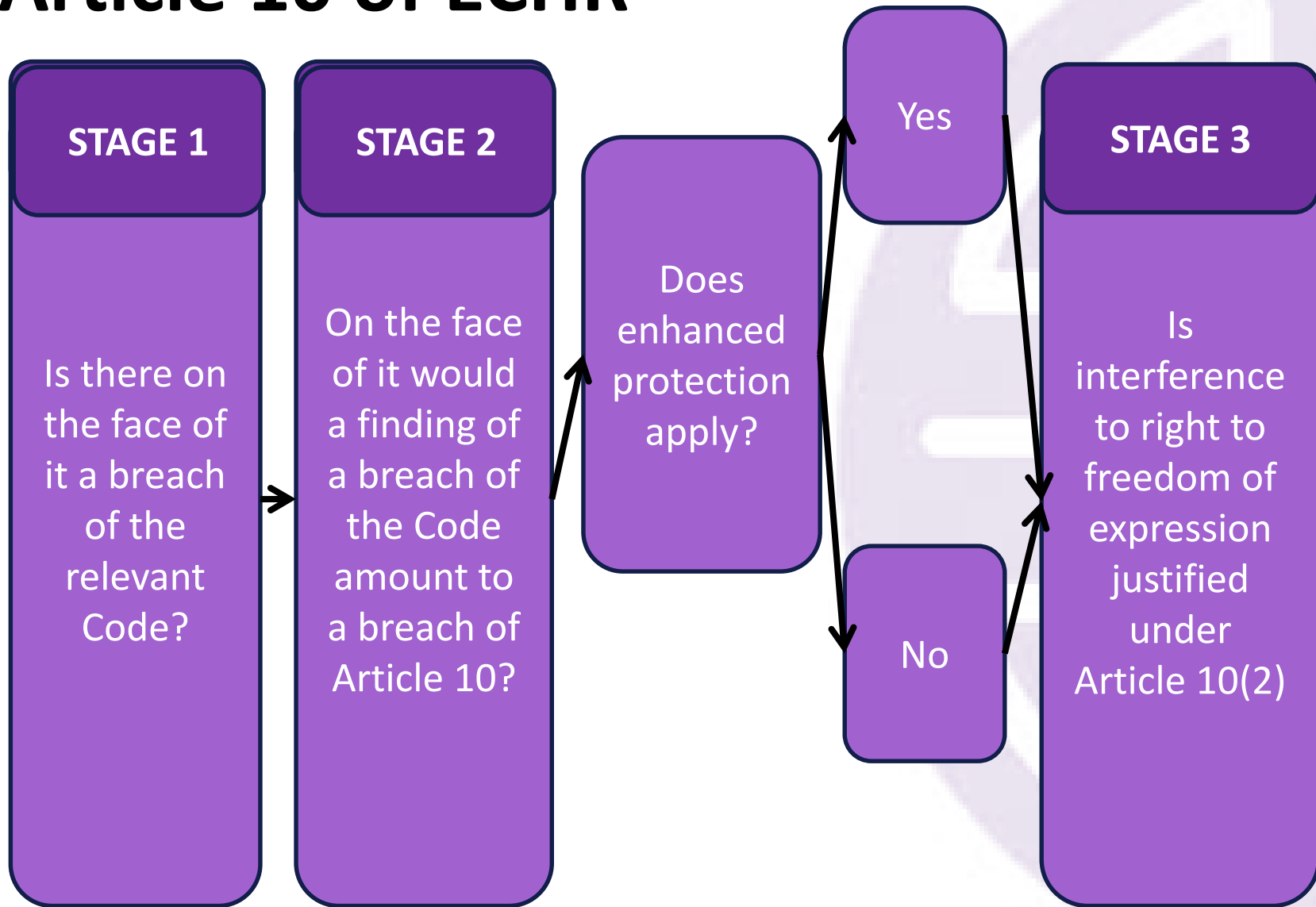
- Prohibition on involvement in direct operational management

Bullying & harassment

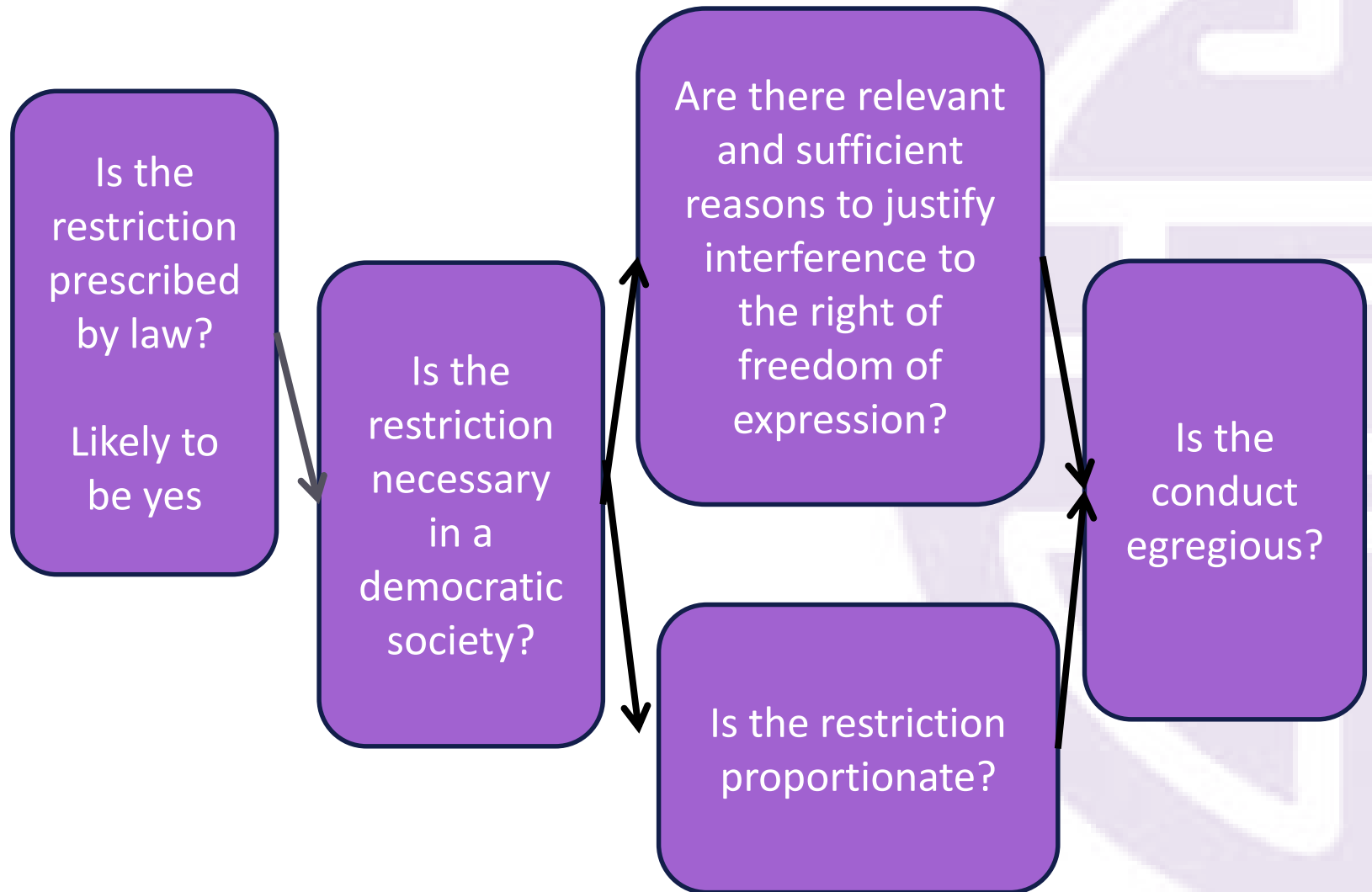
Application of Article 10 of ECHR

- When determining allegations of breach of provisions on courtesy & respect
- Approach to be taken at Hearings

Article 10 of ECHR



Stage 3: Article 10(2)



Case Study 1: Respect

Scenario.....

You have received papers for a meeting, which includes a report by an officer regarding a proposed compulsory purchase order. You do not agree with the officer's recommendation and consider the risk impact assessment is inadequate. What can you do?

Declarations of Interests

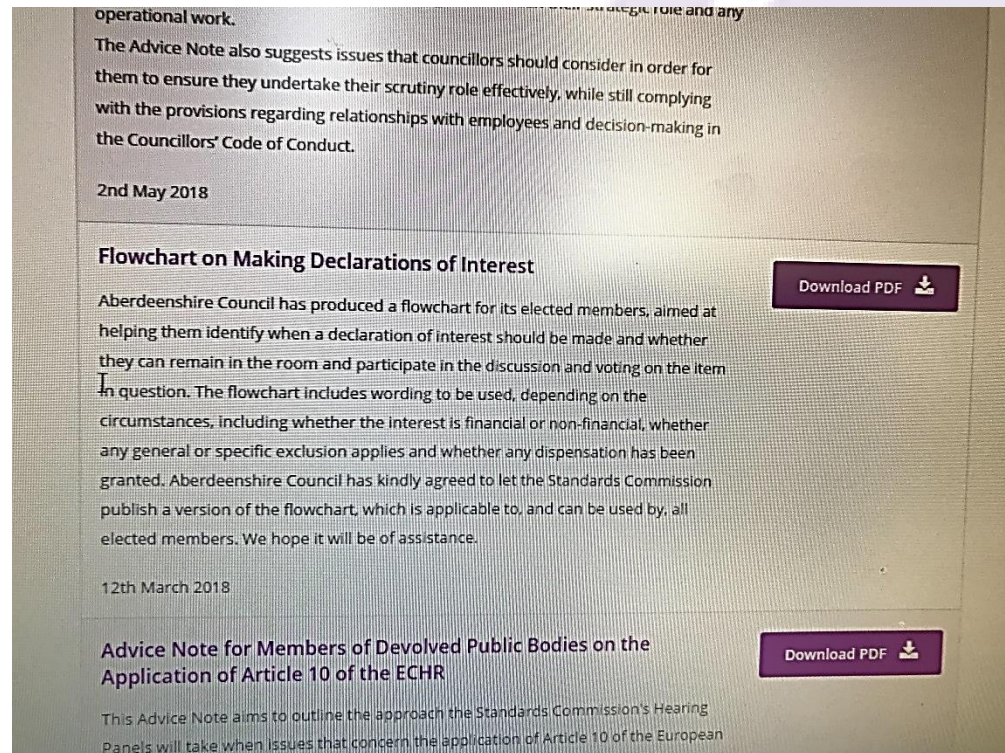
SCS's Flowchart....

Illustration 1

Illustration 2

Illustration 3

Illustration 4



DECLARATIONS OF INTEREST

Exclusions and outside appointments

1. General Exclusions - para 5.18(1)

- Application
- Impact

2. Specific Exclusions - 5.18(2)

- Application
- Impact

3. Cairngorm National Park Authority Members – 5.18(2)

- Impact

Specific Exclusions cont.

4. Regional Transport Partnership Members

- Impact

5. Dispensations

Case Study 2: Interests & Outside Appointments

Scenario....

You have been nominated by the Council to sit on an ALEO that supplies waste management services. What impact will this have in terms of your interests and decision-making?

QUASI-JUDICIAL & REGULATORY DECISIONS

- What these are
 - Decisions made under planning legislation
 - Licensing applications (e.g. taxi, betting & gaming, liquor, theatres, cinemas, street trader)
 - Where issuing of statutory approval or consent is involved
- Excluded from Specific Exclusions
- Must not pre-judge or demonstrate bias

Planning decisions

- Development plans / provisional views
- Cannot pressure planning officers, privately lobby other councillors

If intend to be decision-maker:

- Cannot pre-judge
- Paragraph 7.12
- Cannot lobby, organise support for or opposition or act as advocate
- Can raise issues and concerns with officers
- Can take part if is a full Council decision even if expressed opinion on application at pre-determination hearing or planning committee

LOBBYING & ACCESS

Effect on right to make decisions

Representations:

- Can make but cannot pressure or privately lobby other councillors
- Need to follow Council's procedures and afford equal opportunity
- Must declare and leave room
- Cannot act on behalf of or as an agent for applicant for planning permission

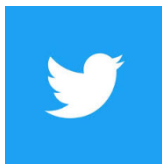
QUESTIONS?

Further information on website:

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



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