



NEWS IN BRIEF

We are holding regional roadshows for elected members on the Councillors' Code of Conduct in Inverness on 5 October 2017, Ayr on 9 November 2017, Edinburgh on 20 November 2017 and Glasgow on 15 December 2017. If you would like to attend, please contact your Monitoring Officer or email enquiries@standardscommission.org.uk.

We have produced and issued Advice Notes on how to make declarations of interest. The Codes and Guidance outline what interests require to be declared and/or how councillors and members should identify whether they have a declarable interest. The Advice Notes therefore aim to provide guidance on when such declarations should be made. The Advice Notes also suggest wording that councillors and members may consider using when declaring an interest. The Advice Note can be found at: www.standardscommissionscotland.org.uk/education-and-resources.

Advice Notes on Application of Article 10 of ECHR

The issue of how to apply Article 10 of the ECHR concerning freedom of expression in light of the provisions in the Codes of Conduct has arisen in a number of recent Hearings before the Standards Commission. The Standards Commission considered it would, therefore, be helpful to produce an Advice Note on how it will deal with such cases and also to suggest issues councillors and members of devolved public bodies may wish to consider, to help them comply with the courtesy and respect provisions in their respective Codes of Conduct. The Standards Commission consulted on a draft Advice Note and is grateful for all the suggestions and feedback received. The final Advice Notes have now been published and issued and can be found here: www.standardscommissionscotland.org.uk/education-and-resources/professional-briefings

Revised Guidance on the Councillors' Code of Conduct

The Standards Commission revised and issued its Guidance on the Councillors' Code of Conduct in 2016. The revised Guidance contained the Code itself, Advice Notes on how the provisions in the Code should be interpreted, examples of factors that councillors should consider when interpreting the Code and also case illustrations. The revised Guidance came into effect on 1 March 2016. The Standards Commission has now reviewed and updated the advice notes in the Guidance and the case illustrations in light of feedback received and recent Hearings. The amended Guidance is effective from 1 September 2017 and can be found here: www.standardscommissionscotland.org.uk/guidance/guidance-notes A braille version is available on request.

Hearing Process Guide & Rules

The Standards Commission recently reviewed its Hearing Rules in order to ensure they remain fit for purpose and understandable. The current version of the Hearing Rules is the Hearing Rules Process Guide & Rules 2017 version 1.1, which apply to any Hearings arranged in respect of cases received after 1 August 2017. The Hearing Rules can be found here: www.standardscommissionscotland.org.uk/cases/hearing-rules.

CASES OVERVIEW

Overview

Since the last briefing in June 2017, three cases have been referred to the Standards Commission by the Commissioner for Ethical Standards in Public Life in Scotland. The Standards Commission has scheduled two Hearings to consider two of these cases, which concern councillors of Renfrewshire and the City of Edinburgh Councils. The Standards Commission decided to take no action in respect of a report concerning a councillor from Argyll & Bute Council. In addition, the Standards Commission held three Hearings in respect of former councillors of City of Edinburgh Council, Glasgow City Council and East Dunbartonshire Council.

Outcome of Hearings

The Standards Commission determined there had been breaches of the Councillors' Code of Conduct in respect of all three Hearings held and censured the Respondents. In all three cases, the Hearing Panels noted that as the Respondents were no longer councillors, the only options available were censure or disqualification.

Learning Outcomes from Cases

1. Councillors have a duty under the Councillors' Code of Conduct to treat their colleagues, officers and members of the public with courtesy and respect. While politicians have a right of freedom of expression and a degree of immoderate, provocative, colourful and emotive language is tolerated in a political context; they cannot simply indulge in abusive behaviour, undertake offensive personal attacks or make accusations, which are entirely lacking in foundation, in order to intentionally impugn others.
2. Councillors and Members of Devolved Public Bodies should behave in an appropriate manner towards officers. While they should develop positive relationships with officers, they should be aware of the difference in their respective positions and roles and understand that a close personal familiarity with an officer could damage the relationship of mutual respect. It could also undermine officers in their role of providing objective and professional advice.

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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