



## NEWS IN BRIEF

### New Member

We are pleased to announce that the Scottish Parliament approved the appointment of a new Member of the Standards Commission, Mr Paul Walker. Mr Walker commenced in post on 7 May 2018. More information about Mr Walker's background and career can be found on our website, along with his register of interests.

### Monitoring Officers' Workshop

We intend to hold our annual workshop for Monitoring Officers in Edinburgh on 5 November 2018. We will issue details of the venue, timings and programme in due course but please save the date in the meantime.

### IJB Workshop

A reminder that we are holding a workshop on the Codes of Conduct for Standards Officers and Members of Health and Social Care Integration Joint Boards (IJBs) in Edinburgh on 24 September 2018. If you wish to attend and have not already booked a place, please contact us.

## Advice Note for Councillors on Distinguishing between their Strategic Role and any Operational Work

The Standards Commission is grateful to all those who responded to our consultation on our draft Advice Note. The Advice Note, which is aimed at helping elected members to distinguish between their strategic role and any operational work, has now been finalised, produced and issued. The Advice Note also suggests issues that councillors should consider in order for them to ensure they undertake their scrutiny role effectively, while still complying with the provisions regarding relationships with employees and decision-making in the Councillors' Code of Conduct. A copy can be found on our website at:

[www.standardscommissionscotland.org.uk/education-and-resources/professional-briefings](http://www.standardscommissionscotland.org.uk/education-and-resources/professional-briefings).

## Response to Committee on Standards in Public Life

The Standards Commission recently submitted a response to the Committee on Standards in Public Life's consultation on ethical standards in local government in England. We hope our submission is of assistance to the Committee for comparative purposes.

The Standards Commission welcomed the opportunity to provide a response as it prompted us to undertake a review into what we think works well and also not so well in respect of the provisions in place in Scotland, and to identify potential improvements that can be made to the framework and associated processes. A copy of our response can be found here: [www.standardscommissionscotland.org.uk/about-us/news](http://www.standardscommissionscotland.org.uk/about-us/news).

## Edinburgh and South East Scotland City Region Deal

The Standards Commission granted a specific dispensation under the Councillors' Code of Conduct to the elected members, and any substitute elected members, who have been appointed by the City of Edinburgh, East Lothian, Fife, Midlothian, Scottish Borders and West Lothian Councils to be members or substitute members of the Edinburgh and South East Scotland Region Joint Committee. This is so the appointed elected members, as voting members of the Joint Committee, do not have to remove themselves from the debate and any voting when any discussions on the City Region Deal, its projects and funding, and/or recommendations from the Joint Committee come before them at relevant Council meetings. The elected members can participate in discussions and vote on such matters. However, elected members are still required to declare interests, in terms of Section 5 of the Code of Conduct and the dispensation does not apply to matters of a quasi-judicial or regulatory nature, such as planning and licensing decisions.

If you would like more information on how to make a request for a dispensation, please contact us.

## CASES OVERVIEW

**Overview:** Since the last briefing in April 2018, one case has been referred to the Standards Commission by the Commissioner for Ethical Standards in Public Life in Scotland (CESPLS) about a councillor in Comhairle nan Eilean Siar. The Standards Commission has decided to hold a Hearing, which has been scheduled to take place on 3 July 2018. The Standards Commission usually holds its Hearing in the local authority area where the councillor concerned was elected. In terms of its Rules, the Standards Commission can, however, decide to hold a Hearing elsewhere if it is appropriate to do so. In this case, as the Respondent indicated he accepted the conclusions in the CESPLS's report and does not intend to lead evidence or make further submissions on it, the Standards Commission did not consider it was proportionate, or in the public interest, for the Hearing Panel and CESPLS to spend public funds in travelling to Stornoway. The Hearing will, therefore, be held in Edinburgh.

The Standards Commission also held one Hearing, in respect of a councillor in Fife. The outcome of the Hearing is outlined below. The Respondent has lodged an appeal, which has not yet been determined, in respect of both the finding of breach and the sanction.

**LA/Fi/2050:** The Hearing Panel heard that the Respondent, as a member of Fife Council's Regulation and Licensing Committee had considering an application from the complainer for renewal of his taxi driver's licence at a meeting in December 2015. The Hearing Panel found that the Respondent had made remarks at the meeting to the effect of questioning why women would live with or marry the complainer. The Panel heard that the making of these remarks had been a factor in the success of a subsequent legal challenge brought by the complainer against the Council. The Panel found, on the balance of probabilities, that the Respondent had made comments substantially to the effect, and in the tenor, of those ascribed to him. The Panel found that the Respondent's remarks amounted to a personal attack and were not relevant or appropriate questions to determine whether the complainer was a fit and proper person to hold a taxi licence. Notwithstanding the level of engagement by the respondent or the recognised responsibility of the Committee to seek to satisfy itself as to whether an applicant is a fit and proper person to be licensed to drive a taxi, the Panel found that there was no justification for the Respondent having made what amounted to personal and insulting comments. The Panel was therefore satisfied that, in doing so, the Respondent failed to observe the rules of good conduct by behaving in a respectful manner towards the complainer and had, therefore, contravened paragraphs 3.1 and 3.2 of the Councillors' Code of Conduct. The Panel accepted that the Respondent may not have pre-judged the application. It nevertheless found that, in making disrespectful comments to, or about, the complainer at the meeting, the Respondent failed to avoid any appearance of having not dealt with him fairly. As such, the Panel further found the Respondent failed to avoid any occasion for suspicion or appearance of improper conduct, which would have reduced the risk of a successful legal challenge against the Council's decision, in breach of paragraphs 7.3 and 7.4 of the Code.

The Panel suspended the Respondent from the Regulation and Licensing Committee of Fife Council for a period of two months.

**Further Information:** Details of the outcome of cases, including full written decisions and information about scheduled Hearings can be found at: [www.standardscommissionscotland.org.uk/cases/case-list](http://www.standardscommissionscotland.org.uk/cases/case-list).



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 information on our website.

Alternatively, please contact us:

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