

STANDARDS UPDATE

ISSUE 20: December 2018

News

Monitoring Officers' Workshop

The Standards Commission held a workshop with Monitoring Officers on 5 November 2018 to discuss and identify potential improvements that could be made to the Councillors' Code of Conduct. The Standards Commission will ensure that these are passed on to the Scottish Government. We welcome other suggestions - these can be sent to enquiries@standardscommission.org.uk.

In addition, attendees discussed trends and issues arising, and approaches to training elected members on the provisions in the Code. The Standards Commission will consider suggestions that were made in respect of its own training and guidance material to determine whether any of these can be progressed.



Survey of Members of Devolved Public Bodies

The Standards Commission issued a survey to members of devolved public bodies at the end of August 2018. The intention of the survey was to establish whether the lack of complaints about members of devolved public bodies was the result of a high level of adherence to the Codes of Conduct (based on the Model Code of Conduct) or whether poor conduct was taking place but going unreported. The Standards Commission also sought to establish the extent of awareness amongst members of certain provisions in the Codes. A document summarising the responses received can be found on the [Standards Commission Surveys](#) page of our website.

Recruitment of New Member

The Scottish Parliamentary corporation is recruiting a new Standards Commission member, with Interviews scheduled to take place on 21 January 2019. The new member will replace Mrs Lindsey Gallanders, whose tenure ends in mid-February 2019. The Standards Commission wishes to thank Mrs Gallanders for all her hard work, commitment and support over her six years as a member.



Regional Training Events

The Standards Commission held a training event on 14 November for elected members and officers on the revised Councillors' Code of Conduct. Thank you to all those who attended and to Perth and Kinross Council for hosting the event. We hope delegates found the event useful and interesting.

A reminder that the next event will take place on 18 February 2019 at North Lanarkshire Council, Motherwell. If you would like to reserve a place, and have not already done so, please email: enquiries@standardscommission.org.uk.

Interim Suspension Policy

Section 21 of the Ethical Standards Act provides the Standards Commission with the power to impose an interim suspension on a councillor or member of a devolved public body on receipt of an interim report from the Commissioner for Ethical Standards in Public Life in Scotland (CESPLS) about an ongoing investigation. The Standards Commission has introduced a policy outlining how it will make any decision under Section 21 and the procedures it will follow in doing so, should any such a report be received from the CESPLS. This can be found on the [News](#) page of our website.



Videos on the Ethical Standards Framework and the Key Principles

Videos (including one in BSL format) on the Ethical Standards Framework in Scotland, the role and remit of both the Standards Commission and the CESPLS and the key principles of public life that underlie the Codes of Conduct can now be found on the [What We Do](#) page of our website.

Cases Overview

Since the last briefing in September 2018, two cases were referred to the Standards Commission by the Commissioner for Ethical Standards in Public Life in Scotland (CESPLS) about elected members of Argyll and Bute Council and Angus Council. The Standards Commission has scheduled Hearings in both cases. In addition, the Standards Commission held a Hearing in respect of one case involving a councillor from Angus Council. The outcome of the Hearing is outlined below.

Angus - LA/An/2094

The Hearing Panel determined that the Respondent, Councillor Richard Moore of **Angus Council**, had breached the Councillors' Code of Conduct by behaving in a disrespectful manner towards two fellow councillors and two officers at a briefing event in relation to the Angus Health & Social Care Partnership and the Angus Care Model. Having heard evidence from the councillors and officers concerned, the Hearing Panel was satisfied that Councillor Moore had made unwarranted and inappropriate physical contact with them at the event. The Panel was further satisfied that Councillor Moore's behaviour towards the officers, including references to them being "lovely ladies" in the context of a workplace and formal meeting where the officers were acting in an official capacity and undertaking work functions, was patronising and demeaning. The Panel did not accept that Councillor Moore would have made similar remarks to male officers.



The Panel noted that Councillor Moore proffered an apology and had further advised that he had amended his behaviour in light of the concerns raised. However, the Panel found that he had been disrespectful towards fellow councillors and officers in four separate incidents. The Panel was concerned that Councillor Moore did not appear to understand the impact of his behaviour on others. The Panel was particularly concerned that Councillor Moore had not demonstrated insight into how the language he had used in a professional environment would have made female colleagues and officers feel and, instead, had sought to minimise this. The Panel was further concerned that Councillor Moore had not demonstrated insight into the fact that unwarranted physical contact was wholly inappropriate.

The Panel suspended Councillor Moore's entitlement to attend all meetings of Angus Council and of any committee or sub-committee thereof, for a period of three months with effect from Friday, 23 November 2018.

Appeal on LA/Fi/2050

The Respondent lodged an appeal against both the Standards Commission's decision to find him in breach of the Councillors' Code and its decision to suspend him, for two months, from **Fife Council's** Regulation and Licensing Committee. The appeal was heard by the Sheriff Principal of Perth Sheriff Court on 13 August 2018. We are awaiting the decision.



Details of the outcome of cases, including full written decisions and information about scheduled Hearings, can be found in the [Our Cases](#) section of our website.



Revised Hearing Rules

The Standards Commission recently reviewed and revised its Hearings Rules, Guidance on the Relevancy of Evidence at Hearings and Guidance for Unrepresented Respondents. The revised documents can all be found on our website on the [Hearing Process Guide and Rules page](#).

Professional Briefing

As you will see, we have changed the format of our quarterly briefings, with the aim of making them more accessible and engaging. We would welcome any feedback or suggestions on the new format or content. Please send any comments to enquiries@standardscommission.org.uk.



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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