



NEWS IN BRIEF

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

We have added further examples of when a councillor may seek to become inappropriately involved in operational matters to the list in the Advice Note at Annex B. It can be found at www.standardscommissionscotland.org.uk/education-and-resources/professional-briefings.

Flowchart on Making Declarations of Interest

We have made a small amendment to the flowchart for elected members on declaring interests to highlight the decision process that requires to be followed if the matter under consideration is a decision in respect of a planning application, planning agreement, enforcement action or the local Review Body. The revised flowchart can be found at www.standardscommissionscotland.org.uk/education-and-resources/professional-briefings.

Monitoring Officers' Workshop

We are intending to hold our annual workshop for Monitoring Officers in Edinburgh on Monday 5 November 2018. We are planning to use the session to identify and discuss further potential amendments to the Councillors' Code of Conduct. We understand that the Scottish Government is considering undertaking a wider review of the Code and has advised that it would welcome any views and suggestions on this. We intend, therefore, to use the workshop to discuss any changes and improvements identified by Monitoring Officers, their colleagues and elected members that could be made to strengthen the Code and / or make it more user friendly.

If you are not attending the workshop but have any ideas for how the Code could be improved, you can email them to us at enquiries@standardscommission.org.uk. We will ensure any proposals for amending the Code will be passed to the Scottish Government in due course.

Health & Social Care Integration Joint Board Members' Training Workshop

Thank you to everyone who attended the workshop on 24 September 2018. We were delighted with the turnout and hope that attendees found the session to be as helpful as we did. In particular, we found the discussions on the types of issues that arise and IJB members experiences helpful. Going forward we will reflect on the delivery format of future events following the useful and constructive feedback received from delegates.

Regional Roadshows

Perth & Kinross and North Lanarkshire Councils have kindly agreed to host the Standards Commission's forthcoming regional training events for elected members on the revised Councillors' Code of Conduct. These will take place on 14 November 2018 at Perth and Kinross Council, 2 High Street, Perth, PH1 5PH and on 18 February 2019 at North Lanarkshire Council, Civic Centre, Windmillhill Street, Motherwell, ML1 1AB. The events will start at 10:00 and it is expected they will last two hours.

To reserve a place at one of the sessions, please contact the Standards Commission at enquiries@standardscommission.org.uk or by telephone on 0131 348 6666.

Facebook

The Standards Commission is now on Facebook! For news and information on our work, please follow us at: facebook.com/StandardsCommission.

Professional Briefing – Following receipt of feedback about the format / layout of this publication we will be planning to implement a new look in the next issue.

CASES OVERVIEW

Overview: Since the last briefing in June 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 Inverclyde and Angus Councils. The Standards Commission held Hearings in respect of three cases involving councillors from Comhairle nan Eilean Siar, Aberdeenshire and Inverclyde Councils on 3 July, 28 August and 21 September 2018 respectively. The outcome of the Hearings held are as outlined below. The Standards Commission has also scheduled a Hearing concerning a councillor from Angus Council and this is due to take place on 19-20 November 2018.

LA/CES/2091: The Hearing Panel determined that the Respondent, Councillor Finlay Cunningham of Comhairle nan Eilean Siar, had breached the Councillors' Code of Conduct by failing to register a 33% shareholding in a company timeously. The Panel accepted there was no intention to mislead or deceive and that neither the Respondent nor the company had gained any benefit from the breach. The Panel considered, however, that the requirement to register a significant interest in a company, including, as in this case, a shareholding of more than 1% is an integral part, and absolute requirement, of the Code as it provides the opportunity for openness and transparency in a councillor's role and affords members of the public the opportunity to consider whether a councillor's interests may or may not influence their discussion and decision-making. The Panel censured the Respondent.

LA/As/2062: The Hearing Panel determined that the Respondent, Councillor Anne Allan of Aberdeenshire Council, had breached the Councillors' Code of Conduct by failing to register her membership of the Rediscover Peterhead Business Improvement District (BID) Steering group. The Panel found that the BID process was a matter of public interest due to the use of public funds and the public ballot. The Panel determined that as the Respondent was a member of the Steering Group during 2016 and 2017 prior to, during and after the ballot, members of the public might reasonably have considered that her interest in the organisation could influence her actions, speeches or votes in the Council. As such, the Hearing Panel concluded that the Respondent should have registered her membership of the Steering Group as a non-financial interest. The Panel censured the Respondent.

LA/I/2113: The Hearing Panel determined that the Respondent, Councillor Luciano Rebecchi of Inverclyde Council, had breached the Councillors' Code of Conduct by failing declared an interest in a planning application at a meeting of Inverclyde Council's Planning Board despite having a close and long-standing friendship with the family who owned the premises and were seeking the planning consent. The Panel censured the Respondent.

Appeal on LA/Fi/2050– The Respondent lodged an appeal against both the decision to find him in breach of the Councillors' Code and the decision to suspend him, for two months, from the Council's Regulation and Licensing Committee. The appeal was heard by the Sheriff Principal of Perth Sheriff Court on 13 August 2018 and we are awaiting the decision.

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.



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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