

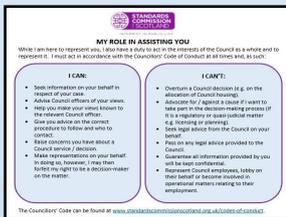
STANDARDS UPDATE

ISSUE 21: March 2019

News

Review of Codes

The Scottish Government has confirmed that Ministerial approval has been obtained for it to undertake full and simultaneous review of both the Councillors' Code of Conduct and the Model Code of Conduct for Members of Devolved Public Bodies. The Standards Commission has kept a note of suggested improvements to the Codes made by Monitoring Officers and Standards Officers at recent workshops, which it will share with the Scottish Government as part of the review. Any further suggestions on the content and format can also be sent by email to enquiries@standardscommission.org.uk. We will ensure these are also passed on.



Assisting Constituents Card

We have produced a card outlining what elected members can and cannot do for their constituents. The idea is for members to be able to hand the card out at surgeries, to help them manage their constituents' expectations and to raise awareness that agreeing to take certain actions could lead them to be in breach of the Councillors' Code of Conduct. The card can be found on the [Advice Notes page](#) of our website.

New Standards Commission Member

We are pleased to announce that the Scottish Parliament approved the appointment of a new member of the Standards Commission, Ashleigh Dunn, who commenced in post on 4 March 2019. Ashleigh is an experienced Executive Director in public services and charity Trustee, specialising in organisational and leadership development. She is a graduate of the University of Edinburgh and a Chartered Fellow CIPD. Ashleigh has over 20 years' experience in NHS management, across the UK, holding a number of Executive posts. Her last role in health was as Head of Leadership Development for NHS Scotland. Following the NHS and a period of six years in financial services after the banking crisis, Ashleigh has been Executive Director for Organisational Development and People Management with Natural Resources Wales until recently. Returning to her home in Edinburgh in late 2018, Ashleigh continues to serve as a Trustee with two Scottish Charities. She looks forward very much being a member of the Standards Commission for Scotland, encouraging high ethical standards in public life.



Regional Training Events

The Standards Commission held a training event on 18 February for elected members and officers on the revised Councillors' Code of Conduct. Thank you to all those who attended and to North Lanarkshire Council for hosting the event. We hope delegates found the event useful and interesting.

Making a Complaint

A reminder that the Standards Commission does not investigate complaints. The Commissioner for Ethical Standards in Public Life (ESC) is responsible for investigating complaints about Councillors and Members of Devolved Public Bodies. It is only if the ESC considers, following the investigation, that a breach of the Councillors' Code of Conduct or Model Code of Conduct has occurred, that the matter will be reported to the Standards Commission for adjudication. More information on how to make a complaint and the investigation process can be found on the [ESC's website](#).



New Commissioner for Ethical Standards

Caroline Anderson, the new ESC commences in post on 1 April 2019. Ms Anderson is a Chartered Accountant with over 20 years of specialist experience in regulation and compliance, gained mainly within professional services environments. Her other roles have included the Disciplinary Tribunal of Chartered Accountants Ireland and with the Society of Actuaries in Ireland. We welcome the appointment and look forward to working, and discussing matters of common interest, with Ms Anderson.

Cases Overview

Since the last briefing in December 2018, five cases were referred to the Standards Commission by the Commissioner for Ethical Standards in Public Life in Scotland (ESC) about elected members of Aberdeenshire, Midlothian, Fife, South Lanarkshire and Dundee Councils. The Standards Commission has scheduled Hearings in all five cases. The Standards Commission held Hearings in respect of the case concerning the councillor from Aberdeenshire, along with two cases involving councillors from Argyll & Bute and Angus Councils, which had been referred before the end of 2018. The outcomes of the Hearings are outlined below.

Argyll and Bute - LA/AB/2125

The Hearing Panel determined that the Respondent, Councillor Gary Mulvaney of **Argyll & Bute Council**, as the Council's representative on the board of a Housing Association, should have declared an interest at an Area Committee in respect of an item concerning a proposal to extend an existing traffic order. The Panel concluded that, having considered the full terms of the report before the Committee, the objections received should have put Councillor Mulvaney on notice that the residents of a Housing Association owned development may have gained a particular benefit from the proposal and that he should, therefore, have erred on the side of caution and declared an interest. The Panel determined that a failure to do so amounted to a breach of the Councillors' Code. In reaching its decision to censure Councillor Mulvaney, the Panel recognised that there had been no personal gain to him and, given that the proposal had been passed unanimously, it was unlikely that his failure to declare an interest and withdraw would have had any impact on the overall decision of the Committee. The Panel was further satisfied that Councillor Mulvaney had demonstrated insight and understanding of the provisions of the Code and the importance of complying with it. The Panel had no reason to doubt that Councillor Mulvaney had been trying to act in the overall public interest in terms of road safety.



The Panel reiterated, however, that the requirement to declare interests is an integral part of the Councillors' Code of Conduct 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 influence their discussion and decision-making.

Angus - LA/An/2134

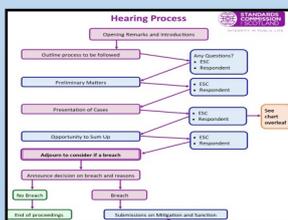
The Hearing Panel determined that the Respondent, Councillor Brian Boyd of **Angus Council**, had breached the Councillors' Code of Conduct by behaving in a disrespectful manner towards a member of the public by signing and encouraging others to sign an online petition that contained an untrue accusation that was critical of the member of the public's private family life. The Panel found that by his actions, the Respondent was, in essence, endorsing the comment or, at the very least, could be perceived as doing so. The Panel considered that, as a prominent local politician, the Respondent should have known the matter to be of concern or interest to some of his constituents and it was of the view that he should have taken steps to review the petition and to ensure he agreed with the comments it contained before signing, endorsing and proactively circulating it. The Panel was further satisfied that the Respondent was clearly identifiable as a councillor on his Facebook page, and the fact that he had subsequently commented on the petition in that capacity, meant that he was acting, or could be perceived as being acting, as a councillor when posting about the petition and encouraging others to sign it. The Panel censured the Respondent and concluded that the comment amounted to a personal attack on the member of the public.

Aberdeenshire - LA/As/2173

The Hearing Panel determined that the Respondent, Councillor Paul Johnston of **Aberdeenshire Council**, had breached the Councillors' Code of Conduct by failing to register a shareholding in a company within the time limits for doing so, despite being the sole director of the company and owning 100% of the shares. The Panel accepted that there was no evidence that either the Respondent or the company gained any benefit from the omission but re-iterated the requirement to register certain interests was a fundamental part of the Code. The Panel censured the Respondent.



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.



Hearings Flowchart

We have created a flowchart, which outlines the procedure that Hearing Panels will follow at Hearings (as stated in the Hearing Rules). The flowchart can be found on our website on the [Hearing Rules](#) page.

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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