

STANDARDS UPDATE

ISSUE 24: December 2019

News

Standards Commission's Draft Strategic Plan 2020-24

The Standards Commission's draft Strategic Plan for the four-year period from 2020 to 2024 can be found on the [Strategic and Business Plans](#) page of our website. The Strategic Plan outlines the Standards Commission's vision and values, along with its four high level objectives. It also summarises the actions we will take to achieve these aims and how we will measure achievement.

The Strategic Plan builds on the achievements and substantial progress the Standards Commission made during the period covered by the previous Strategic Plan (2016 to 2020). While we will continue to enforce compliance with the Codes of Conduct through our adjudication role, we will also remain focused on promoting the ethical standards framework and assisting councillors and members of devolved public bodies governed by the Codes to achieve the highest ethical standards. We would be grateful for any comments and suggestions you may have on the draft Strategic Plan. Please email any to enquiries@standardscommission.org.uk by **6 January 2020**.



Advice Note for Members of Health and Social Care IJBs



Following discussions with the Scottish Government, the Standards Commission produced an Advice Note for Members of Health and Social Care Integration Joint Boards (IJBs). The Advice Note aims to provide members with an overview of their responsibilities under the ethical standards framework. It seeks to assist members in recognising and dealing with potential conflicts of interest and in interpreting the provisions in their IJBs Code of Conduct. Some examples of potential breaches of the Code have been included in an annex, to assist members in relating the provisions to particular scenarios they may face, or situations they may find encounter.

The Advice Note can be found on the [Education and Resources](#) page of our website.

Monitoring Officers' Workshop

The Standards Commission held a workshop with Monitoring Officers on 4 November 2019 to review and discuss potential improvements to Section 3 and Annex C of the Councillors' Code of Conduct. The Standards Commission will ensure that any suggestions will be put to the Code Review Working Group for consideration, before a revised draft of the Code is issued for consultation.

In addition, attendees discussed dealing with potential breaches of the Code, in particular dealing with matters internally, the threshold for reporting to the Ethical Standards Commissioner and the investigation and adjudication processes.



Regional Training Events



The Standards Commission held a training event on the revised Councillors' Code of Conduct for elected members and officers, in Stirling on 23 October. Thank you to all those who attended and to Stirling Council for hosting the event. We hope delegates found the event as useful and interesting as we did.

A reminder that the next event will take place on **4 February 2020** at **South Ayrshire Council, Ayr**. If you would like to reserve a place, and have not already done so, please email: enquiries@standardscommission.org.uk.

Christmas Office Closure

Our office will be closed from lunchtime on Tuesday, 24 December 2019 and will re-open on Friday, 3 January 2020. We hope everyone has a great Christmas and a happy New Year!



Cases Overview

Since the last briefing in September 2019, no cases have been referred to the Standards Commission by the Commissioner for Ethical Standards in Public Life (ESC). The Standards Commission held Hearings in two cases involving councillors from Scottish Borders and West Lothian Councils. The outcomes of the Hearings are outlined below.

Scottish Borders Council - LA/SB/2219

The Hearing Panel found that the Respondent, Councillor James Fullarton of **Scottish Borders Council**, had not breached the Councillors' Code of Conduct in respect of allegations that he had behaved in a disruptive and disrespectful manner at a meeting of Eyemouth Community Council. Having heard evidence from five witnesses, including Cllr Fullarton, and having noted two further witness statements, the Panel considered that the meeting of the Community Council had become quite heated when matters relating to a Berwickshire Housing Association development were discussed. The Panel heard that members of the community council had repeatedly directed a number of questions towards Cllr Fullarton, who was a board member of the Housing Association, and, in particular, had raised issues regarding repairs to properties within the development. When members had made it clear they did not accept Cllr Fullarton's response, the meeting had become even more hostile with those present talking over each other. The Panel heard that Cllr Fullarton accepted he had banged on the table with his fist at least two or three times during the discussion and had made a comment to the effect that at least one of the members present was moaning.



While the Panel was of the view that banging on a table was poor behaviour, it did not consider, in the particular context of the meeting and in light of the evidence that those present were talking over each and demanding answers, that it was an action that amounted to a breach of the respect provision in the Councillors' Code. The Panel was satisfied that while Cllr Fullarton may have directed his comment about moaning towards one of the members, it was not satisfied that there was sufficient evidence to conclude that the remark was a personal attack on her, as opposed to his opinion of her conduct at the meeting. While the Panel considered the comment was unhelpful, it did not consider the making of the comment in the context of the heated discussion amounted to a breach of the Code.

West Lothian Council - LAWL/2213



The Hearing Panel found that the Respondent, Councillor Frank Anderson of **West Lothian Council**, failed to observe the rules of good conduct by behaving in a disrespectful manner towards a member of the public, and the public at large, by both sharing, and commenting on, an antisemitic article from a third-party blog. The Panel heard that it was not in dispute that Cllr Anderson shared, on Twitter and Facebook, an article from a third-party blog, 'Grouse Beater', that was critical of a member of the GMB Union, and in particular, her activities as the organiser of a two-day equal pay strike in Glasgow. The Panel found that the article inferred that the individual, as a person playing a prominent role in trade union activity, represented a stereotype of 'the Jew' as referred to by Hitler. The Panel noted that while the article did not specifically refer to the individual as being Jewish, that information was in the public domain. The Panel noted that Cllr Anderson's position was that while he had not read the article properly at the time and had not realised the individual

concerned was Jewish, he now accepted it could be perceived as antisemitic. The Panel noted, however, that Cllr Anderson had initially defended the article in comments published in the 'The National', where he was quoted as stating that he did not accept it was antisemitic. Cllr Anderson had subsequently sent the individual concerned an email, on the same day, in which he had apologised for sharing it. An apology from him was also published in the media the same day. The Panel found that by sharing the article, Cllr Anderson was, in essence, endorsing its contents or, at the very least, could have been perceived as doing so. The Panel considered that the article contained comments that were antisemitic and that it also amounted to a personal attack on the individual named in it. The Panel was satisfied that, by sharing and subsequently defending an article that was antisemitic and offensive, Cllr Anderson caused the individual concerned a great deal of distress and breached the Councillors' Code of Conduct. It suspended Cllr Anderson for three months.

Interim Suspension Decisions

Section 21 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 provides the Standards Commission with the power to impose an interim suspension on receipt of an interim report from the ESC on an ongoing investigation. A decision to impose an interim suspension is not, and should not be seen as, a finding on the merits or validity of any allegations against the councillor or member of a devolved public body concerned. It should also not be viewed as a disciplinary measure. In making a decision about whether to impose an interim suspension, the Standards Commission is not making findings of fact, nor making findings as to whether any allegations are or are not established. It is sufficient for the Standards Commission to act if it is satisfied that there is a *prima facie* case to do so. It should be noted that any differences in the recollections and accounts of witnesses can be explored during the investigation, before being weighed and tested during the adjudication process (should any complaints reach that stage). On 7 October 2019, the Standards Commission made decisions in respect of whether interim suspensions should be imposed on two elected members of **Perth & Kinross Council**. The decisions and a policy outlining how the Standards Commission makes any decision under Section 21 and the procedures it will follow in doing so can be found on the [Interim Suspensions](#) page of our website.

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.

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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