

STANDARDS UPDATE

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News

Revised Codes of Conduct & Guidance

The proposed revised Councillors' Code of Conduct and Model Code of Conduct for Members of Devolved Public Bodies were laid before Parliament for approval on 2 September 2021.

The Standards Commission recently consulted on Guidance it has drafted to support both the revised Codes, with a view to being in a position to be able to publish and disseminate the revised Guidance on the same day as the revised Codes are issued and effective.

The Guidance and associated Advice Notes produced by the Standards Commission are intended to help councillors and members understand, and comply with, the provisions in the Codes. The Guidance and Advice Notes contain case illustrations (some of which are based on cases from Scotland, Northern Ireland and Wales, and some of which hypothetical), and examples of factors that councillors and members may wish to consider when applying the requirements of the Codes to their own situation or circumstances.

If you have not already provided feedback on the draft Guidance and wish to do so, please contact the Standards Commission by email to: enquiries@standardscommission.org.uk.



New Standards Commission Convener

We are delighted to report that Paul Walker has been appointed as the new Convener of the Standards Commission. Paul has been a member of the Standards Commission since May 2018. His early career encompassed both the public and private sectors, as well as acting as a bridge builder between them when working for trade and employer bodies, including the Confederation of British Industry. He is active in a number of voluntary and community capacities, being engaged in charity-related work, such as with SSAFA (The Armed Forces Charity), and serving as a Justice of the Peace in the Sheriffdom of Tayside, Central and Fife. Paul is looking forward to his new role in leading the Standards Commission and to continuing to work with colleagues to ensure the organisation achieves its strategic aims.

Annual Report 2020/21

The Standards Commission's Annual Report for 2020/21 has been laid before the Scottish Parliament. A copy can be found on the [Corporate Information](#) page of our website. The Annual Report contains:

- information about performance against strategic aims;
- case statistics;
- summaries of decisions made at Hearings; and
- governance and financial information.



Cases Overview

Since the last briefing in June 2021, six cases were referred to the Standards Commission by the Acting Ethical Standards Commissioner (Acting ESC) about elected members of Comhairle nan Eilean Siar, Moray, Aberdeen City, Perth & Kinross and City of Edinburgh (two cases) Councils. The Standards Commission has scheduled Hearings in two cases in respect of two councillors from Aberdeen City and one from Perth & Kinross. No action was taken in four cases, outlined below.

Comhairle nan Eilean Siar - LA/CES/3453

The Standards Commission received a report from the Acting ESC concerning an alleged contravention of the Councillors' Code by Councillor John Mitchell of Comhairle nan Eilean Siar. The Acting ESC reported that Councillor Mitchell had used disrespectful language while commenting about another councillor (Councillor A) in an email to a constituent and considered the comment amounted to a personal attack. The Acting ESC noted that Councillor Mitchell had advised that the remark had been made in a private email to the constituent and he had not intended it to be made public. The Acting ESC further reported that Councillor Mitchell had apologised timeously to Councillor A, and that Councillor A had accepted the apology in full.

In making a decision about whether to hold a Hearing, the Standards Commission took into account public interest and proportionality considerations. While there was some limited public interest in holding a Hearing, the Standards Commission considered that doing so may result in the wider circulation of the offensive comment which, in itself, may not be in the public interest. On the question of proportionality, the Standards Commission noted that the allegation concerned a single instance of the use of an offensive (albeit not egregious) word, in a private email which was not meant to be made public. Having taken into account the nature of the potential breach, the genuine expression of contrition by Councillor Mitchell and the generous acceptance of the apology by Councillor A, the Standards Commission concluded that it was neither proportionate, nor in the public interest, for it to hold a Hearing. The Standards Commission determined, therefore, to take no action on the referral, although it reminded Councillor Mitchell of the need to comply with the respect provision in the Councillors' Code. The decision to take no action means that no decision has been or will be made about whether there was a breach of the Code.

