

SCOTTISH BORDERS COUNCIL STANDARDS COMMITTEE

MINUTES of Meeting of the STANDARDS
COMMITTEE held in Committee Room 1,
Council Headquarters, Scottish Borders
Council, Newtown St Boswells on Thursday,
3 November 2016 at 10.00 am

Present:- Councillors A. J. Nicol (Chairman), S. Aitchison, J. Greenwell and G. Logan.
Apologies:- Councillors W. Archibald, C. Bhatia and F. Renton
Absent:- Councillors B Herd
In Attendance:- Monitoring Officer and Service Director Regulatory Services, Democratic
Services Officer (K. Mason).

1. **MINUTE**

There had been circulated copies of the Minute of the meeting of the Standards Committee of 12 November 2015.

DECISION

APPROVED the Minute for signature by the Chairman.

With reference to paragraph 8(b) of the minute, the Monitoring Officer advised that he had contacted the Scottish Government and the Standards Commissioner to obtain clarification regarding what the current situation was in terms of Community Councils and the conduct of Community Councillors. Their responses indicated that Scottish Borders Council had no control over the conduct of Community Councillors. Although Community Councillors signed up annually to the Code of Conduct for Community Councillors there were no enforceable sanctions within this Code. At the request of Members, the Monitoring Officer agreed to prepare a private paper for Members providing advice on possible sanctions which could be actioned by Community Council Chairmen if Community Councillors were being disrespectful to Members. The Monitoring Officer stressed that the Local Authority Councillors Code of Practice did not apply to Community Councillors.

DECISION

AGREED that the Monitoring Officer prepare a private paper for Members providing advice on possible sanctions which could be actioned by Community Council Chairmen if Community Councillors were being disrespectful to Members.

2. **ANNUAL REPORT ON COUNCILLORS' COMPLIANCE WITH THE ETHICAL STANDARDS FRAMEWORK FOR 2015/16**

2.1 There had been circulated copies of a report by the Monitoring Officer which provided details on Scottish Borders Council's compliance with the Ethical Standards Framework for 2015 – 2016 and also considered matters relating to Training, Register of Interest and the Hospitality Register.

2.2 During 2015-16 the Commissioner for Ethical Standards in Public Life referred 8 complaints, where he determined that there had been a breach of the Code of Conduct, to the Standards Commission for Scotland ("The Commission").

2.3 During 2015-16, 4 complaints were lodged against 4 Scottish Borders Councillors. Of the 4 complaints, 1 was internal, i.e. submitted by a Councillor or Officer, and 3

were external, i.e. submitted by a member of the public or external organisation. The complaints received in 2015-16 covered the following areas:- (a) Inappropriate involvement in operational matters/conflict of interest; (b) Conflict of Interest/Declarations of Interest; and (c) Conduct/Respect (2 cases). None of the complaints received resulted in reports by the Standards Commissioner to the Standards Commission. Two of the complaints were resolved internally following internal investigations. In one instance it was concluded that no breach had occurred. In the second case no further action was deemed necessary following acknowledgment of inappropriate actions and receipt of an apology. The two remaining complaints were referred by the complainant to the Commissioner. The Commissioner concluded that there had been no breach of the Code of Conduct in either of those cases and took no further action in respect of those complaints.

- 2.4 The report went on to explain that the Elected Members' Registers of Interests were published on the Council's website and were also available to view in paper format from Democratic Services. The Registers were reviewed every six months and were amended according to the information provided by the Members. They were maintained in accordance with the Ethical Standards and Public Life etc. (Scotland) Act 2000 (Register of Interest) Regulations 2003, as amended. Members were also required to comply with Section 4 of the Code of Conduct whereby the Registers were updated when a Registerable Interest changed.
- 2.5 Elected Members were required, on a monthly basis, to complete a Hospitality Register within which they would declare hospitality/gifts offered (valued at over £50), whether accepted or not. Members were also required to send a completed monthly pro-forma return (including nil returns) to Democratic Services, who maintained the Members' Hospitality Register. All forms were scanned electronically and published on the Council's website. In addition, a summary sheet of all responses for the current financial year was kept with the paper copy of the Register for ease of reference. A quarterly report was submitted to the Service Director Regulatory Services in his role as Monitoring Officer.
- 2.6 Section 5 of the Ethical Standards in Public Life etc (Scotland) Act 2000 ("The 2000 Act") required Councils to promote the observance by its Councillors of high standards of conduct; and to assist them to observe the Councillor's Code. The current Guidance on the Code of Conduct stated that "*Councils should make arrangements to hold or attend training and induction sessions on Ethical Standards, and they should strongly encourage attendance by all of their Councillors and senior officers at such sessions*". Scottish Borders Council had held a number of training sessions on the Ethical Standards Framework over the last few years and had also participated in joint training sessions with Midlothian and Dumfries and Galloway Councils. Training was also provided on the Ethical Standards Framework to Members as part of their Induction Programme in May 2012 and individual Induction had been delivered to any Member joining the Council as a result of a subsequent by-election. The Council had arranged for the Public Standards Commissioner for Scotland and the Standards Commission's Secretary to attend the Scottish Borders Council Standards Committee on 29 August 2012 to give a presentation on the Ethical Standards Framework to Members. This presentation was open to all Elected Members and formed part of the continuing Ethical Standards training. Members of the Planning and Building Standards Committee received additional training on the Code of Conduct on 10 December 2012. Members also attended a seminar, hosted by the Commissioner, in early 2013. A further refresher training event was provided on 26 March 2015 and a further event was provided for all Members following the presentation of the 2014/15 Annual Report in November 2015. A new electronic library of Member Guidance was also launched following that training event.

- 2.7 Discussion followed and the Monitoring Officer answered questions raised by the Members. The Monitoring Officer advised that after the Local Government Elections in May 2017 induction courses for new members would focus on the new ALEO'S operating model for services. The Standards Commissioner had just issued new guidance relating to Councillor's declarations of interest which would provide helpful information. In relation to other areas of training, Members discussed the implications of forwarding emails from Officers to their constituents and asked that training for new Members, following the Local Government Elections in May 2017, include relationships between Members and Officers and how to deal with external and internal communications including the use of social media. The Monitoring Officer would also determine what training was required for Members of the Planning and Building Standards Committee before any meetings took place.

DECISION

AGREED:-

- (a) to accept the report;**
- (b) that the Monitoring Officer be instructed to bring forward a report on Ethical Standards Framework compliance for 2016-17 at the appropriate time;**
- (c) that the Monitoring Officer, following the Local Government Elections in May 2017 include training for Members relating to (a) relationships between Members and Officers; and (b) procedures for dealing with external and internal communications including the use of social media; and**
- (d) that the Monitoring Officer would determine what training was required for Members of the Planning and Building Standards Committee before any meetings took place.**

The meeting concluded at 10.40 am