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STANDARDS COMMITTEE THURSDAY, 7 DECEMBER 2017

A MEETING of the STANDARDS COMMITTEE will be held in the COUNCIL CHAMBER,
COUNCIL HEADQUARTERS, NEWTOWN ST. BOSWELLS on THURSDAY, 7 DECEMBER 2017
at 10.00 am

J. J. WILKINSON,
Clerk to the Council,

30 November 2017

BUSINESS		
1.	Apologies for Absence.	
2.	Declarations of Interest.	
3.	Annual Report on Councillors' Compliance with the Ethical Standards Framework for 2016-17 (Pages 3 - 8) Consider report by Monitoring Officer. (Copy attached.)	15 mins
4.	Any Other Items Previously Circulated.	
5.	Any Other Items which the Chairman Decides are Urgent.	

NOTES

1. Timings given above are only indicative and not intended to inhibit Members' discussions.
2. Members are reminded that, if they have a pecuniary or non-pecuniary interest in any item of business coming before the meeting, that interest should be declared prior to commencement of discussion on that item. Such declaration will be recorded in the Minute of the meeting.

Membership of Committee:- Councillors S. Aitchison (Chairman), A. Anderson, K. Drum, J. Greenwell, E. Jardine, S. Marshall, E. Robson and S. Scott

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ANNUAL REPORT ON COUNCILLORS' COMPLIANCE WITH THE ETHICAL STANDARDS FRAMEWORK FOR 2016-17

Report by Monitoring Officer

STANDARDS COMMITTEE

7 December 2017

1 PURPOSE AND SUMMARY

- 1.1 This report advises elected Members on compliance with the Ethical Standards Framework for 2016-17.**
- 1.2 The report provides Members with details of Scottish Borders Council's compliance with the Ethical Standards Framework for 2016-17. The report also considers matters relating to Training, Register of Interests and the Hospitality Register.

2 RECOMMENDATIONS

- 2.1 I recommend that the Committee approves this report and instructs the Monitoring Officer to bring forward a report on Ethical Standards Framework compliance for 2017-18 at the appropriate time.**

3 BACKGROUND

- 3.1 Previous work by the Internal Audit service looking at the operation of the Councillors' "Code of Conduct" found that the Council had "*sound procedures in place to manage the Code of Conduct, the Council's Complaints Procedure for the Standards Committee*". To ensure that these procedures and standards were maintained it was determined that it would be good practice to report annually on compliance with the Code of Conduct.
- 3.2 A subsequent Internal Audit also recommended that it would also be appropriate to report on general compliance with the overall Ethical Standards Framework. This report considers Code of Conduct compliance, Training, the Register of Interests and Hospitality Register.

4 NATIONAL STATISTICS

- 4.1 The Commissioner for Ethical Standards in Public Life in Scotland's annual report was laid before Parliament on 16 October 2017. In 2016/17 the Commissioner received a total of 174 complaints relating to 106 cases. This represented a reduction in both the number of complaints and number of cases over the previous year. The majority of complaints received (165) were against Councillors in Local Authorities.

Complaint against	16/17	15/16	14/15
Councillor	165	202	680*
Member of Devolved Body	5	39	3
Other	4	4	9
Complaints Total	174	245	692
Cases Total	106	132	111

- Of which 524 related to a single case.

- 4.2 The subject matters which attracted complaints are set out below. The main changes from 2015/16 include a significant reduction in complaints relating to misconduct on individual applications and reductions in the number of complaints relating to breach of key principles and misconduct relating to lobbying. There were modest increases in both the failure to register an interest and failure to declare an interest and in the breach of confidentiality category. The majority of complaints (110) were made by members of the public followed by complaints submitted by Councillors (54).
- a) Disrespect of Councillors/official/employees - 63 complaints.
 - b) Failure to declare an interest - 22
 - c) Breach of Key Principles - 20.
 - d) Breach of confidentiality - 16
 - e) Misconduct on individual applications - 15.

- f) Other complaints – 13
- g) Misconduct relating to lobbying – 11.
- h) Failure to register an interest – 6
- i) Misuse of Council facilities – 4
- j) Outwith jurisdiction - 4

4.3 Following consideration and where appropriate investigation of the complaints received, the Commissioner referred 18 complaints (8%) 14 cases (11%) to the Standards Commission. Of those 18 cases 12 were determined during the reporting period and 6 remained to be determined. Of the 12 determined all but one resulted in a determination of a breach or partial breach.

5 SCOTTISH BORDERS COUNCIL POSITION

5.1 In 2016-17 there were 5 complaints lodged against 5 Scottish Borders Councillors. Of the 5 complaints, 1 was internal, i.e. submitted by a Councillor or Officer, and 4 were external, i.e. submitted by a member of the public or external organisation.

5.2 In the preceding five financial years, the number of complaints lodged against Scottish Borders Councillors was as follows:-

2015-16	4 Complaints
2014-15	8 Complaints
2013-14	13 Complaints
2012-13	13 Complaints
2011-12	7 Complaints

5.3 The complaints received in 2016-17 covered the following areas:-

- a) Disrespect of Councillors/officials/public (4 complaints)
- b) Conflict of Interest/Declarations of Interest

5.4 None of the complaints received resulted in reports by the Standards Commissioner to the Standards Commission. One complaint was not pursued by the complainant after contacting the Council. Two of the complaints were resolved internally following internal investigations. In one instance it was concluded that no breach had occurred. The remaining complaint was referred by the complainant to the Commissioner. The Commissioner concluded that there had been no breach of the Code of Conduct and took no further action in respect of that complaint.

6 REGISTER OF INTERESTS

6.1 The Elected Members' Registers of Interests are published on the Council's website and are also available to view in paper format from Democratic Services. The Registers are reviewed every six months and are amended according to the information provided by the Members. They are maintained in accordance with the Ethical Standards and Public Life etc. (Scotland) Act 2000 (Register of Interest) Regulations 2003, as amended. Members are also required to comply with Section 4 of the Code of Conduct whereby the Registers are updated when a Registerable Interest changes.

Members were reminded of these requirements following the Local Government elections in May 2017.

7 HOSPITALITY REGISTER

- 7.1 Elected Members are required to complete a Hospitality Register on a monthly basis. All elected Members must declare hospitality/gifts offered (valued at over £50), whether accepted or not.
- 7.2 Members are required to send a completed monthly pro-forma return (including nil returns) to Democratic Services, who maintain the Members' Hospitality Register. All forms are scanned electronically and published on the Council's website. In addition, a summary sheet of all responses for the current financial year is kept with the paper copy of the Register for ease of reference.
- 7.3 A quarterly report is submitted to the Service Director Regulatory Services in his role as Monitoring Officer.

8 TRAINING

- 8.1 Section 5 of the Ethical Standards in Public Life etc (Scotland) Act 2000 ("The 2000 Act") requires Councils to:-
 - (a) Promote the observance by its Councillors of high standards of conduct; and
 - (b) Assist them to observe the Councillor's code.
- 8.2 The current Guidance on the Code of Conduct states 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".
- 8.3 Training on the Ethical Standards Framework was provided to Members as part of the Induction training held in May 2017.
- 8.4 Members are provided as a matter of course with links to briefing papers produced by the Commissioner for Ethical Standards including recent case reviews. Members were also alerted to the publication of revised Guidance on the Councillors' Code of Conduct in August 2017 and to the availability of that guidance on the Standard Commission's website:
www.standardscommissionscotland.org.uk/guidance/guidance-notes
- 8.5 Members of the Planning and Building Standards Committee received additional training on the Code of Conduct prior to the first meetings of the new Planning and Building Standards and Local Review Bodies in May 2017.
- 8.6 A programme of further training events has been provided in two tranches since the Local Government elections in May 2017 and a further programme of training events is being scheduled for 2018. An electronic library of Member Guidance providing access to relevant information is also available to Members.

9 IMPLICATIONS

9.1 Financial

There are no costs attached to any of the recommendations contained in this report.

9.2 Risk and Mitigations

The Council is under a duty in terms of Section 5 of the 2000 Act to promote the observance by its Councillors of high standards of conduct and assist them to observe the Councillors' Code. The Council may be at risk of reputational damage if it fails to provide appropriate guidance and advice and take cognisance of any lessons learned from complaints received.

9.3 Equalities

There are no equality issues arising from this report.

9.4 Acting Sustainably

There are no sustainability issues arising from this report.

9.5 Carbon Management

There is not considered to be any impact on carbon emissions.

9.6 Rural Proofing

There are no rural proofing issues arising from this report.

9.7 Changes to Scheme of Administration or Scheme of Delegation

No changes to either the Scheme of Administration or the Scheme of Delegation are required as a result of these proposals.

10 CONSULTATION

- 10.1 The Chief Executive, Clerk to the Council, Head of Audit and Risk, HR Manager and the Chief Financial Officer have been consulted and their comments taken into account in the preparation of this report.

Approved by

Brian Frater
Monitoring Officer

Signature

Author(s)

Name	Designation and Contact Number
Brian Frater	Monitoring Officer 01835 825067

Background Papers: None

Previous Minute Reference: None

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. SBC can also give information on other language translations as well as providing additional copies.

Contact us:

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