

SCOTTISH BORDERS COUNCIL STANDARDS COMMITTEE

MINUTE of Meeting of the STANDARDS
COMMITTEE held in Council Chamber,
Council Headquarters, Newtown St Boswells
on Thursday, 16 January 2020 at 10.00 am

Present:- Councillors S. Aitchison (Chairman), K. Drum, J. Greenwell, E. Jardine,
E. Robson and S. Scott

Apologies:- Councillors A. Anderson and C. Hamilton

In Attendance:- Monitoring Officer and Service Director Regulatory Services, Chief Legal
Officer, Trainee Democratic Services Officer.

1. **MINUTE**

There had been circulated copies of the Minute of the meeting held on 17 January 2019.

DECISION

APPROVED the Minutes.

2. **ANNUAL REPORT ON COUNCILLORS' COMPLIANCE WITH THE ETHICAL STANDARDS FRAMEWORK FOR 2018-19**

- 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 2018–19 and also considered matters relating to Training, Register of Interest and the Hospitality Register. The report provided some additional information and recommendations on the progress with the review of the National Code of Conduct for Councillors and Community Councillors and the Community Councils Scheme review (which included a review of the Code of Conduct for Community Councillors).
- 2.2 The Commissioner for Ethical Standards in Public Life in Scotland's Annual Report was laid before Parliament on 31 October 2019. During 2018-19 the Commissioner received a total of 173 complaints relating to 117 cases, which represented an increase in both the number of complaints and number of cases over the previous years. The subject matters which attracted complaints were detailed in the report and the main changes to category definitions, specifically related to how complaints related to disrespect were reported and recorded. The figures now distinguished between respect towards Councillors and disrespect towards employees and members of the public. The main changes from 2017-18 included a significant increase in complaints relating to disrespect and failures to declare an interest and lobbying with a significant reduction in relation to alleged breaches of key principles and misconduct on individual planning applications. The majority of complaints (148) were made by members of the public followed by complaints submitted by Councillors (21).
- 2.3 During 2018-19, 5 complaints were lodged against 5 Scottish Borders Councillors. Four were submitted by a fellow Councillor with one complaint from a member of the public. The complaints received in 2018-19 covered the following areas: (a) Disrespect towards fellow Councillors (4 complaints) and (b) Disrespect towards employee (1 complaint). Two of the complaints received were resolved internally following discussion with relevant parties and one complainant decided not to pursue the complaint further. The 2 remaining complaints were referred to the Standards Commissioner. One of those cases was determined by the Commissioner not to constitute a breach while the other case

remained outstanding. In addition to those cases, a further complaint dating from the 2017-18 reporting year remained with the Standards Commissioner for determination during the year and was finally determined in November 2019 and would be reported in the 2019-20 report.

- 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. Members were also required to comply with Section 4 of the Code of Conduct whereby the Registers were updated when a Registerable Interest changed. The Monitoring Officer reminded Members to maintain and regularly update any register of interest. It was recognised that it was complicated with the Borders being such a small area and if Members were in any doubt they must declare an interest.
- 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. The Monitoring Officer emphasised to Members the importance of submitting their monthly hospitality returns. Members asked if the process for submitting any claims on-line could be assessed and they were advised that this would be looked into.
- 2.6 Training on the Ethical Standards Framework was provided to Members as part of the Induction training held in May 2017 and Members were 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 advised of the publication of revised Guidance on the Councillors' Code of Conduct and to the availability of that guidance on the Standard Commission's website. Recent revisions had included an Amendment of the Code in July 2018 and the provision of guidance on Bullying and Harassment and membership of Arms-Length Organisations. An ongoing programme of further monthly briefings and training events continued to be provided covering a wide range of subject matters including, where appropriate, guidance on Conduct related issues. An electronic library of Member Guidance provided access to relevant information available to Members.
- 2.7 The Monitoring Officer went on to refer to the future work programme and advised that two pieces of work would be undertaken in the forthcoming year to include a review of the Council's own Protocol on Councillor's Personal Conduct/Behaviour and a review of the Community Council Code of Conduct which was embedded in Scottish Borders Council's Community Council Scheme. Work on the review of the Community Councils was now underway and it was anticipated that this would be brought to Council in Autumn 2020. In early 2019, the Scottish Government announced its intention to undertake a comprehensive review of the National Code of Conduct and that work had also commenced and again it was anticipated that proposals would be forthcoming in 2020. As the Local Code would have to have regard to the National Code there was considered to be little merit in progressing with that work until the terms of the new National Code were known.
- 2.8 Discussions followed and the Monitoring Officer answered further questions raised by Members. He emphasised the importance of attending Members' briefings and confirmed that attendance records were kept for each session. With regard to the review of the Community Council Scheme and the National Code of Conduct, it was reported that this work was ongoing. The Community Council Scheme would be brought to Council later in

the year while the new Code of Conduct would be brought back to the Standards Committee once it had been published. Members were satisfied that all queries from the previous meeting had been fully answered. The Monitoring Officer further advised that this was his sixth and final report presented to Members and that the Chief Legal Officer would take over the role of Monitoring Officer. The Chairman thanked Mr Frater very much for all his work over the years and for the time spent working with this Committee and wished him well for the future. The Chairman also welcomed Mrs McKinlay as the new Monitoring Officer. The Chairman also advised that, due to the two remaining outstanding reports, the Committee would reconvene at any time through liaison with the Monitoring Officer.

DECISION

NOTED:-

- (a) the details on the Council's compliance with the Ethical Standards Framework for 2018-19, training, registers of interest and hospitality;**
- (b) the progress with the review of the National Code of Conduct for Councillors which had delayed work on a review of the SBC Protocol on Councillors' Personal Conduct/Behaviour; and**
- (c) that the Monitoring Officer would provide a report at the appropriate time on the Ethical Standards Framework Compliance for 2019/20**

The meeting concluded at 10.35 am