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## **ANNUAL REPORT ON COUNCILLORS' COMPLIANCE WITH THE ETHICAL STANDARDS FRAMEWORK FOR 2015-16**

### **Report by Monitoring Officer**

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### **STANDARDS COMMITTEE**

**3 November 2016**

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#### **1 PURPOSE AND SUMMARY**

- 1.1 This report advises elected Members on compliance with the Ethical Standards Framework for 2015-16.**
- 1.2** The report provides Members with details of Scottish Borders Council's compliance with the Ethical Standards Framework for 2015-16. 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 2016-17 at the appropriate time.**

### **3 BACKGROUND**

- 3.1 In September 2005, Internal Audit conducted a planned audit into the operation of the Councillors' "Code of Conduct". The audit found that the Council had "*sound procedures in place to manage the Code of Conduct, the Council's Complaints Procedure for the Standards Committee*". Following receipt of the 2005 Internal Audit report, it was determined that it would be good practice to report annually on compliance with the Code of Conduct.
- 3.2 Internal Audit also carried out a planned audit in March 2010 and it was agreed that it would 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 By way of background, in 2015-16 the Commissioner for Ethical Standards in Public Life in Scotland ("The Commissioner") received a total of 245 complaints relating to 132 cases across Scotland. This compared with a total of 692 complaints relating to 111 cases in 2014/15. The majority of complaints received (202) were against Councillors in Local Authorities. Figures for the preceding five years were as follows:-
- 2014 -15 680 (Of which 524 related to a single case)  
2013-14 298  
2012-13 192  
2011-12 185  
2010-11 178
- 4.2 The subject matters which attracted the largest number of complaints are set out below. These categories differ from previous years therefore direct comparisons with previous years is not possible.
- a) Disrespect of Councillors/official/employees - 75 complaints.
  - b) Breach of Key Principles – 47.
  - c) Misconduct on individual applications – 46.
  - d) Other complaints – 22
  - e) Failure to declare and interest – 19
  - f) Misconduct relating to lobbying – 19.
- 4.3 During 2015-16 the Commissioner 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").

## **5 SCOTTISH BORDERS COUNCIL POSITION**

- 5.1 In 2015-16 there were 4 complaints 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.
- 5.2 In the preceding five financial years, the number of complaints lodged against Scottish Borders Councillors was as follows:-
- |         |               |
|---------|---------------|
| 2014-15 | 8 Complaints  |
| 2013-14 | 13 Complaints |
| 2012-13 | 13 Complaints |
| 2011-12 | 7 Complaints  |
| 2010-11 | 8 Complaints  |
- 5.3 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
  - c) Conduct/Respect (2 cases)
- 5.4 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.

## **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.

## **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 Since the last local government elections in 2012, training on the Ethical Standards Framework was provided to Members as part of the Induction training held in May 2012 and individual induction has been provided for any Member joining the Council as a result of a subsequent by-election.

8.4 The Public Standards Commissioner for Scotland and the Standards Commission's Secretary attended the 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.

8.5 Members of the Planning and Building Standards Committee received additional training on the Code of Conduct on 10 December 2012.

8.6 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.

## **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 will be at risk 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 Financial Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Chief Officer HR and the Clerk to the Council have been consulted and their comments taken into account in the preparation of this report.

### **Approved by**

**Brian Frater**  
**Monitoring Officer**

**Signature .....**

### **Author(s)**

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**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.

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