

SCOTTISH BORDERS COUNCIL
STANDARDS COMMITTEE

MINUTE of MEETING of the STANDARDS
COMMITTEE held in Committee Room 1, Council
Headquarters, Newtown St. Boswells on 7
December 2017 at 10.00 a.m.

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

Apologies:- Councillors J. Greenwell, S. Marshall.

In Attendance:- Monitoring Officer and Service Director Regulatory Services, Democratic Services Officer (F. Henderson).

1.0 ANNUAL REPORT ON COUNCILLORS' COMPLIANCE WITH THE ETHICAL STANDARDS FRAMEWORK FOR 2016-2017

1.2 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 2016 – 2017 and also considered matters relating to Training, Register of Interest and the Hospitality Register.

1.3 During 2016 - 17 the Commissioner for Ethical Standards in Public Life received a total of 174 complaints relating to 106 cases, which represented a reduction in both the number of complaints and number of cases over the previous years. The majority of complaints received (165) were against Councillors in Local Authorities. The subject matters which attracted complaints were detailed in the report and the main changes from 2015/16 included 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).

1.4 During 2016-17, 5 complaints were 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. The complaints received in 2016-17 covered the following areas:- (a) Disrespect of Councillors/Officials/Public (4 complaints) and Conflict of Interest/Declarations of Interest. 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.

1.5 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.

- 1.6 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.
- 1.7 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*". 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 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. 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. A programme of further training events had been provided in two tranches since the Local Government elections in May 2017 and a further programme of training events were being scheduled for 2018. An electronic library of Member Guidance providing access to relevant information was also available to Members. The Monitoring Officer drew the member's attention to their obligation to update the declaration an interest register on a regular basis and to submit a monthly hospitality return whether offered or accepted.
- 1.8 Discussion followed and the Monitoring Officer answered questions raised by the Members in relation to declaring an Interest and submitting hospitality returns. Members raised the matter of vexatious complaints against Councillors and it was acknowledged that, whilst there was a procedure for Officers, there was not a similar procedure for Councillors. The Monitoring Officer agreed that such a procedure be developed. The Committee requested training for Elected Members on what was considered sexual harassment, which led to a discussion regarding the lack of gender balance on the Committee. The Chairman agreed to speak to Party Leaders with regard to amending their representation.

**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 2017-18 at the appropriate time;**
- (c) that the Monitoring Officer, remind Elected Members of their obligation to update the declaration of interest register on a regular basis;**

- (d) **that the Monitoring Officer, remind Elected Members of their responsibility to submit a monthly hospitality return whether hospitality had been offered or accepted; and**
- (e) **that the Monitoring Officer develop a procedure for Councillors for dealing with vexatious complainers.**

2.0 URGENT BUSINESS

2.1 Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Chairman was of the opinion that the item dealt with in the following paragraph should be considered at the meeting as a matter of urgency, in view of the need for Member to make an early decision.

3.0 ROLE OF COMMITTEE

3.1 The Chairman was of the opinion that the Committee should enhance their involvement in relation to complaints against Councillors rather than referring directly to the Commissioner. The Monitoring Officer stressed that every effort was made to resolve issues prior to referring to the Commissioner.

DECISION AGREED:-

- (a) **there be two meetings scheduled in the year;**
- (b) **that the Committee meet on an Ad hoc basis when required, to consider complaints against Councillors.**

The meeting concluded at 10.45 a.m.