
Annual Report on Councillors' Compliance with the Ethical Standards Framework for 2014-15

Report by Monitoring Officer

STANDARDS COMMITTEE

12 November 2015

1 PURPOSE AND SUMMARY

- 1.1 This report advises elected Members on compliance with the Ethical Standards Framework for 2014-15.**
- 1.2 The report provides Members with details of Scottish Borders Council's compliance with the Ethical Standards Framework for 2014-15. 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 2015-16 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 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 By way of background, in 2014-15 the Commissioner for Ethical Standards in Public Life in Scotland ("The Commissioner") received a total of 692 complaints of which 680 were against Councillors in Scottish Local Authorities. Although this represented a very significant increase on previous years it should be noted that 524 of those complaints related to a single case. Excluding that case, there was a marked reduction in the number of complaints over the previous year. The total figures for the preceding years were as follows:-

2013-14	298
2012-13	192
2011-12	185
2010-11	178
2009-10	190
2008-09	240
2007-08	224
2006-07	276
2005-06	247
2004-05	201
2003-04	138

- 4.3 The case which attracted 524 complaints involved the alleged misuse of Council resources for the publication of politically contentious material. Other matters which attracted significant numbers of complaints related to:
- (a) Alleged misconduct on individual planning applications - 52 complaints relating to 17 separate cases
 - (b) Alleged failure to declare an interest - 39 complaints relating to 16 separate cases, and

(c) Alleged failure to show respect towards councillors, officials or employees – 30 complaints relating to 25 separate cases.

4.4 During 2014-15 the Commissioner referred 11 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 2014-15 there were 8 complaints lodged against 7 Scottish Borders Councillors. A decision was also issued by the Standards Commission in relation to a complaint submitted in the previous reporting year. Of the new complaints received 4 were 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:-

2013-14	13 Complaints
2012-13	13 Complaints
2011-12	7 Complaints
2010-11	8 Complaints
2009-10	12 Complaints
2008-09	18 Complaints

5.3 The complaints received in 2014-15 covered the following areas:-

- (a) Inappropriate Expenses Claims (1 complaint)
- (b) Misuse of Council facilities/equipment (1)
- (c) Conflict of Interest/Declarations of Interest (1)
- (d) Conduct/Respect (5)

5.4 Seven of the complaints were resolved internally. In addition to the complaint referred in the previous year, one further complaint was referred to the Commissioner. The Commissioner decided to take no further action in respect of the new complaint, noting the internal investigation that had already been conducted and the apology and actions taken as a result of that. In terms of the previously reported case, the Commissioner found that the Councillor had breached the Code of Conduct by failing to declare an interest and referred the case to the Standards Commission. Following a Hearing the Councillor was suspended from participating in all Council, Committee and Sub Committee meetings for a period of 3 months.

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 Scottish Borders Council has held a number of training sessions on the Ethical Standards Framework over the last few years. There have also been joint training sessions with Midlothian and Dumfries and Galloway Councils.
- 8.4 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.

- 8.5 The Council arranged for the Public Standards Commissioner for Scotland and the Standards Commission's Secretary to attend 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.
- 8.6 Members of the Planning and Building Standards Committee received additional training on the Code of Conduct on 10 December 2012.
- 8.7 Members were also invited to a seminar, hosted by the Commissioner, in early 2013. A further refresher training event was provided on 26 March 2015 and a further event is being provided for all Members following the presentation of this report. A new electronic library of Member Guidance is also being launched in tandem with this training.

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 take cognisance of and learn lessons from complaints received. It is appropriate to include details of compliance with the overall Ethical Standards Framework in order to fulfil the duties laid upon the Council by the legislation.

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 Strategic Policy, 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

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Background Papers: None

Previous Minute Reference: None

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