

SCOTTISH BORDERS COUNCIL STANDARDS COMMITTEE

MINUTES of Meeting of the STANDARDS
COMMITTEE held in Council Chamber,
Council Headquarters, Newtown St Boswells
TD6 0SA on Thursday, 12th November, 2015
at 1.00 pm

Present:- Councillors A. J. Nicol (Chairman), S. Aitchison, C. Bhatia, J. Greenwell,
B Herd, G. Logan and F. Renton.
Apologies:- Councillor W. Archibald.
In Attendance:- Councillors M Ballantyne, J Campbell, K Cockburn, A Cranston, V Davidson,
G Edgar, J Fullarton, G Garvie, I Gillespie, S Marshall, W McAteer, D Moffat,
S Mountford, D Parker, D Paterson, S Scott, R Smith, J Torrance, G Turnbull,
B White.
Also Present:- Monitoring Officer and Service Director Regulatory Services, Democratic
Services Officer (P Bolson).

1. **MINUTE**

There had been circulated copies of the Minute of the meeting of the Standards Committee of 12 December 2014.

DECISION

AGREED the Minute for signature by the Chairman.

2. **ANNUAL REPORT ON COUNCILLORS' COMPLIANCE WITH THE ETHICAL STANDARDS FRAMEWORK FOR 2014-15**

- 2.1 With reference to the decision at paragraph 5(c) of the Minute of 12 December 2014, 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 2014 - 2015 and also considered matters relating to Training, Register of Interest and the Hospitality Register. Members were advised of the background to the report and noted that, following the Internal Audit report in 2005, it had been agreed that it would be good practice to report annually on the Councillors' Code of Conduct. A planned audit carried out by the Council's Internal Audit section in March 2010 resulted in agreement to report on general compliance with the overall Ethical Standards Framework. These annual reports considered the Councillors' Code of Conduct compliance, training, the Members' Register of Interests and their Hospitality Register.
- 2.2 During 2014 – 15, the Commissioner for Ethical Standards in Public Life (the Commissioner) received a total of 692 complaints of which 680 were against Councillors within Scottish Local Authorities. This represented a significant increase from previous years however 524 of these related to a single case and when these were removed, there was actually a reduction in the total from preceding years. The report provided information on the types of case brought forward to the Commissioner and these included alleged misuse of Council resources for the publication of politically contentious material, misconduct on individual planning applications, failure to declare an interest and failure to show respect to Councillors, officials or employees. The Commissioner determined that 11 cases constituted a breach of the Code of Conduct and these were therefore referred to Standards Commission for Scotland (the Commission).
- 2.3 During 2014 – 15, 8 complaints were lodged against 7 Scottish Borders Councillors, 4 of which were internal (submitted by a Councillor or Officer) and 4 external (submitted by a member of the public or external organisation.) These related to inappropriate expenses claims, misuse of Council facilities/equipment, Conflict of Interests/Declarations of

Interests and conduct/respect. Seven of the complaints were resolved internally. One new complaint was referred to the Commissioner but no further action was taken as the Commissioner took into consideration the internal investigation that had already been conducted and the apology and actions that had resulted from this. With regard to the case referred from the previous year, the Commissioner found that the Councillor had breached the Code of Conduct by failing to declare an interest and referred the case to the Commission. Following a Hearing, the Councillor was suspended from participating in all Council, Committee and Sub-Committee meetings for a period of 3 months.

- 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. 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.
- 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.
- 2.6 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". Scottish Borders Council had held a number of training sessions on the Ethical Standards Framework over the last few years and had also participated in joint training sessions with Midlothian and Dumfries and Galloway Councils. Training was also provided on the Ethical Standards Framework to Members as part of their Induction Programme in May 2012 and individual Induction had been delivered to any Member joining the Council as a result of a subsequent by-election. The Council had arranged for the Public Standards Commissioner for Scotland and the Standards Commission's Secretary to attend the Scottish Borders Council 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. Members of the Planning and Building Standards Committee received additional training on the Code of Conduct on 10 December 2012. Members were given the opportunity to attend a seminar hosted by the Commissioner in early 2013 and a further refresher training event had been arranged for all Elected Members to follow on from this formal business meeting of the Standards Committee. Members were advised that a new electronic library of Guidance for Members had been developed and Members would be informed when this would be available for them to access via modern.gov, the Committee Management system used within the Council.
- 2.7 Discussion followed and the Monitoring Officer answered questions raised by the Members. With reference to the Code of Conduct for Community Councillors, the Monitoring Officer confirmed that there were no enforceable sanctions within this Code. It was agreed that Mr Frater would write to the Scottish Government to obtain clarification regarding what the current situation was in terms of Community Councils and the conduct of Community Councillors. The Monitoring Officer also advised that a complaint against

an Elected Member or officer must be clearly defined as such by the complainer in order for it to be recorded and investigated as a formal complaint. In response to a question about why "compliments" were not recorded, Members were advised that the purpose of the report was compliance with the Ethical Standards Framework and were referred to paragraph 1.1 of the report.

DECISION

AGREED:-

- (a) to accept the report;**
- (b) that the Monitoring Officer would write to the Scottish Government to obtain clarification regarding what the current situation was in terms of Community Councils and the conduct of Community Councillors; and**
- (c) that the Monitoring Officer be instructed to bring forward a report on Ethical Standards Framework compliance for 2015-16 at the appropriate time.**

The meeting concluded at 1.50 pm