

COUNCILLORS CODE OF CONDUCT AND RELATED INTERNAL MECHANISMS

1.0 EXECUTIVE SUMMARY

- 1.1 The Chair of the PRS Committee has asked officers to provide information on the current protocols and mechanisms in place to deal with enforcement of the Councillors Code of Conduct. He also asked for information in relation to the decision taken by the Council some years ago to remove the Standards Committee which had up until 2007 dealt with matters relating to the Councillors Code of Conduct.
- 1.2 This report provides the information requested and Members are asked to note the contents of the report.

COUNCILLORS CODE OF CONDUCT AND RELATED INTERNAL MECHANISMS

2.0 INTRODUCTION

- 2.1 This report provides information on the national mechanisms in place in relation to enforcement of the Councillors Code of Conduct and outlines other complementary mechanisms that are available to the Council.

3.0 RECOMMENDATIONS

- 3.1 The PRS Committee is asked to note the contents of the report.

4.0 DETAIL

4.1 National Code of Conduct for Councillors

- 4.1.1 The Council has not operated a Standards Committee since early in 2007. The decision to remove the Standards Committee was taken following the introduction of legislation which set up a national arrangement for dealing with such issues, namely the Standards Commission and the Commissioner for Ethical Standards in Public Life.
- 4.1.2 The Standards Commission is an independent body set up by the Ethical Standards in Public etc. (Scotland) Act 2000. The Commission encourages high ethical standards in public life through the promotion and enforcement of Codes of Conduct for Councillors and Members of Devolved Public Bodies.
- 4.1.3 The Standards Commission works with local authorities and public bodies to help them assist their Councillors and Members to achieve the highest standards of conduct. They also issue guidance on the Codes of Conduct.
- 4.1.4 Complaints about breaches of the Codes of Conduct are investigated by the Commissioner for Ethical Standards in Public Life in Scotland (CESPLS). Following the investigation and where the CESPLS determines that a contravention of the Code of Conduct has occurred the CESPLS will submit a Report for the consideration of the Standards Commission. The Standards Commission will review the Report and determine whether to: direct the CESPLS to carry out further investigations; hold a hearing; or do neither.
- 4.1.5 If the decision of the Standards Commission is to hold a hearing, this process will be used to determine whether a Councillor or Member of a devolved public body has contravened either the Councillors' Code or the Members'

Code. If the evidence presented to the Standards Commission's Hearing Panel supports that a breach of the Code had occurred the Hearing Panel will then agree the level of sanction to be applied in accordance with the 2000 Act.

4.2 Role of Monitoring Officer

4.2.1 The Monitoring Officer is a statutory appointment pursuant to section 5 of the Local Government and Housing Act 1989. The Monitoring Officer has an important role in terms of Section 5 of the Ethical Standards in Public Life (Scotland) Act 2000, whereby the Council has a duty to promote and ensure observance of the Councillors' Code of Conduct. This includes:-

- providing advice to Members on the Code on Conduct;
- providing training on the Code of Conduct;
- reporting alleged breaches by members of the Council's Ethical Framework, as contained in the Council's Constitution; and
- liaising with the Standards Commission and Public Standards Commissioner, as necessary.

4.2.2 A copy of the current Protocol for the office of the Monitoring Officer is attached as Appendix 1 to the report.

4.3 Political Management Arrangements

4.3.1 Currently Argyll and Bute Council operates a Traditional Committee system which delegates authority to a number of Committees to make those decisions which are not reserved for the Council. The membership of these Committees is reflective of the political balance of the Council. Currently the Council delegates decisions which impact on Policy or have financial consequences to the P&R Committee. There are also 2 Service Committees – Community Services and Environment, Development and Infrastructure Committees along with a regulatory Committee (PPSL) which deals with issues of a regulatory nature such as Planning and Civic Licensing. In terms of the Audit function this is carried out by the Audit Committee and the scrutiny/performance role is carried out by the Performance Review and Scrutiny Committee. There is no provision for a Standards Committee in the current model.

4.3.2 The current review of the Political Management Arrangements is ongoing with it likely that a recommendation will be made to the April meeting of Council that the decision on any future model is agreed by the new Council – post May 2017.

The options likely to be recommended are:-

to remain with a Traditional Model but with a reduced frequency of meetings

to implement a Cabinet Model, whereby a small group of elected members from the administration and with Portfolio/Policy remits make all the day-to-

day decisions within a policy framework set by the council as a whole; and

to implement an Executive Model, which is similar to the Cabinet model, but the Executive generally has membership from both administration and opposition Councillors.

A Standards Committee is not an option within any of the 3 recommended models.

5.0 CONCLUSION

5.1 This report provides information on the current arrangements in place for dealing with enforcement of the Councillors Code of Conduct.

6.0 IMPLICATIONS

6.1 Policy – none

6.2 Financial – none

6.3 Legal – none

6.4 HR – none

6.5 Equalities - none

6.6 Risk - none

6.7 Customer Service - none

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APPENDICES

Appendix 1 – Protocol for the office of the Monitoring Officer