

AMENDED VERSION OF THE COUNCILLORS' CODE OF CONDUCT

1.0 EXECUTIVE SUMMARY

This report advises Elected Members of the actions that have been taken following the publication of an amended version of the Councillors' Code of Conduct, as agreed by the Scottish Parliament on 9th July 2018, and the revised guidance issued by the Standards Commission in light of the amendments.

The Council is invited to

- a) Formally note the changes to the Councillors Code of Conduct and the revised Guidance issued by the Standards Commission.
- b) Note the Constitution has been updated to take account of the changes to the Code and the associated guidance.
- c) Note the actions taken by the Council in light of the amendments.

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2.0 INTRODUCTION

- 2.1 Elected Members will be aware that an amended version of the Councillors' Code of Conduct was agreed by the Scottish Parliament on 9th July 2018, and revised guidance has subsequently been issued by the Standards Commission in light of the amendments. This report invites Council to formally note those changes and to note the actions that have been taken by the Council in light of the changes including updating the Council Constitution.

3.0 RECOMMENDATIONS

3.1 The Council is invited to

- a) Formally note the changes to the Councillors Code of Conduct and the revised Guidance issued by the Standards Commission.
- b) Note the Constitution has been updated to take account of the changes to the Code and the associated guidance.
- c) Note the actions taken by the Council in light of the amendments.

4.0 DETAIL

- 4.1 Following a period of consultation and subsequent approval by the Scottish Parliament a revised Councillors' Code of Conduct has been issued by the Scottish Ministers which came into effect on 9th July 2018.
- 4.2 The Ethical Standards in Public Life etc. (Scotland) Act 2000 provided for the Code of Conduct and it applies to every elected member of a local authority in Scotland. It is a Councillor's personal responsibility to make sure that they are familiar with, and that their actions comply with, its provisions.
- 4.3 The amended Code (including revised guidance) is attached at Appendix 1 and can be found at <http://www.gov.scot/ISBN/9781787810778>. The main changes to the Code are as follows:
- There is now an explicit reference to social media in paragraph 3.1, which concerns the requirement to observe the rules of good conduct.

- The requirement to respect other councillors and members of public is now distinct from the requirement to respect officers. Both requirements are also now distinct from the paragraph on conduct at meetings (now paragraph 3.7).
 - There is a new paragraph 3.6, which states that bullying and harassment are unacceptable and will be considered to be a breach of the Code.
 - The paragraph on confidentiality (now 3.17) has been amended to make it clear it covers information of a private nature which is not yet public or which perhaps would not be intended to be public (i.e. not just information deemed to be confidential by statute).
 - The former paragraph 3.18 (now 3.20) has been extended in that its provisions apply if the councillor assumes other responsibilities, such as becoming a director of a charitable trust.
 - Paragraph 4.2 has been amended to reflect the requirements of the 2003 statutory instrument that interests must be registered within a month of acceptance of office (or a month of a circumstance changing).
 - The former paragraph 4.17 (now 4.18) concerning the registration of election expenses now introduces a qualifying period.
 - Paragraph 4.4 (now 4.5) has been clarified and now refers to councillors not having a registrable interest simply because they are a member of a *statutory* joint board or joint committee that is composed exclusively of councillors.
 - The specific exclusion at paragraph 5.18 is extended to councillors appointed by their Council to a Regional Transport Partnership (RTP). The exclusion enables such a councillor to take part in the consideration and discussion of, and to vote upon, a matter relating to that RTP or in relation to which the RTP has made a representation; provided that the councillor has declared his or her interest at all meetings where such matters are to be discussed. The exclusion includes quasi-judicial and regulatory matters except any quasi-judicial or regulatory matter on which the RTP has made an application to the Council, has formally objected to an application made by another party, or is the subject of an order made or proposed to be made by the Council.
 - Paragraph 7.10 has been moved and is now 7.5.
 - The former paragraph 7.5 has been simplified and is now 7.6.
- 4.4 The Standards Commission has made some minor revisions to its Guidance on the Councillors' Code of Conduct in light of the amendments and this is incorporated into the combined code and guidance document attached at Appendix 1.

- 4.5 The Standards Commission has also produced an Advice Note for elected members on bullying and harassment. This is attached at Appendix 2 and is available on the Standard Commissions Website at:
<http://www.standardscommissionscotland.org.uk/education-and-resources/professional-briefings>.
- 4.6 The Monitoring Officer issued notification of these amendments to all Elected Members in July 2018 and the Council's webpage and Members Resource section on the HUB have been updated to incorporate the revised documentation. Elected Member's attention is also drawn to the Standards Commission briefing notes resource and a link to this has also been made available on the Members Resource section on the HUB.
- 4.7 Additionally changes to the Councillors' Code of Conduct and associated guidance have been issued to the Chair of the Audit and Scrutiny Committee and Education Representatives and advised to all staff.
- 4.8 The Councillors' Code of Conduct and the Standards Commission guidance are an integral part of the Council Constitution and therefore this has been updated to incorporate the amended versions and is available on the Council Website and via elected member iPads.

5.0 CONCLUSIONS

- 5.1 Following agreement by the Scottish Parliament on 9th July 2018 to a revised Councillors' Code of Conduct, and revised guidance being issued by the Standards Commission. It is a Councillor's personal responsibility to make sure that they are familiar with, and that their actions comply with, its provisions and the Council is invited to formally note those changes and to note the actions that have been taken in light of these including updating the Council Constitution.

6.0 IMPLICATIONS

- 6.1 Policy – The Council Constitution has been amended to incorporate amendments to the Councillors' Code of Conduct.
- 6.2 Financial - None
- 6.3 Legal - The Ethical Standards in Public Life etc. (Scotland) Act 2000 provided for the Code of Conduct and it applies to every elected member of a local authority in Scotland.
- 6.4 HR - None
- 6.5 Fairer Scotland Duty:
- 6.5.1 Equalities - none
 - 6.5.2 Socio-economic Duty - none
 - 6.5.3 Islands - none

6.6 Risk – Failure to adhere to the Councillors’ Code of Conduct could have a reputational risk for the Council.

6.7 Customer Service - None

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15th August 2018

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Appendix 1: Combined Code and Guidance

Appendix 2: Advice Note for elected members on bullying and harassment