

STANDARDS UPDATE

ISSUE 37: March 2023

News

New Standards Commission Members

The Scottish Parliament approved the appointments of two new part-time Standards Commission Members on 1 March. Anne-Marie O'Hara commenced in post on 13 March 2023. Anne-Marie has worked in various property, charity and grant-giving roles. She was Head of the Capital Team at The BIG Lottery Fund and led the Property Planning, Projects and European Funding Team at the National Trust for Scotland. Anne-Marie retired recently from her post as CEO of an Edinburgh-based charity and social enterprise providing affordable space for the third sector.

Helen Donaldson is due to start on 1 April 2023. Helen has a long career in education. Initially an English teacher, more strategic roles followed including literacy development officer, and then management responsibilities in Aberdeenshire as a Quality Improvement Officer, then Acting Head of Early Years. She continued in local authority work as Head of Education and Inclusion in Aberdeen City with wide ranging responsibilities within Education and Children's Services working closely with local councillors, outside agencies and officers from across the Council. Other roles have included working on the National Improvement Framework with Education Scotland and the Scottish Government's Learning Directory.

The Standards Commission wishes to thank Mike McCormick and Tricia Stewart, who recently reached the end of their tenure as members, for their support, hard work and dedication during their years in post. Both Mike and Tricia undertook their roles with good humour and great professionalism and will be sorely missed.



Ethical Standards Commissioner

The Standards Commission is pleased to note that the Scottish Parliament has approved the appointment of Ian Bruce, the Acting Commissioner, as the new Ethical Standards Commissioner (ESC). Among other responsibilities, the ESC receives complaints regarding alleged breaches by councillors and board members of their respective Codes of Conduct. When the ESC has completed his investigation into a complaint, the investigation report is referred to the Standards Commission to make a final disposal decision. We wish Ian every success in the role and look forward to continuing to work with him and his team.

Eligibility Direction

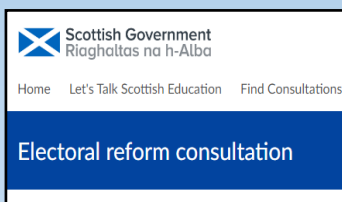
Following a consultation process, the Standards Commission has renewed its Direction on the Eligibility of Complaints. The Direction requires the ESC to investigate and report to the Standards Commission on all complaints about councillors and members of devolved public bodies unless (a) the Respondent has passed away or is incapacitated; (b) the complaint could not, on the face of it, constitute a contravention of the relevant Code; or (c) the complaint relates to conduct that occurred more than 12 months ago. The Eligibility Direction ensures that all complaints that could potentially amount to a breach of the Code are investigated.

The Standards Commission noted that the ESC had advised that he was committed to applying the same, or similar eligibility criteria, and to codifying these in the publicly available Investigation Manual that he was currently finalising. The Standards Commission was satisfied that doing so would provide transparency about the criteria for admissibility and assurance that decisions were being made consistently. The Standards Commission agreed to renew the Direction for a period of six months to give the ESC time to complete and publish the Manual.

Response to Consultation on Electoral Reform

The Standards Commission has responded, in part, to the Scottish Government's consultation paper on Electoral Reform. You can read the [Standards Commission's response here](#). It covers:

- whether anyone found guilty of an offence involving the harassment or intimidation of politicians, candidates or campaigners should be subject to an additional sanction of losing the right to stand for election for 5 years; and
- how a local government candidate's location is shown on the ballot paper.



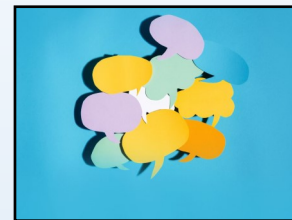
News cont.

Standards Officers' Workshop

The Standards Commission held its annual workshop of Standards Officers of devolved public bodies on 21 March 2023.

Thanks to everyone who attended and participated in what was a thought-provoking and engaging event. Discussion topics included: adoption of / training on the revised Model Code; respect, bullying and harassment; conduct on social media; confidentiality; identifying and declaring interests and the issues arising from distinguishing between strategic and operational matters. We are grateful to everyone who attended and hope you found the discussions as informative and useful as we did.

Please contact enquiries@standardscommission.org.uk if you were unable to attend and would like a copy of the notes taken at the workshop.



Business Plan 2023-24

A copy of the Standards Commission's Business Plan for 2023/24, which outlines the activities that the Standards Commission will aim to deliver during the last year of the four-year cycle of the Strategic Plan for 2020/24 has been finalised. Copies of the Business Plan and the Strategic Plan can be found on the [Corporate Information](#) page of our website.

Cases Overview

Since the last briefing in December 2022, 16 cases were referred to the Standards Commission by the Ethical Standards Commissioner (ESC) about elected members of City of Edinburgh (two cases), Scottish Borders, Inverclyde, Fife (2 cases), Glasgow City (2 cases), Angus, Aberdeen City, South Lanarkshire, Highland (2 cases), Aberdeenshire, Dundee City and Stirling Councils. Ten of these referrals were received in the last month.

The Standards Commission directed the ESC to undertake further investigation into the complaint involving a councillor from Highland Council and has scheduled Hearings in five cases in respect of an Angus councillor, an Aberdeen City councillor, two South Lanarkshire councillors, a former Dundee City councillor and a Stirling councillor. Decisions on a City of Edinburgh and a Highland case are pending. The Standards Commission held a Hearing in respect of a case concerning two former councillors from City of Edinburgh Council. The outcome of the Hearing is outlined below. No action was taken in seven cases and the written decisions in respect of these cases can be found on the [Cases](#) page of our website.

City of Edinburgh Council - LA/E/3651 - Hearing Held - Breach

At a Hearing held online on 22 February 2022, the Panel heard that it was not in dispute that, at a meeting of the Council's Transport & Environment Committee in November 2021, the two Respondents (who are no longer councillors) participated in the discussion and vote on an agenda item, concerning an Experimental Traffic Regulation Order closing a road. This was despite both Respondents having declared a non-financial interest in the matter.

The Panel acknowledged that the Respondents had not received clear advice at the meeting about whether they could take part in the item. The Panel was satisfied, nonetheless, that they had been provided with guidance the day before, which made it clear that councillors would not be able to take part in the decision-making if they had a declarable interest in the matter. The Panel noted, in any event, that it is a councillor's personal responsibility to comply with the Code, regardless of any advice provided (or, in this case, not provided). The Panel noted that, following the declaration of an interest in a matter, the Code requires councillors to withdraw fully from the meeting until the discussion and decision-making on the item in question is complete.



The Panel further considered that by failing to withdraw from the decision-making process having declared an interest, the Respondents failed to comply with the provisions in the Code that required them to avoid any occasion for suspicion and any appearance of improper conduct. The Respondents were found to have breached the Code and were censured.

Details of the outcome of cases, including full written decisions and information about scheduled Hearings, can be found in the [Cases](#) section of our website.

For further information on the support we can offer councillors and members of devolved public bodies, please either speak to your Monitoring Officer or Standards Officer or look out for information on our website. Alternatively, please contact us:

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