

To: Council

On: 27 September 2018

Report by: Director of Finance & Resources

Heading: Revised Councillors' Code of Conduct

1. Summary

- 1.1 The Scottish Government has published an amended version of the Councillors' Code of Conduct, as agreed by the Scottish Parliament. One of the reasons for amending the Code was to introduce a provision that bullying and harassment would be a breach of the Code.
- 1.2 Members have been provided with a copy of the Code and it may also be found at <http://www.gov.scot/ISBN/9781787810778>.
- 1.3 The Standards Commission has also produced an Advice Note for members on bullying and harassment.

2. Recommendations

- 2.1 That the revised Councillors' Code of Conduct be noted.
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3. Background

- 3.1 The Ethical Standards in Public Life etc (Scotland) Act 2000 requires the issue of a Code of Conduct for Councillors. The Code was introduced originally in 2003 and was subsequently reviewed in 2010.

Following a recent review, a revised Code of Conduct for Councillors was approved by the Scottish Parliament in July 2018 and is now in force. The revised Code was circulated to all elected members in July. The Standards Commission also revised their Guidance in relation to the Code of Conduct and this was published at the same time as the publication of the revised Code.

3.2 The substantive changes to the Code are an addition to Section 3 of the Code to make it clear that bullying or harassment is completely unacceptable and will be considered to be a breach of the Code and changes to the rules on declarations of interest by councillors who are also members of Regional Transport Partnerships. The Standards Commission has published an Advice Note for members on bullying and harassment.

3.3 There are also a number of minor changes to the Code which are intended to clarify various existing provisions. The changes include the following:

- There is now an explicit reference to social media in paragraph 3.1 which concerns the requirement for councillors to observe the rules of good conduct at all times when they are acting as a councillor.
- In paragraphs 3.2 and 3.3, 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.
- 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) which previously only covered potential conflicts of interest as a Council nominee to the Board of a company 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 of 12 months prior to and including the current terms of office for councillors.
- 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.

3.4 The Head of Corporate Governance will provide a briefing to members on changes to the Code and the terms of the Advice Note on 7 November 2018. The Standards Commission are also organising roadshows that are available for elected members to attend at Perth on 14 November 2018 and 18 February 2019 in Motherwell.

Implications of the Report

1. **Financial** – none
2. **HR & Organisational Development** – none
3. **Community/Council Planning** – none
4. **Legal** – none
5. **Property/Assets** - none.
6. **Information Technology** – none
7. **Equality & Human Rights**

The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.

- 8. **Health & Safety** – none
- 9. **Procurement** – none
- 10. **Risk** – none
- 11. **Privacy Impact** – none
- 12. **CoSLA Policy Position** – not applicable

List of Background Papers – none

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