

ANGUS COUNCIL

6 DECEMBER 2018

STANDARDS COMMISSION DECISION

REPORT BY HEAD OF FINANCE AND LEGAL

ABSTRACT

In terms of Section 18 of the Ethical Standards in Public Life Etc (Scotland) Act 2000 and Rule 10.9 of the Standards Commission Hearing Rules, the Council requires to consider within three months, the terms of a written decision issued by the Standards Commission.

1. RECOMMENDATION

It is recommended that the Council considers the decision in relation to complaint reference LA/An/2094.

2. ALIGNMENT TO THE COUNCIL PLAN

This report contributes to the achievement of our priority that the council is efficient and effective as detailed in our Council Plan for 2017 – 2022.

3. BACKGROUND

A complaint was received by the Commissioner for Ethical Standards in Public Life in Scotland (CESPLS) regarding the alleged conduct of Councillor Moore (the respondent). Following an investigation, CESPLS referred the complaint to the Standards Commission for Scotland on 20 September 2018, in accordance with section 14(2) of the Ethical Standards in Public Life (Scotland) Act 2000, as amended.

The substance of the referral was that the Respondent had failed to comply with the provisions of the Councillors Code of Conduct and in particular paragraphs 3.1, 3.2 and 3.3. The relevant provisions relate to General Conduct, Conduct at Meetings and Relationships with Council Employees (including those members employed by contractors providing services to the Council).

The complaint related to the Respondent's conduct towards two fellow elected members and two officers.

The decision of the Hearing Panel was that:

1. The Councillors Code of Conduct applied to the Respondent; and
2. The Respondent had breached paragraphs 3.1, 3.2 and 3.3 of the Councillors Code of Conduct

In terms of the sanction, the Hearing Panel agreed to suspend Councillor Moore's entitlement to attend all meetings of Angus Council and of any committee or sub committee thereof, for a period of three months with effect from Friday 23 November 2018.

Subsequent to the decision notice being issued, the Standards Commission have clarified that the sanction also covers the entitlement to attend meetings of any other body on which Councillor Moore is a representative or nominee of the council or body. As such, it includes Councillor Moore's entitlement to attend any ALEO or other outside body that he has been nominated to or is otherwise on as a council representative (details of which are listed below).

Standing Committee Membership

Angus Council
Angus Licensing Board
Civic Licensing Committee
Communities Committee
Development Standards Committee
Development Management Review Committee

Representative of Statutory Board and Committee

Tayside Valuation Joint Board

Representative of Partnership Trust and Other Bodies

ANGUSALive
Angus Council Charitable Trust
COSLA – Convention
Montrose Basin Local Nature Reserve Management Team
Dundee Rep Theatre Board

4. PROPOSALS

Attached as Appendix 1 to this Report is the formal decision of the Hearing Panel held on 19 November 2018. Members are asked to consider the decision of the Panel and intimate to the Commissioner that they have done so.

5. FINANCIAL IMPLICATIONS

There are no financial implications arising from this Report.

NOTE: No background papers, as detailed by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

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Appendix 1: Decision of the Panel Hearing