

**ANGUS COUNCIL**

**17 DECEMBER 2020**

**COUNCILLOR'S CODE OF CONDUCT: CONSULTATION 2020**

**REPORT BY THE DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES**

**ABSTRACT**

This Report details a proposed response to the consultation on possible revisions to the Code of Conduct for Councillors.

**1. RECOMMENDATION**

- 1.1 It is recommended that the Council considers the proposed response, provide any additional comment, and authorise the Director of Legal and Democratic Services to submit the response to the Scottish Government on behalf of Angus Council.

**2. ALIGNMENT TO THE COUNCIL PLAN**

- 2.1 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**

- 3.1 Section 1 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 requires the Scottish Ministers to issue a Code of Conduct for Councillors (the Code). The current version of the Code was originally issued in 2010 and amended in 2018. It can be found at: <https://www.standardscommissionscotland.org.uk/uploads/files/1531127491CllrsCodeofConductJuly2018.pdf>

The current version of the Code was originally issued following a limited review of the Code that the Scottish Government carried out in 2009. A further amendment was published in 2018 which addressed the specific issue of councillors' membership on regional transport partnerships.

The 2000 Act states that Ministers shall issue a councillors' code only after it has been laid before and approved by a resolution of the Scottish Parliament. The same applies to any revision or re-issue of the Code.

The aim of the Code is to set out clearly and openly the standards that councillors must comply with when carrying out their council duties. All local authority councillors in Scotland are obliged to comply with the Code and to note any guidance on the Code issued by the Standards Commission for Scotland. The current guidance was issued in 2015 and can be found at:

<https://www.standardscommissionscotland.org.uk/uploads/files/1545151725181218CCfCouncillorsGuidanceDec2018.pdf>

**4. PROPOSALS**

- 4.1 The Scottish Government considered that many developments have occurred over the last ten years since the Code was last substantially reviewed and it was important to take account of such changes and to provide users with the opportunity to comment on the review. The Standards Commission for Scotland are looking to make the Code easier to understand, to take account of developments in society such as the role of social media. It is also aimed at strengthening the Code to reinforce the importance of behaving in a respectful manner and to make it clear that bullying and harassment is completely unacceptable and should not be tolerated.

The aim is to produce a Code that is fit for purpose and will ensure the highest standards of conduct by councillors to maintain and strengthen the trust of those they are elected to serve. The key changes to note are:

- A general rewrite changing the Code to the first person and adopting plain English wherever possible. This makes it easier to understand and encourages councillors to take ownership.
- A greater emphasis on addressing discrimination and unacceptable behaviour.
- Stronger rules around accepting gifts, both to protect councillors and to build confidence in their impartiality amongst the general public. The provisions concerning gifts and hospitality have been amended to make it clear that they should not be sought or accepted unless it is a minor gift (such as a pen or notepad), or is hospitality that a councillor would normally be expected to be offered in their everyday role (such as tea or coffee at a local event, or a sandwich lunch included as part of a daily rate charged and provided to all delegates at a training event or conference). Consequently, there is no longer a need for a Register of Gifts and Hospitality
- A substantial rewrite of Section 5 which relates to declaring interests establishing three clear and distinct stages to determine a declaration – Connection – Interest – Participation.
- Significantly liberalising the guidance/rules around being a council-appointed representative on an outside body. (The exceptions to this are for quasi-judicial matters and other situations where such appointments would create a clear conflict of interest.)
- Greater clarity around the rules around access and lobbying.
- Section 7 which relates to applications and other regulatory matters has been substantially reworked in order to provide a more generic approach that can cover all types of applications and decisions and is not be so heavily focussed on planning matters. It is also very clear on what councillors can and cannot do.

A proposed response has been drafted which is attached at **Appendix 1**.

Members are asked to give consideration to this.

Members can also, if they wish, submit individual responses as part of the consultation online at <https://consult.gov.scot/housing-and-social-justice/the-councillors-code-of-conduct>

You can save and return to your responses while the consultation is still open. Responses must be submitted before the closing date of 08 February 2020.

## **5. FINANCIAL IMPLICATIONS**

5.1 There are no financial implications associated with this Report.

## **6. EQUALITIES IMPLICATIONS**

6.1 An Equality Impact Assessment is not required as any equalities issues will be addressed by the Standards Commission for Scotland.

**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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List of Appendices:

Appendix 1: Questions

Appendix 2: Councillors' Code of Conduct