

13. COUNCILLORS' CODE OF CONDUCT - ANNUAL REVIEW 2017/18

The Panel considered a report (copies of which had been circulated) by the Governance Manager advising of significant issues in 2017/18 in relation to the Councillors' Code of Conduct.

Table 1 in the appendix attached to the report summarised the complaints received by the Commissioner for Ethical Standards for Public Life in Scotland (CES) during the year. Table 2 was the summary of the cases in which the CES found a breach and referred a case onto the Standards Commission for Scotland (SCS) for determination.

The highlights from the CES's year and from the complaint figures were as follows :-

- There was again a reduction in the total number of complaints;
- The largest category of complaints was of misconduct in dealing with individual applications, mainly planning cases;
- The largest category of cases referred on to the SCS was disrespect;
- The number of complaints from officers reduced again, down now for two consecutive years;
- Complaints were being processed more quickly but the reduction in numbers of complaints had helped that; and
- Only three complaints were made against members of devolved public bodies.

The SCS's year was also summarised in the report with further information contained in Appendix 3 on the hearing cases for the year.

Looking forward the SCS had identified the following areas of activity :-

- ❖ Issuing advice for councillors on distinguishing between policy-making and operational management
- ❖ Holding a workshop for IJB members and Standards Officers
- ❖ Holding more roadshows for councillors in 2018/19
- ❖ Amending Codes of Conduct to make more explicit that bullying and harassment would not be tolerated and would be a breach of the Code
- ❖ Working with the Scottish Ministers to revise more extensively the Codes of Conduct for councillors and public body members

With regards to training for the council's elected members on the code of conduct this was concentrated in the post-election induction programme

with a series of short sessions provided on the different components of the Code. Other more targeted sessions were provided during the year.

The council's updated history of involvement with the CES and the SCS and of its internal procedures was shown in Tables 4, 5 and 6 of the appendix.

Six complaints were made and determined through the council's internal complaints procedure. Two of the six complaints related to the same circumstances with the other five cases summarised in the report.

It was noted that no complaints against West Lothian councillors were made to the CES during the year.

In conclusion the number of complaints against West Lothian Council in 2017/18 was higher than in recent years with the most significant aspect being the use of social media. Further awareness of issues relating to the Code of Conduct would help members in applying the Code to their council work and would assist officers in their dealings with members and their working relationships.

The Panel was asked to consider the following recommendation which were to be made to Council Executive :-

1. To note the summary of the issues arising in relation to the Councillors' Code of Conduct in 2017/18
2. To note that the annual presentation to members would now take place on 22 January 2019; and
3. To note in particular the continuing interest in "respect" cases and the related issues of enhanced Article 10 rights to freedom of expression in political matters and inappropriate involvement of members in operational matters.

Decision

1. To note the contents of the report; and
2. To agree that the report along with the recommendations be forwarded to Council Executive.