

The Improvement Service

ELECTED MEMBER BRIEFING NOTE

# The Standards Commission for Scotland



STANDARDS  
COMMISSION  
FOR  
SCOTLAND

is.  
improvement service

# What is the purpose of the briefing note series?

The Improvement Service (IS) has developed an Elected Members Briefing Series to help elected members keep pace with key issues affecting local government.

Some briefing notes will be directly produced by IS staff but we will also make available material from as wide a range of public bodies, commentators and observers of public services as possible.

We will use the IS website and elected member e-bulletin to publicise and provide access to the briefing notes. All briefing notes in the series can be accessed at [www.improvementservice.org.uk/elected-member-guidance-and-briefings.html](http://www.improvementservice.org.uk/elected-member-guidance-and-briefings.html).

# What is the Standards Commission for Scotland?

The Standards Commission for Scotland (the Standards Commission) is one of the key components of the ethical standards framework in Scotland.

The ethical standards framework comprises the [Standards Commission](#), the [Commissioner for Ethical Standards in Public Life in Scotland](#) (the Commissioner) and the [Codes of Conduct](#), supported by the Standards Commission's [Guidance on the Councillors' Code of Conduct](#).

The Standards Commission is an independent body whose purpose is to encourage high ethical standards in public life through the promotion and enforcement of Codes of Conduct for Councillors and those appointed to the Boards of Devolved Public Bodies.

For the purpose of this briefing note, we will focus on the Councillors' Code of Conduct and elected members.

The Standards Commission takes very seriously its role of promoting understanding of, and compliance with, the Councillors' Code of Conduct. The Standards Commission works with local authorities to assist elected members to achieve and maintain the highest standards of conduct, issues Guidance on the Councillors' Code of Conduct and provides training for elected members and their advisors on the ethical standards framework. The Standards Commission also issues Advice Notes on specific topics and quarterly professional briefings, which provide updates on its work and learning points from Hearings it has held on alleged breaches of the Councillors' Code of Conduct.

# Why does the Councillors' Code of Conduct matter?

The Councillors' Code of Conduct sets out, openly and clearly, the standards of conduct that elected members must apply when carrying out their public duties and allows the public to know the standards they can expect of their elected members.

The key principles which underpin the Code of Conduct are based on the principles of public life set out by the Committee on Standards in Public Life:

## **Duty and public service**

Holders of public office should uphold the law and act in accordance with the law and the public trust placed in them. They should act in the interests of the council or public body.

## **Selflessness**

Holders of public office have a duty to act solely in terms of the public interest. They must not act in order to gain financial or other material benefit for themselves, family or friends.

## **Integrity**

Holders of public office must not place themselves under any financial or other obligation to any individual or organisation that might reasonably be thought to influence them in the performance of their duties.

## **Objectivity**

Holders of public office must make decisions solely on merit when carrying out public business.

## **Accountability and stewardship**

Holders of public office are accountable for their decisions and actions to the public. They have a duty to consider issues on their merits, taking account of the views of others, and must ensure that the council or body uses its resources prudently and in accordance with the law.

## **Openness**

Holders of public office have a duty to be as open as possible about decisions and actions they take, giving reasons for their decisions and restricting information only when the wider public interest clearly demands.

## **Honesty**

Holders of public office have a duty to act honestly. They must declare any private interests relating to their public duties and take steps to resolve any conflicts arising in a way that protects the public interest.

## **Leadership**

Holders of public office have a duty to promote and support these principles by leadership and example and to maintain and strengthen the public's trust and confidence in the integrity of the council and its councillors or the public body and its members in conducting public business.

## **Respect**

Holders of public office must respect all other holders of public office and all employees of the council or public body and the role they play, treating them with courtesy at all times.

The Code also sets out the appropriate standards in relation to specific matters, including allowances, gifts, hospitality, registration and declaration of interests and the taking of decisions on individual applications such as planning applications.

# What is the enforcement process?

The Standards Commission prefers to work with councils and elected members to encourage compliance with the Councillors' Code of Conduct but will act to enforce compliance under its statutory powers.

The Standards Commission does not investigate complaints that an elected member has breached the Councillors' Code. This role is undertaken by the Commissioner for Ethical Standards in Public Life in Scotland (the Commissioner).

The Standards Commission receives reports from the Commissioner on the outcome of his investigations. It is only where the Commissioner considers a councillor has breached the Code of Conduct that he submits a report to the Standards Commission. The Standards Commission will then determine whether to:

- direct the Commissioner to carry out further investigations;
- hold a hearing; or
- take no action.

If the decision by the Standards Commission is to hold a hearing, this will be to determine whether the councillor has contravened the Councillors' Code.

If the Standards Commission finds that the councillor has breached the Councillors' Code, it will determine the sanction to be applied in accordance with its statutory powers – censure (a formal reprimand), suspension (for up to one year) or disqualification (for up to five years).

Forthcoming Hearings and recent Hearing Decisions are available on the Standards Commission website at [www.standardscommissionscotland.org.uk/cases](http://www.standardscommissionscotland.org.uk/cases).

# What does ‘good practice’ look like in this area?

As an elected member you should familiarise yourself with the [Councillors’ Code of Conduct](#) and the Standards Commission’s [Guidance on the Councillors’ Code of Conduct](#).

It is your personal responsibility to ensure that you comply with the Councillors’ Code of Conduct.

Where you have any doubts about how the Code applies in a particular situation (e.g. whether you should register an interest in your Register of Interests or whether you need to declare an interest at a meeting) you should seek advice from a senior officer, such as the Chief Executive or Monitoring Officer.

You are strongly encouraged to attend training sessions run by your council or the Standards Commission on the ethical standards framework.

# Summary

- The Standards Commission is an independent body whose purpose is to encourage high ethical standards in public life through the promotion and enforcement of Codes of Conduct for Councillors and those appointed to the Boards of Devolved Public Bodies.
- It is an elected member's personal responsibility to ensure that he/she complies with the Councillors' Code of Conduct.
- You must familiarise yourself with the Councillors' Code and Standards Commission's guidance and should attend training and refresher sessions when available.
- If in doubt, seek advice from a senior officer.

# Further support and contacts

Further guidance and information is available from the Standards Commission's website:  
[www.standardscommissionscotland.org.uk](http://www.standardscommissionscotland.org.uk)

If you would like to view the Councillors' Code of Conduct, visit [www.standardscommissionscotland.org.uk/codes-of-conduct/councillors-code-of-conduct](http://www.standardscommissionscotland.org.uk/codes-of-conduct/councillors-code-of-conduct)

If you would like to view the Standards Commission's Guidance on the Councillors' Code of Conduct, visit [www.standardscommissionscotland.org.uk/guidance/guidance-notes](http://www.standardscommissionscotland.org.uk/guidance/guidance-notes)

The Standards Commission can be contacted as follows:

The Standards Commission for Scotland  
Room T2.21  
Scottish Parliament  
Edinburgh  
EH99 1SP

Tel: 0131 348 6666

E-mail: [enquiries@standardscommission.org.uk](mailto:enquiries@standardscommission.org.uk)

Westerton House, Westerton Road  
iHub  
Quarrywood Court  
Livingston EH54 6AX

Tel: 01506 282012  
Email: [info@improvementservice.org.uk](mailto:info@improvementservice.org.uk)  
[www.improvementservice.org.uk](http://www.improvementservice.org.uk)

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The Improvement Service (IS) is the national improvement organisation for local government in Scotland. Our purpose is to help councils and their partners to improve the health, quality of life and opportunities of all people in Scotland through community leadership, strong local governance and the delivery of high quality, efficient local services.

