



Midlothian Council's response to the Revised Guidance in relation to the Councillor's Code of Conduct from the Standards Commission.

Discussed at a meeting of Midlothian Council's Standards Committee on 3 December 2015.

Submitted to Standards Commission on 11 December 2015 pending Council approval on 15 December 2015.

Introduction

A meeting of Midlothian Council's Standards Committee was convened on 3 December 2015 with one agenda item – Midlothian Council's response to the Draft Revised Guidance on the Councillor's Code of Conduct which was issued by the Standards Commission for comment on 16 November 2015.

The meeting was attended by Councillors Bryant, Imrie, Johnstone, Milligan, Muirhead and Wallace. The meeting was chaired by the Independent Chair of the Committee Les McEwan. Kenneth Lawrie (Chief Executive); John Blair (Director, Resources); Alan Turpie (Monitoring Officer) and Kyle Clark-Hay (Democratic and Document Services Manager) were also present.

In opening the discussion, the Chair made reference to a previous meeting of the Standards Committee in 2013 at which point the general view of the Committee was that the guidance that had been issued to support the delivery of the Councillor's Code of Conduct required more clarity. The Chair commented that the revision indeed provided that additional clarity specifically with reference to the case examples that had been used to illustrate various points within the Code.

The Monitoring Officer highlighted that it was only the guidance that had been revised and the Code of Conduct itself remained unchanged.

Following a general outline of the revisions that have been suggested by the Standards Commission from the Monitoring Officer, the ensuing debate focussed on key aspects of the revised guidance.

Social Media

This subject attracted much debate from the Committee. The Committee felt that this was a particularly contentious area given that the use of media such as Facebook and Twitter carries obvious advantages in relation to fast and effective communication with constituents, there was nevertheless a danger in how comments might be construed and a concern as to the distinction about something said as a Councillor and a remark made as an ordinary citizen. In particular, it was noted that comments made some time previously on social media may be accessed by a third party and quoted out of context

Recommendations from the Committee:

- There should be a limitation of time on the ability to make reference to statements made by someone prior to them taking office as a Councillor.
- This is an area that should be kept under review with a view to further review and additional guidance from the Standards Commission in the future.
- Guidance point 17 in relation to the perceived use of tablets in meetings should be removed as a result of Councils moving to a more paperless

environment – notwithstanding that Councillors at all times should be focussed on the debate in hand.

Declarations of interest

Again this was an area that created much debate within the Committee. There was a query raised in relation to a Councillor having to physically leave a room during a discussion where they have an interest. The point was made that if it was a public item, they could potentially view the debate on a live webcast stream and as such there was a lack of clarity as to why Councillors were required to leave the room and merely not take an active part in the debate.

There was also much debate in relation to when someone should declare an interest in a board or other outside body. As Councils meet the challenges they are faced with, partnership working is becoming increasingly important and therefore Councillors may be members of various 'arms length' bodies. This situation pertains throughout the country and it was considered that it would be helpful to know which rulings had been made about such bodies.

Recommendation from the Committee:

- The Standards Commission should publish a regular update in relation to which bodies the Commission has granted dispensations from the declaration of interest rules outlined in Schedule 3.

Conclusion

The Midlothian Council Standards Committee noted the revised guidance from the Standards Commission and coupled with the recommendations and cognisance of the concerns raised by Councillors in Midlothian outlined in this paper, further support should be made available to Elected Members once the guidance is confirmed.