
Report To:	Inverclyde Council	Date:	3 December 2020
Report By:	Head of Legal & Property Services	Report No:	GM/LP/129/20
Contact Officer:	Gerard Malone	Contact No:	01475 712710
Subject:	Councillors' Code of Conduct: Scottish Government Consultation		

1.0 PURPOSE

- 1.1 This report advises Members of the Council that the Scottish Government on 19 October 2020 commenced a public consultation on a major review of the Councillors' Code of Conduct and the views of all users and the public are invited by the closing date of 8 February 2021.

2.0 SUMMARY

- 2.1 The Ethical Standards in Public Life etc. (Scotland) Act 2000 requires Scottish Ministers to issue a Code of Conduct for Councillors (the Councillors' Code). The current version of the Code was originally issued in 2010 and was reviewed in 2018. The aim of the Councillors' Code is to set out clearly and openly the standards that Councillors must comply with when carrying out their Council duties. The Scottish Government has considered that many developments have taken place since the Councillors' Code was last substantially reviewed and is seeking to: make the Councillors' Code easier to understand; take account of developments such as the role of social media; and, strengthen and reinforce the importance of behaving in a respectful manner and making it clear that bullying and harassment are completely unacceptable.
- 2.2 The Scottish Government is inviting responses to the consultation by 8 February 2021 and all Elected Members have an opportunity to contribute any consultation responses as they may wish. Additionally, the Council may wish to take the opportunity of providing a corporate response.
- 2.3 An All Members' Briefing will be undertaken prior to the consultation closure date and if a corporate response is wished, the Head of Legal & Property Services will respond to the consultation in terms agreed following upon that briefing.

3.0 RECOMMENDATION

- 3.1 That the Council notes the consultation on the Councillors' Code with the opportunity for individual responses to be made by the closing date of 8 February 2021 and remits it to the Head of Legal & Property Services to arrange an All Members' Briefing and to respond on a corporate basis, in agreed terms, following that briefing.

Gerard Malone
Head of Legal & Property Services

4.0 BACKGROUND

- 4.1 The Ethical Standards in Public Life etc. (Scotland) Act 2000 requires Scottish Ministers to issue the Councillors' Code which sets out clearly and openly the standards that Councillors must comply with when carrying out their Council duties. It is a requirement that all Elected Members in Scotland are obliged to comply with the Councillors' Code and with any guidance that is issued by the Standards Commission for Scotland.
- 4.2 The current Councillors' Code was originally issued in 2010 and was updated following a limited review in 2018.
- 4.3 The Scottish Government considers that many developments have taken place over the past 10 years since the Councillors' Code was last substantially reviewed and it is important now to take account of such changes and to provide users with the opportunity to comment on the review.
- 4.4 The Scottish Government is seeking to make the Councillors' Code easier to understand, to take account of developments such as the role of social media and to strengthen and reinforce the importance of behaving in a respectful manner and to make it clear that bullying and harassment are completely unacceptable and cannot be tolerated. It is the purpose of the Code to ensure the highest standards of conduct by all Elected Members and to maintain and strengthen the trust of those they are elected to service.

5.0 THE PROPOSAL

- 5.1 The proposal is to amend the Councillors' Code to bring it up-to-date and to make it more user friendly. The Scottish Government has stated within its consultation paper that the key changes in the Code are:
 - a general re-write of the Code to make it easier to understand;
 - a greater emphasis on addressing discrimination and unacceptable behaviour;
 - stronger rules around the accepting of gifts, both to protect Elected Members and to build confidence in their impartiality amongst the general public;
 - a substantial re-write of the section on the declaration of interests to establish three clear and distinct stages: connection – interest – participation;
 - clarity on the guidance/rules around being a Council-appointed representative on an Outside Body;
 - clarity on the rules on the access to and lobbying of Elected Members; and,
 - a re-write of the section on quasi-judicial decisions to provide a more generic approach and not to be so heavily focused on only planning matters.
- 5.2 Responses on the public consultation are invited by 8 February 2021. All Elected Members have an individual opportunity to respond in any terms if they so wish. It is suggested that an All Members' Briefing be arranged by the Head of Legal & Property Services in order to review the consultation paper and the amendments and any corporate response, if agreed at the briefing, will be submitted by the consultation closure date.
- 5.3 Access to and responses for the consultation online are contained at the following address:

This consultation can be responded to by using the Scottish Government's consultation hub, Citizen Space:

<http://consult.gov.scot>

Access and response to the consultation can be done online at:

<https://consult.gov.scot/housing-and-social-justice/the-councillors-code-of-conduct>.

If anyone is unable to respond using the online consultation hub, the respondent information

form can be also sent to:

Councillor Code of Conduct Consultation
Local Government Policy & Relationships
Local Government & Analytical Services Division
The Scottish Government
Area 3G North
Victoria Quay
EDINBURGH
EH6 6QQ

Please ensure that consultation responses are submitted before the closing date of 8 February 2021.