Dear Kevin

Councillors’ Code of Conduct

At our meeting on 6 February, the Committee took evidence from Bill Thomson, Commissioner for Ethical Standards in Public Life in Scotland, mainly in relation to his role investigating breaches of the Councillors’ Code. Mr Thomson told the Committee that, whilst the Commission on Ethical Standards had produced guidance for councillors on social media, the Code itself was out of date on this matter. He told us that it was his understanding that civil servants had made submissions to ministers seeking views on whether it was now time to conduct a full review of the councillors’ code, but was not aware what ministers’ response had been.

As you will recall, following Mr Thomson’s last appearance before the Committee in December 2017, there was an exchange of correspondence\(^1\) \(^2\) in which you informed the then Convener that you agreed with views that a wide review of the Code would be merited, but did not want this to hold up pending changes on declarations of interest, which had been recently consulted upon. You said that, before considering a review of the Code, it would be better to wait until the Standard, Procedures and Public Appointments (SPPA) Committee had finished its inquiry into sexual harassment and inappropriate conduct. This was on the ground that that Committee might propose changes to the code of conduct for MSPs that could be replicated in the Councillors’

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\(^1\) Correspondence from the Convener to the Minister for Local Government and Housing of 19 December 2017

\(^2\) Correspondence from the Minister for Local Government and Housing to the Convener of 25 January 2018
Code. You undertook to write back to us following publication of the SPPA Committee’s report.

At the Committee’s meeting on 18 May 2018, the Committee considered a revised draft of the Code that included those changes on declaring interests, together with some other revisions. As was noted at the time, these changes did not follow a wholesale review of the Code. In evidence to the Committee that day you told us that:

“I agree that there might be merit in a full review of the code. It was last fully reviewed in 2010 and it must continue to evolve and change with the times. However, we do not currently have firm plans for a review. We will consider the way forward once the Standards, Procedures and Public Appointments Committee has produced its report.”

You again undertook to update the Committee on this matter once the SPPA Committee had concluded its inquiry and you had considered its conclusions and recommendations.

The Committee notes that the SPPA Committee published its report on sexual harassment and inappropriate conduct in June 2018. We are not aware of any public statement from the Scottish Government since then that comments on the report’s implications (if any) for the Councillors’ Code.

The Committee would be grateful for an update as to the Scottish Government’s plans, if any, to put the Code out to review, in the light of the SPPA Committee’s report, and the Commissioner’s comments at our meeting on 6 February.

Yours sincerely

James Dornan MSP
Convener of the Local Government and Communities Committee