

WEST DUNBARTONSHIRE COUNCIL

Report by Strategic Lead – Regulatory

West Dunbartonshire Council: 25 November 2020

Subject: Standards Commission for Scotland: Decision of the Hearing Panel of the Commission

1. Purpose

- 1.1** To invite Council to consider the decision of the Standards Commission for Scotland (“the Commission”) in respect of Councillor Bollan dated 17 September 2020.

2. Recommendations

- 2.1** It is recommended that Council considers and notes the decision of the Standards Commission for Scotland attached as the appendix to this report.

3. Background

- 3.1** Following a complaint submitted by the Chief Executive to the Commissioner for Ethical Standards in Public Life in Scotland, (“the Commissioner”) that Councillor Bollan had contravened the Councillors’ Code of Conduct (“the Code”) an investigation was undertaken by one of the Commissioner’s Investigating Officers. Following the investigation the Commissioner referred a report to the Standards Commission.
- 3.2** A panel of the Commission was convened to consider the report. A hearing was held at The Municipal Buildings, Dumbarton on 14 September 2020.

4. Main Issues

- 4.1** The Council received the Commission’s written decision on 17 September 2020 and that decision is attached as the appendix. The Hearing Panel concluded that Councillor Bollan had breached Paragraphs 3.3 and 3.17 of the Code and to suspend his entitlement to attend the next two ordinary meetings of the Council in terms of the Ethical Standards in Public Life etc. (Scotland) Act 2000 Section 19 (1) (b). This sets out the reasons for the decision that a breach of the code had been proven and the factors taken into account in deciding on the sanction imposed.

4.2 Section 18 of the Ethical Standards in Public Life etc. (Scotland) Act provides that Council must consider the contents of any decision issued by the Commission. Section 18 (3) of the Act provides that this consideration cannot be undertaken solely by a Committee, Sub-Committee or Officers of the Council. Accordingly, the written decision attached as the appendix is presented to the Council for consideration in terms of s 18 of the Act. On all previous occasions when findings have been issued by the Commission in respect of West Dunbartonshire Councilors, written reports have been made to Council in compliance with this requirement.

5. People Implications

5.1 None

6. Financial Implications

6.1 None

7. Risk Analysis

7.1 Consideration of the Commission's decision has no risk for the Council.

8. Equalities Impact Assessment (EIA)

8.1 Not applicable.

9. Consultation

9.1 As is normal practice with Council reports, the Strategic Lead - Resources has been consulted.

10. Strategic Assessment

10.1 None

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Date: 21 September 2020

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Appendices: Decision of the Hearing Panel of the Standards Commission for Scotland dated 17 September 2020

Background Papers: Councilors' Code of Conduct

Wards Affected: None.