

**REPORT TO:** East Lothian Council

**MEETING DATE:** 15 December 2015

**BY:** Monitoring Officer

**SUBJECT:** Decision of Standards Commission for Scotland in Hearing of Complaint against Councillor Paul McLennan

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## **1 PURPOSE**

- 1.1 To fulfil the statutory duty on the Council to:
- a) consider the findings of a decision by the Standards Commission for Scotland within 3 months of receipt; and
  - b) respond to the direction given on behalf of the Commission, by advising its Executive Director of any decision made by the Council in relation to the Commission's findings.

## **2 RECOMMENDATIONS**

- 2.1 It is recommended that the Council:
- a) agrees to note the recent decision of the Standards Commission for Scotland following the Hearing held on 13 November 2015 into a complaint concerning the conduct of Councillor Paul McLennan;
  - b) agrees that the decision it makes in respect of paragraph 2.1 above be communicated to the Commission through the Commission's Executive Director.

## **3 BACKGROUND**

- 3.1 A complaint was made to the Standards Commission for Scotland about the conduct of Councillor Paul McLennan, alleging that he had breached the Councillors' Code of Conduct in respect of the claiming of expenses and in a failure to register interests including remunerated employment and non-financial interests during his current term of office as a councillor from May 2012 onwards.

- 3.2 The Office of the Commissioner for Ethical Standards in Public Life investigated the complaint. The Commissioner, Mr Bill Thomson, concluded that Councillor McLennan had breached paragraphs 3.6, 4.1, 4.2, 4.7, 4.8 and 4.22 of the Councillors' Code of Conduct and reported his findings to the Standards Commission for Scotland. The Standards Commission then held a hearing into the allegations on 13 November 2015 in the Town House, Haddington. The Commission's Executive Director wrote to the Chief Executive with their decision on 25 November.
- 3.3 The Council has a statutory duty under Section 18 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 to consider the findings of the Standards Commission within 3 months of receipt of their decision and has been directed by the Executive Director of the Commission under Rule 10.9 of the statutory Rules for the Conduct of Hearings of the Standards Commission, to advise of any decision made by the Council.
- 3.4 **Standards Commission Findings [and Post-Hearing Recommendation]**
- 3.4.1 The findings of the Standards Commission are set out in their Decision Report in which they found that Councillor McLennan had breached paragraphs 3.6, 4.1, 4.2, 4.7, 4.8 and 4.22 of the Councillors' Code of Conduct.
- 3.5 **Sanction**
- 3.5.1 The Standards Commission panel decided to suspend, for a period of three months commencing 20 November 2015, Councillor McLennan's entitlement to attend all meetings of the Council and any committees or sub-committees of the Council on which he is a representative. This suspension will end on 19 February 2015.
- 3.6 **Implications for Other Elected Members**
- 3.6.1 Although the Standards Commission did not make any specific recommendations to the Council as a whole, officers think it appropriate to bring to the attention of all Elected Members the concerns expressed by the Hearing Panel in its report:
- i) that the Respondent had failed to participate in the training provided by the Council and the Standards Commission;
  - ii) that the Respondent, in his "chronic failure ... to register his interests", had demonstrated a lack of understanding of the Councillors' Code of Conduct and its implications for the role of a councillor;
  - iii) that they needed to emphasise that the registration of interests (including remuneration and non-financial interests) is a fundamental requirement of the Code, and that a failure to register these interests removes the opportunity for openness and transparency in a councillor's role and denies any member of the

public the opportunity to consider whether a councillor's interests may or may not influence the decision-making process.

#### **4 POLICY IMPLICATIONS**

4.1 There are no direct policy implications.

#### **5 EQUALITIES IMPACT ASSESSMENT**

5.1 This report is not applicable to the well being of equalities groups and Equality Impact Assessment is not required.

#### **6 RESOURCE IMPLICATIONS**

6.1 Financial – none.

6.2 Personnel - none.

6.3 Other – none.

#### **7 BACKGROUND PAPERS**

7.1 Ethical Standards in Public Life, etc. (Scotland) Act 2000:  
<http://www.legislation.gov.uk/asp/2000/7/contents>

7.2 Councillors' Code of Conduct:  
<http://www.scotland.gov.uk/Publications/2010/12/10145144/0>

7.3 Rules for the Conduct of Hearings by the Standards Commission for Scotland :  
[http://www.standardscommissionscotland.org.uk/webfm\\_send/401](http://www.standardscommissionscotland.org.uk/webfm_send/401)

7.4 Decision of the Hearing Panel of the Standards Commission for Scotland following the hearing into allegations of breach of the Councillors' Code of Conduct by Councillor Paul McLennan:  
<http://www.standardscommissionscotland.org.uk/content/decision-hearing-panel-standards-commission-scotland-following-hearing-held-town-house-haddi>

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