

# Report to the Ethical Standards and Member Development Committee

**12 March 2021**

<b>Subject:</b>	National Cases
<b>Director:</b>	Director Law and Governance and Monitoring Officer - Surjit Tour
<b>Contact Officer:</b>	Trisha Newton Trisha_newton@sandwell.gov.uk

## **1 Recommendations**







- 1.1 That the Ethical Standards and Member Development Committee considers the contents of the report and the case at Appendix 1 and consider any issues for the Council.

## **2 Reasons for Recommendations**

- 2.1 Officers will inform the Ethical Standards and Member Development Committee about issues arising from local investigations and case law to add to learning at the local level and enhance understanding of ethical standards.



### 3 How does this deliver objectives of the Corporate Plan?

		High standards of conduct are an essential part of good corporate governance and this in turn has a direct relationship with the delivery of high quality services.
		
		

### 4 Context and Key Issues

- 4.1 Within its terms of reference, the Ethical Standards and Member Development Committee has a duty to promote high ethical standards amongst Members. As well as complying with legislation and guidance, the Committee will need to demonstrate learning from issues arising from local investigations and case law. Furthermore, it is advisable for the Committee to be kept informed of any particularly notable cases which are publicised as they may also add to learning at the local level.

### 5 Alternative Options

- 5.1 The purpose of the report is for the Ethical Standards and Member Development Committee to promote high ethical standards amongst Members through learning from local investigations and case law. As such, there are no alternative options.



## 6 Implications

<b>Resources:</b>	There are no resource implications arising from this report.
<b>Legal and Governance:</b>	By considering national cases of significance the Ethical Standards and Member Development Committee will be better informed and placed to discharge its duty to promote high ethical standards.
<b>Risk:</b>	Awareness of national cases will enhance the Ethical Standards and Member Development Committee's understanding of promoting high ethical standards within its duties.
<b>Equality:</b>	There are no direct equality implications arising from this report.
<b>Health and Wellbeing:</b>	There are no direct implications for health and wellbeing from this report.
<b>Social Value</b>	This report contains no social value implications.

## 7. Appendices

Appendix 1 – [www.heraldscotland.com](http://www.heraldscotland.com) extract.

## 8. Background Papers

No background papers.



### **Former council leader publicised death before family told**

A former council leader has been found guilty of breaching the code of conduct after sharing confidential information about an authority declaring a coronavirus 'major emergency' and publicising the death of a colleague before their family had been notified.

The former leader of Borders Council, now a member of Orkney Island Council, breached four parts of the code of conduct, a hearing by Standards Commission Scotland has found.

As well as publishing confidential information, he was also found to have breached the code by making public the death of another councillor, despite relatives having "not yet advised not all close family members of the news".

He has been asked to submit written mitigation before a panel decides whether he is to face suspension or any other punishment.

On March 16, 2020, Mr S attended a private briefing for councillors by the authority's senior management team to discuss the council's handling of the Covid-19 pandemic.

But later that day, he "published a post on his Facebook page containing information about the council's response to the pandemic and the briefing", the panel found.

Mr S also took part in another councillors' briefing about the pandemic response on March 23 before later that day publishing a post "outlining the recommendations that had been approved at the meeting".

On March 24, Mr S was emailed by Orkney Council's interim chief executive, highlighting confidentiality requirements and told he was "to refrain from attending member briefings, with immediate effect, until further notice".

The following day, Mr S replied, stating he "had removed references to the council's declaration of a major emergency and possibility of a reduction in bin collections and recycling". He was then told on April 15, 2020, he could resume attending the confidential briefings, as long as he "behaved".

But five days later, Mr S attended a briefing session where news of the death of another councillor the previous day was discussed.



Later that day, he “published a post on his Facebook page in which he stated he was ‘saddened to learn of the death’” of the councillor. Mr S was contacted separately, by the son and daughter, separately who asked him to “retract his post as they had not yet advised not all close family members of the news” and the Facebook post was deleted. The Standards Commission panel acknowledged that while Mr S “may have been trying to be open and transparent”, it was clear that “the briefings were private and that discussions and information provided at them was not to be disclosed”.

It added: “The panel agreed that it was evident that there were legitimate reasons for keeping the information confidential at that time, which included ensuring that officers had sufficient time to prepare and manage communications to ensure that the council’s position and response were represented fully, and that messages were drafted in a way that provided some reassurance and did not cause undue fear or alarm.”

In relation to the Facebook post publicising the death, the panel “was satisfied, on the balance of probabilities, that it had been made clear to all elected members” who took part in the meeting that the information “was private and was not to be shared until confirmation had been received that all close family members were aware of the news”. The panel added that “it should have been apparent from the discussion that the information was not to be disclosed for the time-being”.

The Standards Commission concluded that in sharing the news of the councillor’s death, Mr S “failed to show due regard” for the relatives “feelings or wishes” and “failed to demonstrate courtesy and respect towards the other councillor’s family”.

Writing on his Facebook page, Mr S said that “openness and accountability is a precious commodity in this day and age” adding it is “particularly pertinent at a time of crisis”.

He added: “I will continue to fight for transparency in all walks of public life. The public has the right to be told as much as they can be told without breaking business and personal confidentiality.

“But while some may think this will change the way I do things, I am more than determined than ever that it will not.”

*Extract taken from [www.heraldscotland.com](http://www.heraldscotland.com)– updated 19 January 2021.*

