



REPORT TO: MORAY COUNCIL ON 29 JUNE 2022

SUBJECT: STANDARDS COMMISSION HEARING UPDATE

BY: DEPUTE CHIEF EXECUTIVE (EDUCATION, COMMUNITIES AND ORGANISATIONAL DEVELOPMENT)

1. REASON FOR REPORT

- 1.1 To inform the Committee of the outcome of Standards Commission hearing LA/MO/3516 held on 16 February 2022.
- 1.2 This report is submitted to Committee in terms of Section 18 of the Ethical Standards in Public Life Scotland act 2000 ("the Act")

2. RECOMMENDATION

- 2.1 **It is recommended that the council consider and note the outcome of Standards Commission hearing LA/MO/3516 involving former councillor Paula Coy.**

3. BACKGROUND

- 3.1 A Standards Commission hearing was held on 16 February 2022 to consider a potential breach of the Councillors Code of Conduct former councillor Paula Coy. A copy of the written decision can be found on the Commission's [website](#) and is attached to this report as Appendix 1.
- 3.2 Section 18 of the Act requires the council to consider the findings of a hearing within three months. Given the timing of local government elections the commission agreed to give a further 2 months for the Council to consider the outcome of this case.
- 3.3 Two separate bodies are involved in alleged breaches of the Councillors Code of Conduct:
 - The Ethical Standards Commissioner receives complaints, investigates the facts and produces a report to the Standards Commission on whether behaviour complained about could amount to a breach of the Code,
 - The Standards Commissioner considers this report and whether or not hold a hearing. They can impose sanctions where a breach has been found.

- 3.4 In the current case the Standards Commission were asked to consider whether former Councillor Coy had breached the provisions of the Code in relation to respect and in particular about comments made about another politician and their family on an online social media platform.
- 3.5 The findings of the hearing panel were that, on the face of it, some of the comments made by the former councillor were disrespectful. However as enhanced protection of freedom of expression is given to politicians under article 10 of the European convention on human rights no breach of paragraph 3.2 of the Code of conduct could be found.
- 3.6 The following issues from the written decision are highlighted:
- A reminder to Councillors on paragraph 3.2 of the code, to show respect towards other Councillors, officers and the public.
 - To be mindful of what they post on social media and the wider audience this brings.
 - To be mindful of the challenges of separating their private life from their public life.

4. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

None.

(b) Policy and Legal

Section 18 of the Ethical Standards in Public Life Scotland act 2000 ("the Act") requires the hearing outcome to be reported to a full Council meeting.

(c) Financial implications

None.

(d) Risk Implications

Councillor training on the Code of Conduct is carried out regularly and advice on the Code is available from the Monitoring Officer/Depute Monitoring Officer.

(e) Staffing Implications

None.

(f) Property Implications

None.

(g) Equalities/Socio Economic Impact

No direct implications.

(h) Climate Change and Biodiversity Impacts

None.

- (i) **Consultations**
None.

5. CONCLUSION

5.1 Councillors are asked to note the findings of the hearing and the following issues:

- **A reminder to Councillors on paragraph 3.2 of the code, to show respect towards other Councillors, officers and the public.**
- **To be mindful of what they post on social media and the wider audience this brings.**
- **To be mindful of the challenges of separating their private life from their public life**

Author of Report: Alasdair McEachan, Head of Governance, Strategy and
Performance, Monitoring Officer

Background Papers:

Ref: