



The Scottish Parliament
Pàrlamaid na h-Alba

Local Government and Regeneration Committee

**Kevin Stewart MSP
Convener**

Bill Thomson
Commissioner for Ethical
Standards in Public Life in
Scotland

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22 April 2015

Dear Bill

**CODES OF CONDUCT WHICH APPLY TO COUNCILLORS AND MEMBERS OF
PUBLIC BODIES IN RELATION TO THE USE OF SOCIAL MEDIA AND
ENGAGING WITH PLANNING APPLICANTS**

I am writing to you in relation to issues which arose during your recent evidence session with the Local Government and Regeneration Committee (the Committee) on 1 April 2015 as part of our scrutiny of your 2013/14 annual report.

During the evidence session, questions were raised in relation to complaints made against councillors relating to comments/responses made by them to constituents, via various social media (such as Twitter, Facebook etc.). You undertook to come back to the Committee with further details of the 20 cases highlighted in the annual report in relation to social media complaints.¹

More broadly, the Committee would also welcome clarification from you on how the code of conduct applies in such cases, for example when a councillor might be

¹ See columns 16 – 17 of the Local Government and Regeneration Committee, *Official Report*, 1 April 2015: <http://www.scottish.parliament.uk/parliamentarybusiness/28862.aspx?r=9897&mode=pdf>

considered to be making comments in a private capacity on social media, and when they are responding as an elected councillor etc.

Subsequent to the evidence session, the Committee considered various areas in relation to the operation of the code of conduct for local authority councillors. One area of concern was in the potential interpretation of the code of conduct for councillors in terms of being able to legitimately engage with persons who are involved in submitting planning applications to local authorities.

Several Committee members expressed frustration with the situation they understood to apply where councillors wished to communicate with persons involved in a planning application. In some local authorities, they understood, council officials advised members that no communication whatsoever could take place with persons involved with planning applications without breaching of the code of conduct.

By contrast, others have referred to contrary advice from council officials, to the effect that certain communications may be appropriate. This led Committee members to be concerned over the consistency with the interpretation of the code of conduct, and the advice provided to councillors on this issue.

The Committee would welcome your view on the issue of codes of conduct and whether it is your understanding it could be permissible for local authority councillors to legitimately communicate with persons involved in planning applications, as well as your view on the consistency with which the code is interpreted by council officials when providing advice to councillors.

The Committee would also welcome any indications given by the Standards Commission on this matter and any role they may have in ensuring consistency of interpretation across the country.

The Committee plans to review its work programme in early June. There I would be grateful if you could respond to this correspondence by the end of May 2015.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Ian Gordon', with a long, sweeping horizontal stroke extending to the right.

Convener
Local Government and Regeneration Committee

CC: Alex Neil MSP, Cabinet Social Justice, Communities and Pensioners' Rights
Ian Gordon OBE QPM, Convener of the Standards Commission for Scotland