

## ABERDEEN CITY COUNCIL

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<b>COMMITTEE</b>	Council
<b>DATE</b>	28 February 2022
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Standards Commission for Scotland – Written Decision – Councillor Alphonse
<b>REPORT NUMBER</b>	COM/22/050
<b>DIRECTOR</b>	Gale Beattie
<b>CHIEF OFFICER</b>	Fraser Bell
<b>REPORT AUTHOR</b>	Fraser Bell
<b>TERMS OF REFERENCE</b>	15

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### 1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to bring before Council the written decision made by the Standards Commission for Scotland following a hearing held on 13 December 2021.

### 2. RECOMMENDATIONS

That Council:

- 2.1 Considers the content of the written decision; and
- 2.2 Notes that the Standards Commission for Scotland held that there had been no breach of the Code of Conduct by Councillor Alphonse.

### 3. BACKGROUND

- 3.1 Appended to this report is a copy of the written decision of the Standards Commission for Scotland made following a hearing on 13 December 2021. This hearing was convened further to a complaint alleging that Councillor Alison Alphonse had contravened the Councillors' Code of Conduct when visiting a member of the public on 26 February 2021.
- 3.2 Following the hearing, the Standards Commission for Scotland determined that Councillor Alphonse had not breached the Code of Conduct.
- 3.3 The Council is legally required to consider the findings of the Standards Commission for Scotland. The findings must be considered by a meeting of full Council.

#### 4. FINANCIAL IMPLICATIONS

4.1 There are no financial implications arising from the recommendations of this report.

#### 5. LEGAL IMPLICATIONS

5.1 Section 18(2) of the Ethical Standards in Public Life etc. (Scotland) Act 2000 requires that the Council consider the findings of the Standards Commission for Scotland whenever the Commission makes a finding about a Member. The Council must consider the findings within 3 months of receiving them unless the Commission sets a longer period in writing.

5.2 Section 18(3) of that Act requires that the duty to consider the findings must be discharged by Full Council and not by a committee, sub-committee, or officer.

#### 6. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
<b>Strategic Risk</b>	None	N/A	N/A
<b>Compliance</b>	Failure to timeously consider the findings would be a breach of statutory duty.	L	This report ensures Council meets its obligations.
<b>Operational</b>	None	N/A	N/A
<b>Financial</b>	None	N/A	N/A
<b>Reputational</b>	Further breaches of the Code could happen.	L	Training programme for Members helps ensure that all Members remain aware of their responsibilities.
<b>Environment / Climate</b>	None	N/A	N/A

#### 13. OUTCOMES

13.1 The proposals in this report have no impact on the Council Delivery Plan.

#### 14. IMPACT ASSESSMENTS

Assessment	Outcome
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<b>Impact Assessment</b>	Not Required
<b>Data Protection Impact Assessment</b>	Not required

## 15. BACKGROUND PAPERS

None

## 16. APPENDICES

Appendix 1: Decision of Standards Commission for Scotland

## 17. REPORT AUTHOR CONTACT DETAILS

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