
To: Audit, Scrutiny & Petitions Board

On: 30 November, 2015

Report by: Director of Finance & Resources

Heading: **Commissioner for Ethical Standards in Public Life in Scotland – Annual Report 2014/15**

1. Summary

- 1.1 The Commissioner for Ethical Standards in Public Life in Scotland has issued his 2014/15 annual report. The report is available on the Commissioner's website at www.ethicalstandards.org.uk.
- 1.2 The report provides details of investigation of complaints about the conduct of councillors, members of devolved public bodies and MSPs and scrutiny of Scotland's ministerial public appointments process.
- 1.3 The statutory functions of the Commissioner in relation to public standards are: to investigate complaints of the relevant codes of conduct by councillors; members of public bodies; members of the Scottish Parliament and, where there has been contravention of the relevant code, to report, in the case of councillors and members of public bodies, to the Standards Commission for Scotland, and in the case of MSPs to the Scottish Parliament.
- 1.4 The report intimates that the number of complaints received was high, leading to a significant increase in the number of breaches reported to the Standards Commission.
- 1.5 The report refers to a number of developments which are planned for 2015/16 including consultation on a new strategic plan, a review of the database for conduct complaints, new tendering rounds for public appointments advisers, for IT support and for legal services and the recruitment and training of investigating officers. There is also the possibility of adjustments to the Commissioner's remit arising from the Members' Interests Bill.

- 1.6 The report indicates that nationally, during 2014/15, the Commissioner received 692 complaints compared with 311 in 2013/14, as set out below. The figures for 2013/14 are in brackets. However, it is noted that this may be misleading as 524 complaints related to a single issue.

Complaints against:

Councillors	680 (298)
Members of devolved public bodies	3 (3)
Other (outwith jurisdiction)	9 (10)

Complaints made by:

Members of the public	663 (257)
Councillor	20 (44)
Officer of a local authority	3 (5)
MSP	2 (5)
Member of a devolved public body	1 (0)
Anonymous	3 (0)

- 1.7 Complaints received related to: failure to register an interest 4(14), failure to declare an interest 26(43), disrespect of councillors/officials/employees 33(23), financial misconduct 3(7), breach of confidentiality 4(8), misconduct relating to lobbying 3(3), misconduct on individual planning applications 44(97), misuse of council facilities 525*, and breach of the key principles 30(39). *A new category was introduced with effect from this year – misuse of council facilities – and 524 complaints were received which related to one issue.

- 1.8 Again, nationally, complaints into registering and declaring interests, misconduct on individual planning applications and disrespect of councillors/officials/employees continue to be the most significant categories of complaint. The Commissioner has indicated previously that, if members of the public are to have confidence in decisions taken by elected and appointed members, it is essential that members rigorously apply the statutory provisions that deal with registration and declaration of interests.

- 1.9 The practice in Renfrewshire Council, as advised in previous reports to the Board on this matter, is that there is an item on every Council and Board agenda which reminds members to declare interests and to give a brief explanation of the nature of the interest. Members are also encouraged to seek advice from the Head of Corporate Governance in relation to any potential difficulties they may have in relation to either registration or declaration of interests. As part of the members' training and development programme, briefings on the pre-application planning process/declarations of interest and on the Code of Conduct for Councillors were held on 20 January and 9 September, 2015 respectively.

- 1.10 Members are advised on a six-monthly basis to review and update their register of interests as appropriate. Reminders to check that these were up to date were issued on 1 October, 2014 and 15 June, 2015. In addition, the Council's Protocol for Relationships between Elected Members, Political Groups and Officers was revised in November, 2014.
- 1.11 No specific figures relative to Renfrewshire Council are included in the report. However, information has been received separately from the Commissioner that, during the period covered by the report, 10 complaints were received (resulting in six cases as two were multiple complaints) against Renfrewshire councillors compared with 11 in 2013/14 and 3 in 2012/13. During the period covered by the report there was a hearing into a complaint received concerning Councillor Andy Doig. The outcome of that hearing was reported to the Council on 30 April, 2015.
- 1.12 The Commissioner may publish a web summary of his decision on a complaint when it is considered the decision would be of wider public interest.
- 1.13 The report also contains a review of the regulation of appointments and the main activities of the public appointments staff and assessors during the year.
- 1.14 The report sets out the Commissioner's strategic objectives for the four-year period to 2016, detailed the annual business plan actions and whether or not these had been achieved, and provided a financial overview of the 2014/15 budget.
2. **Recommendations**
- 2.1 That the 2014/15 Annual Report by the Commissioner for Ethical Standards in Public Life in Scotland be noted.
- 2.2 That the actions taken in relation to the Code of Conduct and members' training and development as detailed in the report be noted.
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Implications of the Report

1. **Financial** – none.
2. **HR & Organisational Development** – none.
3. **Community Planning** – none.
4. **Legal** – none.
5. **Property/Assets** – none.
6. **Information Technology** – none.
7. **Equality & Human Rights** - The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.

- 8. **Health & Safety** – none.
- 9. **Procurement** – none.
- 10. **Risk** – none.
- 11. **Privacy Impact** – none.

List of Background Papers: e-mail from Commissioner's office with details of Renfrewshire complaints.

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