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**To:           Audit, Risk & Scrutiny Board**

**On:           6 November 2017**

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**Report by:**     Director of Finance & Resources

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**Heading: COMMISSIONER FOR ETHICAL STANDARDS IN PUBLIC LIFE IN  
SCOTLAND – ANNUAL REPORT 2016/17**

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## **1       Summary**

- 1.1     The Commissioner for Ethical Standards in Public Life in Scotland has issued his 2016/17 annual report. The report is available on the Commissioner's website at  
<http://www.ethicalstandards.org.uk/publications/publication/832/cespls-annual-report-and-accounts-201617>
- 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 conduct and public appointments are set out in the report, together with details of the projects currently being developed in relation to public appointments.
- 1.4     The report relates to the first year of the 2016-20 strategic plan, looks forward to the 2017/18 period of the plan and provides an overview of the 2016/17 budget.

## **2       Recommendations**

- 2.1     That the 2016/17 Annual Report by the Commissioner for Ethical Standards in Public Life in Scotland be noted.
- 2.2     That the actions taken in Renfrewshire in relation to the Code of Conduct and members' training and development as detailed in the report be noted.

### 3 Background

#### Complaints About Conduct

- 3.1 The report advises that the volume and complexity of conduct complaints had decreased by 20%. The largest category of complaints related to disrespect and appeared to be increasing as a percentage of the total volume of complaints received.
- 3.2 The report indicates that one third of the complaints reported to the Standards Commission (six in number) concerned failure to register or declare an interest. Four concerned alleged failure to show respect, and three involved alleged breaches of the requirements for maintaining the confidentiality of information. Another three related to complaints of misconduct in decision making on planning or licensing applications.
- 3.3 The report notes that nationally, during 2016/17 the Commissioner received 174 complaints, compared with 245 in 2015/16. The figures for 2015/16 are in brackets. The categories of complaint are set out below:

#### **Complaints against:**

Councillors	165 (202)
Members of devolved public bodies	5 (39)
Other (outwith jurisdiction)	4 (4)

#### **Complaints made by:**

Members of the public	110 (202)
Councillor	54 (36)
Officer of a local authority	7 (5)
MSP	1 (1)
Member of a devolved public body	2 (0)
Anonymous	0 (1)

- 3.4 Complaints received related to: failure to register an interest 6(4); failure to declare an interest 22(19); disrespect of councillors/officials/employees 63(75); breach of confidentiality 16 (9); misconduct relating to lobbying 11(19); misconduct on individual applications 15(46); misuse of council facilities 4(0); breach of the key principles 20 (47); outwith jurisdiction 4 (4); other complaints 13(11).
- 3.5 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, 4 complaints were received against Renfrewshire councillors compared with 6 in 2015/16 and 10 in 2014/15. The report refers to the hearing into a complaint received concerning Councillor Paul Mack. The outcome of that hearing was reported to the meeting of the Council held on 15 December 2016.

## 4 **Code of Conduct**

- 4.1 The Council, as part of its Induction programme of events and development opportunities for Councillors, provided a briefing on 10 May 2017 on Standards & Ethics in Public Life and Roles & Responsibilities of Councillors that included specific guidance on the Code of Conduct for Councillors and on registering and declaring interests.
- 4.2 The Induction programme also included: (a) an opportunity to discuss the content of the Code of Conduct at the "Getting it Right - as a Councillor" event held on 23 May 2017 delivered by an external practitioner; and (b) a briefing on 22 June 2017 on the role(s) and responsibilities of Councillors appointed to Trusts, Outside Bodies and Arms-length External Organisations (ALEO's). Preparations are being made to deliver a briefing on the Code of Conduct (application of Section 10 of the European Commission on Human Rights concerning Freedom of Expression) before the end of 2017 and for a general Code of Conduct refresher briefing before the end of March 2018. Members have also been invited to attend the Standards Commission road show on 15 December 2017.

## 5 **Public Appointments**

- 5.1 In respect of public appointments, the report advises that the Commissioner for Ethical Standards in Public Life Scotland is currently exploring opportunities to work in partnership to improve the appointments process to serve on the boards of public bodies and to identify and remove barriers for under-represented groups.
- 5.2 The Commission has also launched a research project to assess the impact of diversity on governance on public boards. The project has been developed in partnership with officials from the Scottish Government and with support and advice from a number of public body chairs. The volume of appointment rounds completed over the year was consistent with previous years.

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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**
- (a) 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
12. **Cosla Policy Position** – not applicable

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