

Agenda Item	10
Report No	AS/12/21

Highland Council

Committee: Audit & Scrutiny Committee

Date: 17 June 2021

Report Title: Commissioner for Ethical Standards in Public Life/Standards Commission: Councillors' Code of Conduct – Investigation into Complaints

Report By: Head of Corporate Governance

1. Purpose/Executive Summary

1.1 This report provides information in relation to complaints dealt with by the Commissioner for Ethical Standards in Public Life (ESC)/Standards Commission during the period 1st July 2020 to 31st May 2021 in relation to alleged breaches of the Councillors' Code of Conduct by Members of Highland Council and the outcome of the Commissioner's investigations into these complaints.

2. Recommendations

2.1 The Committee is asked to note that, in respect of any complaints against Highland Council Members, concluded during 2020/21, the ESC/Commission has found there to have been no breaches of the Code of Conduct.

3. Implications

3.1 There are no financial, legal, Gaelic, Community (Equality, Poverty and Rural) or Climate Change/Carbon Clever implications or risks arising directly from this report.

4.

Introduction

4.1 The Committee is advised on a regular basis of investigation into complaints against Members of the Highland Council alleging breaches of the Councillors' Code of Conduct which have occurred since the inception of the Code in May 2003.

4.2 In circumstances where the ESC concludes that there has been a breach of the Code, this is reported to the Standards Commission for Scotland. The Standards Commission normally hold a public hearing to decide the matter and then publish their decision.

4.3 Previously upon receipt of a complaint of an alleged breach of the Code the ESC undertook an initial consideration and review of the circumstances of the concern. In some instances the ESC then decided that the complaint would not be accepted and there would be no further investigation. In other instances the ESC accepted the complaint and undertook further enquiry. At this point the complaint was brought to the attention of the Member concerned and in Highland Council to the Head of Corporate Governance. Following investigation if the ESC identified there had been a potential breach the matter was reported to the Standards Commission.

4.4 In March 2021 the previous practice was amended following the issue of a Direction by the Standards Commission. The Standards Commission's Direction to the Ethical Standards Commissioner required her to carry out an investigation into every complaint about a councillor she receives, unless:

- i) the conduct referred to in the complaint would not, even if it could be established to have occurred, constitute a contravention of the councillors' code;
- ii) the councillor in respect of whom the complaint has been made has passed away prior to the complaint having been made or is an incapable adult within the meaning of the Adults with Incapacity (Scotland) Act 2000; and/or
- iii) the conduct that has or is alleged to have contravened the councillors' code occurred (or in the case of a course of conduct ended) more than one year before the complaint was received.

The aim of the Direction is to ensure there is clarity and consistency in respect of the criteria the ESC uses to assess whether complaints are eligible / admissible for investigation.

4.5 This report deals with complaints concluded during the period 1st July 2020 to

31st May 2021.

4.6 In terms of the number of Councillors the Highland Council is one of the largest local authorities in Scotland. Historically the volume of complaints against Members of Highland Council has been low.

5. **Complaints to the Commissioner for Ethical Standards – 2020/21**

5.1 During 2020/21, the Commissioner undertook no investigations into complaints against Members of the Highland Council.

Date: 2 June 2021

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