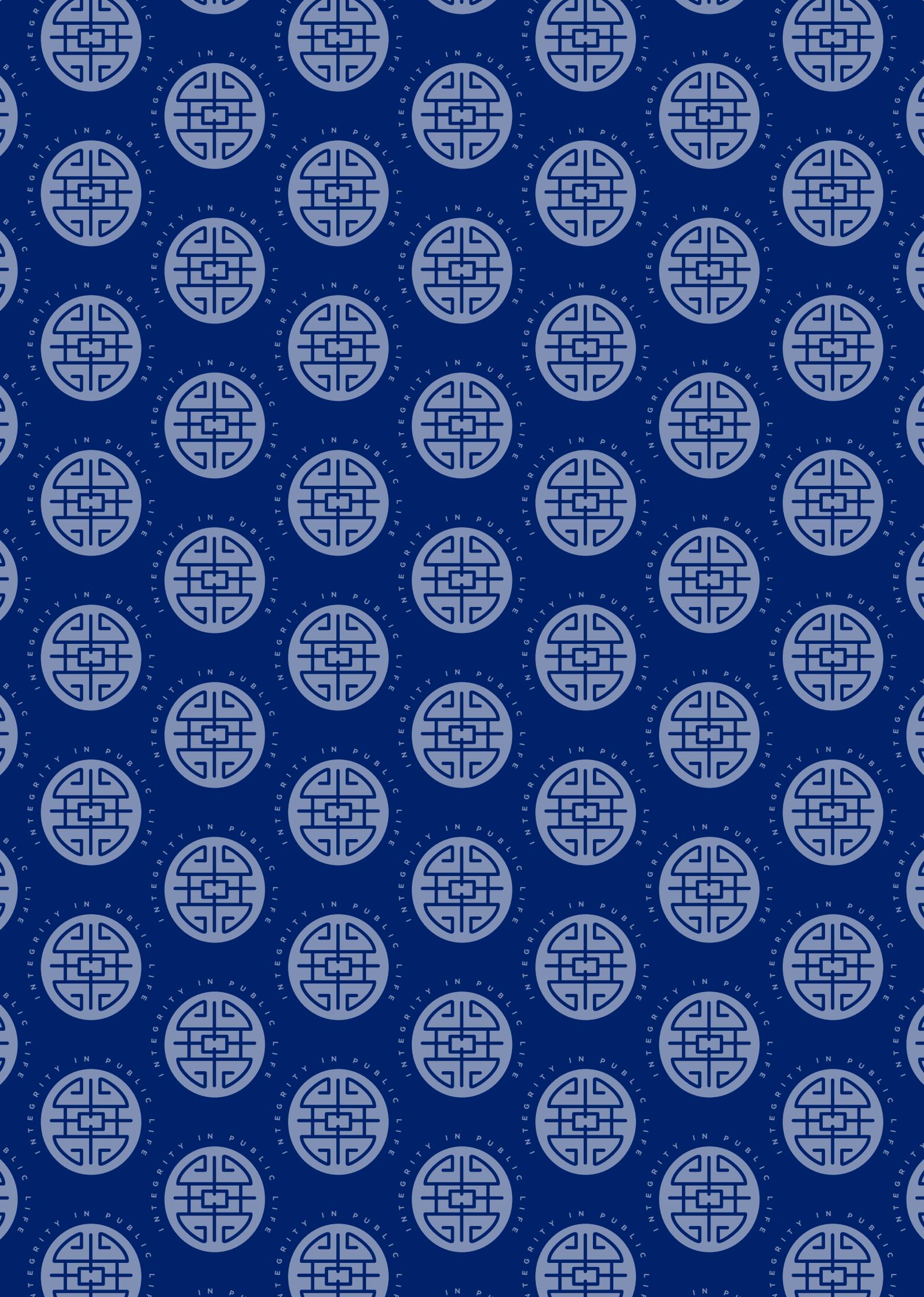


ANNUAL REPORT

2012/13



THE STANDARDS COMMISSION FOR SCOTLAND



*Back Row: Janie McNeil, Elaine McLean, Lindsey McNeill; (Staff)

*Middle Row: Lindsey Gallanders and Jan Polley; (Commission Members)

*Front Row: Matt Smith, Julie Ward (Commission Members) and Ian Gordon (Convener)

*(from left to right)

For the Register of Interests of Commission Members please see our website:
<http://www.standardscommissionscotland.org.uk/content/members-commission>



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EXECUTIVE SUMMARY

SECTION 1:

It is my pleasure to introduce the Annual Report of the Standards Commission for Scotland which covers the period 1 April 2012 to 31 March 2013.

Following last year's change whereby the Standards Commission became a supported body of the Scottish Parliament after the enactment of the Scottish Parliamentary Commissions and Commissioners etc. Act 2010, it proved to be a busy and effective year in relation to increased levels of engagement with our stakeholders.



Promotion

The main focus of our work continued to be the promotion of the Ethical Standards Framework and assisting Councils and Devolved Public Bodies in seeking to achieve and apply the highest ethical standards. The Standards Commission placed increased emphasis on the importance of working with Councils and Devolved Public Bodies and their Members and Officers, in seeking to raise awareness of, and ensure compliance with, the Ethical Standards Framework. As a result, there was significant increase in the number of individual events offered to and attended by Councillors and Officers.

Following the local elections in May 2012, the Standards Commission held events across Scotland either as individual workshops for councils, or as combined regional events. These were held in:

Individual Local Authority Events

Aberdeen City	Aberdeenshire
Argyll and Bute	Clackmannanshire
Dumfries and Galloway	Falkirk
Highland	Inverclyde
Moray	Perth and Kinross
Scottish Borders	West Lothian

Combined Local Authorities Event hosted by

Dundee City Council	East Ayrshire Council
City of Edinburgh Council	Glasgow City Council

The sessions within the workshops and events, where we sought to establish a common understanding of the Ethical Standards Framework, were robust and challenging. We also conducted a survey of Councillors during February 2013, to assess the level of awareness of the Code of Conduct across Councils. The analysis of the responses demonstrated a good level of awareness across Councils, with a positive appetite for more focused guidance. Almost two thirds of Councillors who responded believed the Code of Conduct had resulted in higher standards of behaviour amongst Councillors.

The Commission's work to increase its levels of engagement with its wider stakeholders included holding meetings with organisations such as Convention of Scottish Local Authorities (CoSLA), Audit Scotland and the Scottish Public Services Ombudsman (SPSO) to share best practice, benchmark and strive for continuous improvement in the services we provide. This led to further improvements in our internal processes, as well as building useful links in reviewing formal protocols between relevant organisations.

We continued to work with Monitoring Officers and Standards Officers to highlight trends and difficulties in interpretation of the Codes, and to review and discuss issues that affect Councillors and Board Members. Those Officers are key influencers in the Standards Commission's determination of the potential requirement for change to the existing guidance notes.

Following a request from one Council for the Standards Commission to examine issues relating to the application of paragraph 7:15 (Planning) of the Councillors' Code of Conduct, an information request was issued to Councils to determine what procedures were in place within their Local Authority in relation to individual applications. Feedback from Councils indicated the majority have established robust procedures to assist in the implementation of a local policy, while others have relied on the legislation in its own right.

Enforcement

We have continued to exercise our adjudicatory role in a consistent and proper manner, and maintained our focus on raising awareness of the relevant Codes of Conduct.

We sought to learn from Hearings and shared this information with key stakeholders. The Standards Commission also considered information

that was available to us from other sources, for example the Public Standards Commissioner (PSC)¹ for Scotland's notes of decisions and also feedback provided by Councils. It was apparent that certain issues continued to be problematic; for instance poor conduct when Councillors are representing the Council, disrespect towards Council employees, the impact of the registration and declaration of interests and decisions on planning applications. The Standards Commission will continue to work with and assist Councils to improve behaviour within these areas.

During the latter part of the operational year, the Standards Commission was subject to a judicial review, which related to a challenge about the non-reimbursement of legal expenses incurred by a Respondent. Whilst the case was concluded in favour of the Standards Commission in the early part of the 2013/14 operational year, we will use the outcome from the Judicial Review to reinforce our position not to re-imburse legal expenses.

Working With Others

In relation to delivering Best Value, the Standards Commission continued to benefit from the shared services arrangements in place with the Scottish Parliamentary Corporate Body. The facilities provided range from assistance with processing invoice payments to contractors and suppliers, together with support in the preparation of the Standards Commission's Annual Accounts, and savings achieved across a range of general administrative costs.

Organisational Development

Among the events the Standards Commission was invited to attend during the past year were a presentation to a visiting delegation from the People's Republic of China and an address and seminar at the University of Glasgow, School of Law.

In attending events such as these, we worked to ensure people understood what the Ethical Standards Framework is about, the original thinking behind the legislation and how it developed over time, as well as taking on learning points for ourselves to ensure – consistent understanding and help to improve the process.

¹ The Public Services Report (Commissioner for Ethical Standards in Public Life in Scotland etc.) Order effective from 1 July 2013 means the post of the Public Standards Commissioner (PSC) was merged with the Public Appointments Commissioner, to create a single appointee to be known as the Commissioner for Ethical Standards in Public Life in Scotland. (CESPLS)

During February 2013, the Standards Commission welcomed Lindsey Gallanders as a new Member of the Commission. Lindsey joined us with extensive experience as a senior manager in Human Resources within local government. During this period the Standards Commission also bade farewell to the Secretary to the Commission, Janet Nixon.

Staffing changes over the last quarter of the financial year brought both opportunities and challenges to the Standards Commission, with staff and Commission Members working together to ensure a smooth transition over the period of recruitment for a replacement senior officer. Recruitment was conducted through February and March for the role of Executive Director².

Governance

We continued to manage our affairs effectively, as demonstrated by the approval of our 2012-13 annual accounts by Audit Scotland. Further details about our governance arrangements can be found in the accounts, which are available on our website at:
<http://www.standardscommissionscotland.org.uk/content/audit-reports>

Looking Forward

Taking cognisance of the past year, the Standards Commission will continue its programme of education and awareness around the country.

The Standards Commission's planned priorities during 2013/14 are to:

- Raise the level of ethical standards in public life around Scotland, for those bodies that are included in the legislation
- Continue to raise awareness of the Standards Commission, the legislation and the impact for individuals who are covered by the Codes' of Conduct across all relevant bodies
- Provide assistance to Councils and Devolved Public Bodies through the provision of events and support to aid Councillors and Members in continuing to develop a full understanding of the requirements of the Ethical Standards Framework

² This post was filled in May 2013

SECTION 1:

- Review complaints referred by the PSC (to be known as the Commissioner for Ethical Standards in Public Life, from July 2013 onwards) and information from other sources to identify issues for guidance and advice to Councils and Devolved Public Bodies
- Identify the needs of Councils and Devolved Public Bodies to help focus the advice and support that is provided by the Standards Commission
- Identify and take forward opportunities to work jointly or in partnership with other Devolved Public Bodies
- Support the development of education programmes to assist Councils and Devolved Public Bodies in providing training for their Councillors and Board Members of Devolved Public Bodies
- Issue revised Guidance in relation to the Councillors' Code of Conduct.

The year under review has been one of continuing progress to meet our objectives. We are appreciative of the support we have received from many of our stakeholders. I am privileged to lead the Standards Commission and I extend my thanks to Commission Members and staff.



Ian A. Gordon OBE, QPM, LL.B (Hons)
Convener

THE STANDARDS COMMISSION FOR SCOTLAND

SECTION 2:

The Statutory Background

The Ethical Standards in Public Life etc. (Scotland) Act 2000 (“the 2000 Act”) provides a framework to encourage and, where necessary, enforce high ethical standards in public life.

The 2000 Act created a framework whereby Councils and Devolved Public Bodies are required to adopt Codes of Conduct for their members, and complaints about breaches of these Codes are investigated by the Public Standards Commissioner (“the PSC”) and adjudicated upon by the Standards Commission.

The Standards Commission’s functions as provided for by the 2000 Act are to:

- issue guidance to Councils and Devolved Public Bodies:
 - to assist them in promoting high standards of conduct; and
 - on the Commission’s relationship with them in carrying out its functions under the 2000 Act.
- receive reports from the PSC on the outcome of his investigations and, if the PSC concluded that a breach has occurred, determine whether to:
 - direct the PSC to carry out further investigations;
 - hold a Hearing; or
 - take no action.
- hold a Hearing to determine whether a Councillor or Member of a Devolved Public Body has contravened the Councillors’ or the Members’ Code.
- where, following a Hearing, the Panel finds that a Councillor or Member has breached the relevant code, to determine, in accordance with the Act, the sanction to be applied.

A chart outlining how cases are dealt with is shown on page 25.

SECTION 2:

Principles of public life The revised Councillors' Code of Conduct and the Model Code of Conduct are based on the principles of public life set out by the Committee on Standards in Public Life. These are outlined fully at the end of this report.

Strategic Objectives To assist us to achieve our Mission, we have set four Strategic Objectives:

- To promote the Ethical Standards Framework to ensure the Codes of Conduct are recognised and respected by the public and other stakeholders
- To assist Councils and Devolved Public Bodies to achieve the highest ethical standards of conduct and to ensure that the advice and support provided by the Standards Commission responds to their needs.
- To enforce the Codes of Conduct impartially, timeously and in accordance with legislation.
- To operate in accordance with the principles of good governance, best value, joint working and working in partnership.

Councillors The Councillors' Code of Conduct applies to all the Councillors of every Local Authority in Scotland.

Following a review of the original Councillors' Code of Conduct led by the Scottish Government and a consultation exercise, a revised Councillors' Code of Conduct was approved by the Scottish Parliament and introduced with effect from 21 December 2010. It is available online at: www.scotland.gov.uk/Publications/2010/12/10145144/0.

The Standards Commission provided guidance to Councils on the revised Code of Conduct and this was issued to Councillors and Councils during November 2011. The Standards Commission's Guidance on the Councillors' Code of Conduct is available online at: www.standardscommissionscotland.org.uk/webfm_send/279.

**Members of
public body
Boards**

Each Devolved Public Body covered by the framework is required to have its own Code that is based on the Model Code of Conduct that has been approved by the Scottish Parliament. Individual Codes are approved by Scottish Ministers.

The Devolved Public Bodies covered by the framework are listed in schedule 3 to the 2000 Act. Details of all those covered by the Codes of Conduct can be found on the Standards Commission's website at: www.standardscommissionscotland.org.uk.

The Model Code of Conduct* is available online at: www.scotland.gov.uk/Publications/2002/04/14493/2563.

*At the time of writing this report, the Scottish Government had completed a consultation on a revised Model Code of Conduct.

The Standards Commission also provides guidance to Devolved Public Bodies. The current guidance for Public Bodies (revised in 2007) is available online at: www.standardscommissionscotland.org.uk/webfm_send/241.

MEETING OUR STRATEGIC OBJECTIVES

Strategic Objective 1

'To promote the Ethical Standards Framework to ensure the Codes of Conduct are recognised and respected by the public and other stakeholders.'

Work towards achieving this objective included:

- Continued development of the website allowing all stakeholders to access information relating to the work of the Standards Commission, the Ethical Standards Framework and the operation of the Codes of Conduct.
- Implementation of our Communications Strategy, including stakeholder meetings with CoSLA, Audit Scotland and the SPSO, with a view to working more effectively together and sharing best practice.
- The continuation of the programme of survey work that was begun in 2011/12 to assist us in assessing the levels of awareness of, and attitudes to, the Codes and to further focus our work. We issued a questionnaire to all Councillors to seek their views on a range of matters including the Ethical Standards Framework, the Standard Commission's guidance and training, and Hearings procedures. We received nearly 200 responses. The work that was identified following analysis of the outcomes of the survey will be taken forward during the forthcoming year, in terms of both the development of a broader programme of survey work and the actions identified from the results of this survey. The outcomes that were identified from the responses are:
 - The majority of Councillors believed that they and their colleagues were aware of the Ethical Standards Framework;
 - Four out of five councillors were satisfied that the Councillors' Code of Conduct set out by Scottish Government was straightforward, with a small proportion flagging up specific sections that they would like to see clarified;
 - A similar proportion found the Guidance Notes produced by the Standards Commission helpful, with a small number suggesting that they would prefer a shorter and more concise format;
 - Almost two thirds of councillors believed that the Code of Conduct resulted in higher standards of behaviour, although some flagged up the need for improvement amongst a small minority and some offered ideas on how the Code could be improved further.

- Participation at events run by organisations, including further presentations on the Ethical Standards Framework to the General Office of the National Committee of the Chinese People's Political Consultative Conference and the Local Authority Members Services Development Network Group Annual Conference (a network to provide support to all members' services staff within Scottish Councils).
- A development session with the University of Glasgow, School of Law students to discuss the Ethical Standards Framework, and broader discussion around ethics and their application in public life.

Measurements of achievement:

Measurement	Timescale	Performance
1. The details of Hearings held that will be published in the Standards Commission's Annual Report.	Annual	ACHIEVED As per this Report, as well as being published on our website.
2. Assessment of the level of awareness and attitudes to the Codes that will be submitted annually to Scottish Ministers and the Parliament.	Annual	ACHIEVED Survey results from the Monitoring Officers/ Standards Officers Survey published on website in April 2012.
3. Undertaken during 2011/12 a survey of the views of Monitoring Officers and Standards Officers on the Ethical Standards Framework; the development of a programme of survey work, including Councillors, Members of Devolved Public Bodies, and the public, and publication of its results.	By March 2013	ACHIEVED Rolling programme determined, with survey of Councillors to be undertaken in February 2013.
4. The action taken by the Standards Commission to promote the Codes, including lessons learned from the 2011/12 and survey outcome.	By March 2013	ACHIEVED Rolling programme of regional and individual Council workshops, supported by the PSC.

Strategic Objective 2

'To assist Councils and Devolved Public Bodies to achieve the highest ethical standards of conduct and to ensure that the advice and support provided by the Standards Commission responds to their needs.'

Work towards achieving this objective included:

- We continued to provide guidance and advice in response to requests from Local Authorities and Devolved Public Bodies about the application of the Codes. In the past year this has included a range of issues including queries regarding the treatment of external bodies and charitable trusts; various planning matters; and how to deal with declarations of interests.
- The programme of visits to Councils has continued with a series of roadshows, as well as offering individual events to Local Authorities. During 2012/13 we conducted 16 such events within mainland Scotland. These provided guidance for Councillors and Officers on the revised Code and we took feedback from them and answered questions on the Code and the work of the Standards Commission. To provide a full overview of the Framework, including the investigatory process, each of these events was also attended by the Public Standards Commissioner (PSC) or a representative from his office. We are grateful to the PSC for his continued assistance with these events.
- Consideration of all reports from the PSC in which, following a full investigation, he concluded no breach of the relevant Codes of Conduct occurred, which assisted the Standards Commission to monitor trends and identify issues on which we will issue future guidance to Councils and Devolved Public Bodies.
- The decisions from Hearings are published on our website at http://www.standardscommissionscotland.org.uk/full_list. The decisions provide details of the allegation, the findings of the Hearing Panel and the reasons for the findings. Councillors and Monitoring Officers are particularly encouraged to view the decisions.

Measurements of achievement:

Measurement	Timescale	Performance
5. Analysis of trends in complaints to the PSC and an account of any guidance or advice issued.	Annual	ACHIEVED Quarterly meetings with the PSC have taken place including consideration of his statistical reports provided to the Standards Commission.
6. Number of Bodies supported by the education programme each year.	Annual	ACHIEVED A number of guidance requests were fulfilled, as well as 16 external events.
7. Programme of visits to Councils and Devolved Public Bodies.	Annual	ACHIEVED 16 events held.
8. Advice provided within 20 working days of receipt of the request.	Ongoing	PARTIALLY ACHIEVED Most enquiries were responded to within the timescale. However, due to staffing resource issues, some timescales slipped within this area.
9. Annual review of the focus of the Communication Strategy.	Annual	ACHIEVED Reviewed as part of the Standards Commission business meeting on 30 April 2012
10. Review of results from surveys conducted each year and their response rates.	Annual	ACHIEVED Councillor survey issued, with 195 responses
11. Programme of assistance to Councils through the attendance at events run by the Standards Commission and others to aid newly elected Councillors following the 2012 elections in terms of their understanding of the Councillors' Code of Conduct.	Annual	ACHIEVED 16 events held.

Strategic Objective 3

'To enforce the Codes of Conduct impartially, timeously and in accordance with legislation.'

Work towards achieving this objective included:

- During the year, the Standards Commission held one Hearing at The Highland Council to determine whether a Councillor had contravened the Councillors' Code of Conduct. The Hearing Panel found that a breach of the Code had been committed and a sanction of Censure was applied to the Councillor involved.

The case:

- was listed for Hearing to commence within 12 weeks of the decision to hold a Hearing;
 - was held in accordance with the legislative requirements and the Standard Commission's Hearing Rules;
 - the written decision, including reasons for the decision, was supplied to the parties within 15 working days of the conclusion of the Hearing; and
 - the decision was made publically available within 25 days of the Hearing.
- Additionally during the year, one further breach case was considered that involved two West Lothian Councillors; this case was discharged with no final action. One Councillor was not re-elected following the 2012 Council elections and the Standards Commission considered it was not in the public interest to pursue this case. In relation to the other Councillor the Standards Commission considered that it was not appropriate to hold a Hearing and confirmed that its action was based on the consideration of a prolonged delay of the Standard Commission's proceedings, by several years, by the Procurator Fiscal pending the resolution of a criminal investigation concerning another individual.
 - Review of the Hearing Rules – the Standards Commission's Hearings are held in accordance with the its Hearing Rules which are monitored and reviewed regularly to ensure they continue to remain fit for purpose and revised, as appropriate to include improvements following post-Hearing reviews of the processes and procedures. Revised Hearing Rules were introduced in the first quarter of 2012/13.

Measurements of achievement:

Measurement	Timescale	Performance
12. Cases will have been listed for Hearing to commence within 12 weeks of the decision to hold a Hearing.	Ongoing	ACHIEVED Hearing conducted 6 weeks after Standards Commission's decision to hold a Hearing was agreed.
13. Relevant parties will have been informed of the outcome of Hearings within 15 working days.	Ongoing	ACHIEVED The actual time taken to inform the outcome of the Hearing was 5 working days.
14. The outcome of Hearings will have been made available on the website within 25 working days of the Hearing.	Ongoing	ACHIEVED The actual time taken to publish the outcome of the Hearing was 7 working days.
15. A substantive response to correspondence will have been given within 20 days of receipt.	Ongoing	PARTIALLY ACHIEVED Most enquiries were dealt with within the timescale. However, due to staff temporary resourcing issues, some timescales slipped in this area.
16. A substantive response to complaints will have been given within 20 days of receipt.	Ongoing	Not applicable - no complaints received during 2012/13.

Strategic Objective 4

'To operate in accordance with the principles of good governance, best value, joint working and working in partnership.'

Work towards achieving this objective included:

- Delivery of best value – continuation of the shared services agreements with the Scottish Parliament, including:
 - Provision of office space
 - Inclusion in internal postal service
 - Access to photocopying facilities
 - Internal audit services
 - Inclusion in the overall Scottish Parliament's environmental management arrangements
 - An agreement to enable the Scottish Parliament to process and pay invoices on our behalf from 2 April 2012, and to assist in the preparation of our annual accounts. (The Standards Commission remains responsible for entering into its own contracts and authorising payments.)
- Adoption of good practice and governance in the oversight of the Standards Commission's finances. An internal audit by the Scottish Parliament's Internal Audit Service of the Standard Commission's governance arrangements resulted in a satisfactory report. This was supported by networking events with other regulatory bodies to learn from others.
- We aimed to show collective leadership in the promotion of ethical standards in Scotland and remain committed to the Nine Principles of Public Life (duty and public service, selflessness, integrity, objectivity, accountability and stewardship, openness, honesty, leadership and respect). We operate our own Code of Conduct, and performance appraisals are completed on Commission Members, which are then lodged with the Scottish Parliamentary Corporate Body.

In addition to meeting monthly as a Commission, the Standards Commission operates two Committees:

Audit and Accounting Committee – the Committee is responsible for advising the Standards Commission on a range of matters, including the strategic process for risk, control and corporate governance, the accounting policies and accounts of the Standards Commission and the planned activities of internal and external audit.

During the year, the Audit and Accounting Committee met regularly and was supported through a programme of internal audit work identified by the Committee and undertaken by the Scottish Parliament's Internal Audit service in relation to internal governance arrangements. Other activities included continuing the development of the risk register and strategic planning process; monitoring the budget; and a review of future opportunities to develop shared services agreements.

Human Resources Committee - the Committee is responsible for advising the Standards Commission on a range of matters, including on its responsibilities as an employer, equality of employment procedures and practices and Human Resources ("HR") policies and procedures.

The Committee's work during the year included the completion of a review of HR policies and adoption of Scottish Parliament's Corporate Body terms and conditions of employment; conducting a salaries benchmarking exercise for Standards Commission's staff, and supporting the recruitment exercise for the Executive Director.

Measurements of achievement:

Measurement	Timescale	Performance
17. The appraisal of Standards Commission's Members.	Annual	ACHIEVED Convener's appraisal completed on behalf of SPCB on 16 October 2012. Commission Members' appraisals conducted by the Convener between April and June 2012.
18. An annual assessment of the Standards Commission's contribution to the Principles of Public Life in Scotland.	Annual	ACHIEVED Convener passed on relevant paperwork to SPCB.
19. A satisfactory Annual Report from the Standards Commission's auditors	Annual	ACHIEVED Completed by Audit Scotland following production of Annual Accounts, which were laid before Scottish Parliament in October 2013.

Strategic Objective 4

Measurements of achievement:

Measurement	Timescale	Performance
20. An Annual Report that identifies how the Standards Commission has delivered best value in the preceding year and shows what steps have been taken to secure continuous improvement and increase the levels of joint working and partnership undertaken.	Annual	ACHIEVED Information contained within the Annual Accounts.
21. An annual assessment of the Standard Commission's commitment to the Equality Duty principles.	Annual	ACHIEVED Information contained within the Annual Accounts.

CASE STATISTICS

SECTION 4:

The Public Standards Commissioner ("PSC") investigates complaints in which a Councillor or Member of a Devolved Public Body is alleged to have contravened one of the Codes. Where the PSC concludes there has not been a breach of the Code, the matter is closed.

In each case where the PSC determines a breach of the Code of Conduct has occurred, the Standards Commission's decision about what action will be taken is notified to the person or persons making the complaint, the person or persons being complained about, the Chief Executive of the Council or Devolved Public Body of which that person is a Member of the Board (copied to the Monitoring Officer / Standards Officer) and the PSC.

Breach Reports are considered by the Members of the Commission who may decide to:

- direct the PSC to carry out further investigations;
- hold a Hearing; or
- take no further action.

During 2012/13 the PSC referred four cases which related to five Councillors, where he determined that there had been a breach of the Councillors' Code of Conduct. In addition, there was a delayed case from a previous year, which had been subject to a sisting of the case, as requested by the Procurator Fiscal Service.

The total number of instances where the PSC concluded that a breach had occurred remained low. During the year, the PSC received a total of 192 complaints which equated to 120 cases overall.

Decisions of the Standards Commission following receipt of the PSC's reports

	No of Cases
Breach reports referred to Standards Commission during 1 April 2012 – 31 March 2013	4 (relating to 5 Councillors)
Breach reports outstanding from previous years	1 (relating to 2 Councillors)
Commission decision to take no further action	2
Commission decision to hold a Hearing	1
Hearings held during 2012/13	1
Breach reports carried forward to 2013/14	3 (relating to 4 Councillors)

Hearings conducted by the Standards Commission for Scotland

Findings	Number
Finding of breach	1
Finding of no breach	0
Total	1

Hearings are held in public, unless the Members of the Standards Commission determine that it is appropriate for a Hearing to be held in private. The 2012/13 the Hearing was held in public.

Sanction decisions on findings of breach after Hearings

Sanction	Number
Censure	1
Suspension - full ¹	0
Suspension - partial ²	0
Disqualification ³	0
Total	1

Appeals against decisions made by the Standards Commission

A Councillor or Member of a Devolved Public Body who has been found by the Standards Commission to be in breach of the Councillors' or Members' Code or on whom a sanction has been imposed, may appeal to the Sheriff Principal.

No appeals were lodged or heard during the year.

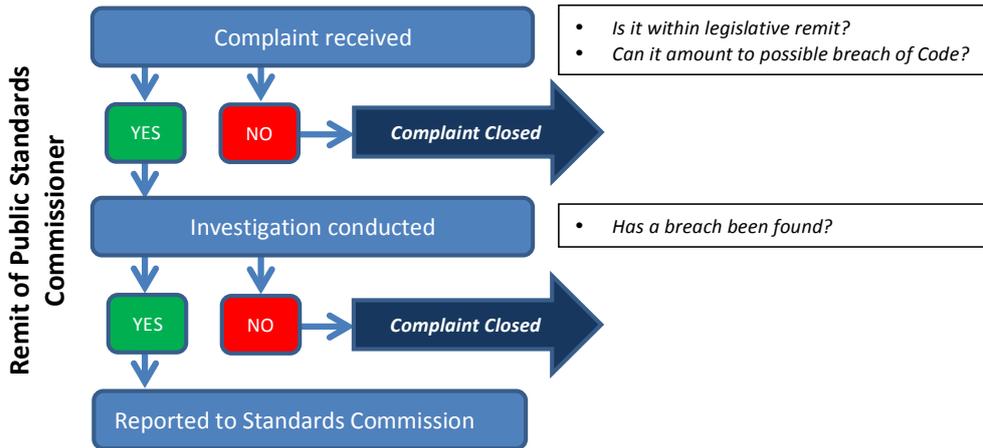
Notes:

1 Full suspension means that the Councillor is suspended from attending all meetings of the Council, Committees and Sub-Committees and of any other Body of which he/she is a representative or nominee of the Council.

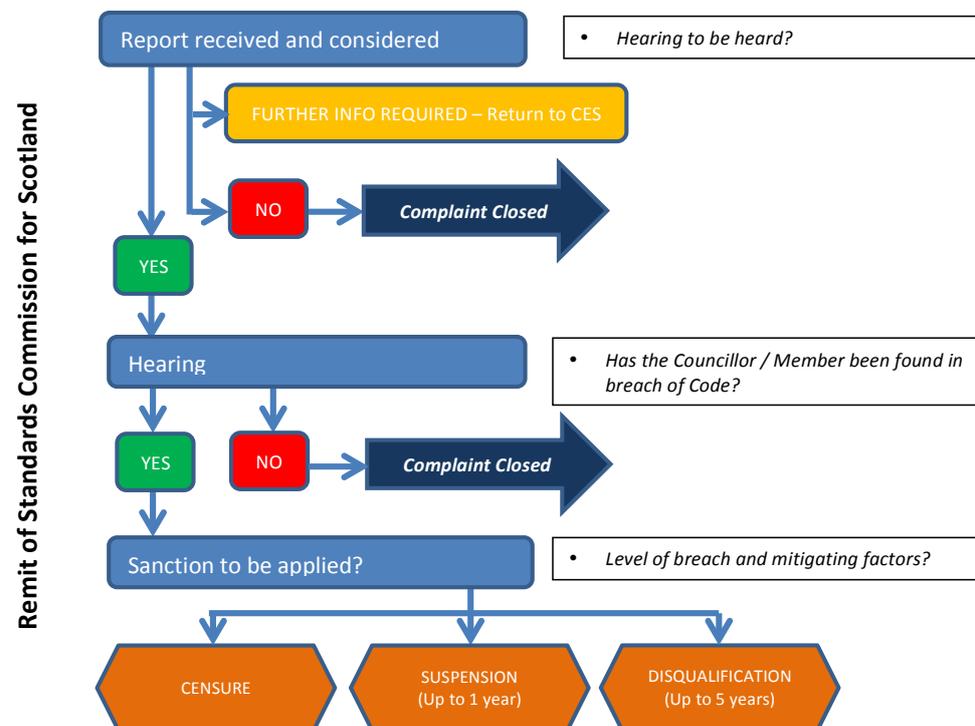
2 Partial suspension means that the Councillor is suspended from attending one or more, but not all of the following: (i) all meetings of the Council; (ii) all meetings of one or more Committees or Sub-Committees of the Council; (iii) all meetings of any other Body on which the Councillor is a representative or nominee of the Council.

3 Disqualification means that the Councillor is disqualified for the period determined (which may not exceed 5 years) from being, or from being nominated for election as, and from being elected, a Councillor. This has the effect of vacating that councillor's office.

Overview of End-to-End Complaints Investigation Process



Overview of the action taken by the Standards Commission following receipt of a report of Breach of a Code of Conduct from the PSC



SUMMARY OF HEARINGS

SECTION 5:

During the year, the Commission held one Hearing, involving one case. The summary is set out below and the full written decision can be accessed at: http://www.standardscommissionscotland.org.uk/fcontent/decision-hearing-panel-standards-commission-scotland-following-hearing-held-townhouse-invernil_list

Case	LA/H/1231 – Highland Council
Complaint	<p>The Respondent in this case was Councillor Kenneth MacLeod of The Highland Council. The Complainant alleged that Councillor MacLeod (“the Respondent”) had contravened the Councillors’ Code of Conduct and in particular the provisions on making representations on planning applications as contained in Section 7 of the Code.</p> <p>The PSC investigated the complaint and concluded that the Respondent had contravened the following within the Code:</p> <ol style="list-style-type: none"> 1. paragraph 5.3 of the Code in respect of compliance with the ‘objective test’ 2. paragraph 5.6 of the Code in respect of declaration of financial interests 3. paragraph 7.15 of the Code in respect of making representations on behalf of constituents or other parties in respect of planning matters.
Decision	<p>The Hearing Panel considered all of the evidence and submissions given both in writing and orally at the Hearing and found that:-</p> <ol style="list-style-type: none"> 1. The Councillors’ Code of Conduct applied to the Respondent. 2. The Respondent had breached paragraph 5.3 of the Code, the ‘objective test’, in so far as he had failed to declare an interest in the matter of the planning issue, while at the time of the application being considered he was found to have been acting on behalf of the objectors to the application, the Morefield Riverside Action Group. 3. The Respondent had breached paragraph 5.6 of the Code in so far as he was in receipt of monies paid to him by the objectors to the application, in respect of expenses, while acting in a professional capacity on their behalf and made no declaration of interest in respect of this matter.

Case	LA/H/1231 – Highland Council
Decision	4. The Respondent had breached paragraph 7.15 of the Code in so far as he had attended and made representations to the North Planning Applications Committee of The Highland Council, he had failed to declare any interest and he did not absent himself prior to the decision being made.
Sanction	<p>The Panel decided to censure the Respondent. This sanction was made under the terms of Section 19 (1) (a) of the Ethical Standards in Public Life etc. (Scotland) Act 2000. In reaching their decision, the Panel took into account:</p> <ol style="list-style-type: none"> 1. Its recognition of the serious nature of the failure to disclose an interest and the potential impact of such an action on the planning process. This could have resulted in the applicant for planning permission not being afforded an equal opportunity to make representations. The Hearing Panel carefully considered this factor when deciding between the sanctions of ‘suspension’ and ‘censure’. 2. The PSC’s comments that the actions of the Respondent had been negligent rather than intentional. 3. The statement in mitigation of the Respondent that he had personal business and family issues to address at the time of the incident under report.

SECTION 5:

There were a further 2 cases which did not come to a Standards Commission Hearing. The rationale for this is detailed below:

Case	LA/WL/814 -A - West Lothian Council
Complaint	<p>Complaints alleged that Councillor Beurskens contravened the Councillors' Code of Conduct (May 2003 version) and in particular:</p> <ol style="list-style-type: none"> 1. paragraphs 3.2 dealing with Relationship with Council Employees, 2. paragraph 3.20 relating to Dealings with the Council Employees, 3. paragraphs 5.6 which covers Your Financial Interests, 4. paragraph 5.15 on Making a Declaration, 5. paragraph 7.3 which relates to Dealing with Planning Applications, and 6. paragraph 2 of Annex C, which relates to Principles of the Protocols for Relations Between Councillors and Employees in Scottish Councils.
Decision	<p>The Standards Commission considered the impact of the prolonged delay since the case was originally referred by the PSC in 2009 and the subsequent request by the Procurator Fiscal's Department to ask the Standards Commission's sist its action.</p> <p>Following confirmation from the Procurator Fiscal to uplift the sist action in 2012, the Standards Commission completed a review of all matters relevant to this case, which took into account the impact of the long delay, and detemined it would not be in the public interest to hold a Hearing. In coming to this decision, the Commission had particular regard to the fact that this Respondent was no longer a Councillor.</p>
Sanction	N/A

Case	LA/WL/814 -B - West Lothian Council
Complaint	<p>Complaints allege that Councillor Dickson contravened the Councillors' Code of Conduct (version May 2003) and in particular:</p> <ol style="list-style-type: none"> 1. paragraphs 3.2 and 3.3 dealing with Relationship with Council Employees, 2. paragraphs 7.3, 7.7 and 7.10, which cover Dealing with Planning Applications, and 3. paragraph 2 of Annex C to the Councillors' Code dealing with Principles for the Protocol for Relations between Councillors and Employees in Scottish Councils.
Decision	<p>The Commission considered the impact of the prolonged delay between the case which was originally referred by the PSC during 2009 and subsequent delay caused following receipt of a request submitted by the Procurator Fiscal's Department to request the Standards Commission's sist it's action.</p> <p>Following confirmation from the Procurator Fiscal to uplift the sist action (2012) the Standards Commission completed a review of all matters relevant to this case and which took into account the impact of the long delay. The Members of the Standards Commission determined that on the balance of probabilities it would not be in the public interest to hold a Hearing and determined that no further action would be taken by the Standards Commission.</p>
Sanction	N/A

SUMMARISED ANNUAL ACCOUNTS 2012/13

SECTION 6:

The financial information given here is a summary extracted from the Standards Commission for Scotland's Annual Accounts 2012/13. It does not contain sufficient information to allow as full an understanding of the results and state of affairs of the Standards Commission as would be provided by the audited Annual Accounts. For a full copy of the Standards Commission's Annual Accounts 2012/13, and more information about our finance and governance arrangements, visit our website at www.standardscommissionscotland.org.uk

Statement of Comprehensive Net Expenditure For Year Ended 31 March 2013

	2012-13 £'000	2011-12 £'000
Administration Costs		
Staff Costs	173	192
Other Administration Costs	31	56
Depreciation	3	3
Net Administration Costs	207	251
Net Operating Costs	207	251

All amounts relate to continuing activities. There have been no gains or losses other than those recognised in the Statement of Comprehensive Net Expenditure.

Other Administration Costs

	2012-13 £'000	2011-12 £'000
Property	-	17
Legal Advice	3	9
Audit Fee	2	3
Recruitment	6	-
Hearing Accommodation	1	4
Information Technology	2	4
Printing and Promotion	2	6
General Administration	2	4
Officeholders Travel and Expenses	7	6
Staff Travel and Expenses	6	3
	31	56

The Key Principles of Conduct in Public Life

Duty and Public Service

Holders of public office should uphold the law and act in accordance with the law and the public trust placed in them. They should act in the interests of the Council or Public Body.

Selflessness

Holders of public office have a duty to act solely in terms of the public interest. They must not act in order to gain financial or other material benefit for themselves, family or friends.

Integrity

Holders of public office must not place themselves under any financial, or other, obligation to any individual or organisation that might reasonably be thought to influence them in the performance of their duties.

Objectivity

Holders of public office must make decisions solely on merit when carrying out public business.

Accountability and Stewardship

Holders of public office are accountable for their decisions and actions to the public. They have a duty to consider issues on their merits, taking account of the views of others and must ensure that the Council or Body uses its resources prudently and in accordance with the law.

Openness

Holders of public office have a duty to be as open as possible about decisions and actions they take, giving reasons for their decisions and restricting information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to act honestly. They must declare any private interests relating to their public duties and take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office have a duty to promote and support these principles by leadership and example, to maintain and strengthen the public's trust and confidence in the integrity of the council and its councillors or the public body and its members in conducting public business.

Respect

Holders of public office must respect all other holders of public office and employees of the Council or Public Body and the role they play, treating them with courtesy at all times.



Standards Commission for Scotland

If you would like to know more details about the work of the Standards Commission for Scotland or have any other enquiry which is not about a complaint against a Councillor or Member of a Devolved Public Body, please contact:

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