

ANGUS COUNCIL

SCRUTINY AND AUDIT COMMITTEE – 22 JUNE 2017

**COMPLAINTS RAISED WITH THE COMMISSIONER FOR ETHICAL STANDARDS
IN PUBLIC LIFE - 1 APRIL 2016 TO 31 MARCH 2017**

REPORT BY SHEONA C HUNTER, HEAD OF LEGAL AND DEMOCRATIC SERVICES

ABSTRACT

This report advises of complaints made against Angus Councillors to the Commissioner for Ethical Standards in Public Life (the Standards Commission) during the period 1 April 2016 to 31 March 2017.

1. RECOMMENDATIONS

It is recommended that the Committee:

- (i) notes the findings of this Report; and
- (ii) requests the Head of Legal and Democratic Services update members on the outcome of the ongoing complaint decisions in this Report at a later date.

2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/CORPORATE PLAN

This report contributes to the following local outcome(s) contained within the Angus Community Plan and Single Outcome Agreement 2013-2016:

- Appropriate and effective complaints investigation in the council contributes to the delivery of all outcomes within the Community Plan, SOA and Council Plan.

3. BACKGROUND

The Ethical Standards in Public Life Etc. (Scotland) Act 2000 provides for a framework to encourage and, where necessary enforce, high ethical standards in public life. The Act established the Standards Commission for Scotland and placed a duty on local authorities to adopt the Councillors' Code of Conduct. It also provided a framework for breaches of that Code to be investigated and adjudicated upon by the Standards Commission.

The Code sets out nine principles namely, duty; selflessness; integrity; objectivity; accountability and stewardship; openness; honesty; leadership and respect.

This Report provides details of complaints made against Councillors during the period 1 April 2016 to 31 March 2017. The purpose behind this Report is to advise members of the type of complaints made against Councillors and the outcomes.

4. CURRENT POSITION

During the period 1 April 2016 to 31 March 2017 Angus Councillors were referred to the Standards Commission for investigation on six separate occasions. One complaint was not pursued and five complaints were investigated. A brief summary of the complaints are attached as **Appendix 1**.

On 19 April 2016 Report No 164/16 detailed complaints from 1 April 2015 to 31 March 2016. At this time it was advised that there were three closed complaints and three ongoing complaints. With regard to the ongoing complaints, all three complaints have been closed. A brief description of the above complaints and outcomes are detailed in **Appendix 2** to this Report.

All complaints are dealt with on a confidential basis and only the complainer and the member complained of receive full details of the investigation.

5. FINANCIAL IMPLICATIONS

There are no financial implications as a result of this Report.

NOTE: No background papers, as detailed by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

REPORT AUTHOR: Paula Guthrie, Senior Clerical Officer (Management Support)

EMAIL DETAILS: LEGDEM@angus.gov.uk

List of Appendices:

Appendix 1: Complaints Received by the Commissioner for Ethical Standards in Public Life in Scotland – 1 April 2016 – 31 March 2017

Appendix 2: Complaints Received by the Commissioner for Ethical Standards in Public Life in Scotland – 1 April 2015 - 31 March 2016 - Update

**COMPLAINTS RECEIVED BY THE COMMISSIONER FOR ETHICAL STANDARDS
IN PUBLIC LIFE IN SCOTLAND – 1 APRIL 2015 TO 31 MARCH 2016**

Complaints received by the Commissioner for Ethical Standards in Public Life in Scotland between 1 April 2016 and 31 March 2017. The information below details the date of notice, the complainant, a brief summary of the complaint and the outcome.

Date of Notice	Complainant	Complaint/Outcome	Date of Decision
26-05-16	Councillor	Allegation that both Councillors declared non financial interest at committee but failed to leave the meeting and remained to vote. No breach of the Code	04-10-16 CLOSED
07-06-16	Councillor	Allegation of inappropriately remaining in the Chair at committee meeting and declaring two amendments to be incompetent. Complaint closed - Due to circumstances Standards Commission decided that it would not be in the public interest to pursue the investigation of this complaint. The decision is taken in exercise of the discretion set out in section 12(1) of the Ethical Standards in Public Life (Scotland) Act 2000. Standards Commission did not pursue.	04-07-16 CLOSED
24-06-16	Councillor	Relates to disrespectful comments in a local newspaper concerning the complainant. No breach of the Code	25-08-16 CLOSED
08-07-16	Member of Public	Disrespectful comments about the complainant made at a public meeting at Inverbrothock Primary School on 1 June 2016. No breach of the Code	02-08-16 CLOSED
29-06-16	Member of Public	Alleged breach of confidentiality requirements and associated impropriety. No breach of the Code	18-11-16 CLOSED
29-06-16	Angus Council	Respect – In relation to correspondence with other councillors Leadership & Integrity – in relation to writing to the bank of a private company Confidentiality – in relation to disclosing details of an appeal hearing to a member of the public. No breach of the Code	18-11-16 CLOSED

**COMPLAINTS RECEIVED BY THE COMMISSIONER FOR ETHICAL STANDARDS
IN PUBLIC LIFE IN SCOTLAND – 1 APRIL 2015 TO 31 MARCH 2016 - UPDATE**

Date of Notice	Complainant	Complaint/Outcome	Date of Decision
12-02-16	Member of Public	Decision at Committee alleging it was made contrary to the requirements of Sections 3 and 7 of the Code. No breach of the Code	01-11-16 CLOSED
03-03-16	Councillor	Failure to declare an interest at Committee. No breach of the Code	28-07-16 CLOSED
21-03-16	Member of Public	Breach of Section 3 General Conduct; Conduct at Meetings. No breach of the Code	01-07-16 CLOSED