

Local Government, Housing and Planning Committee

1st Meeting, 2023 (Session 6)

Tuesday 10 January 2023

Standards Commission for Scotland Annual Report 2021-22

Introduction

1. The purpose of this paper is to provide information for the Committee's evidence session with the Standards Commission for Scotland on its Annual Report for 2021-22.
2. The Committee will take evidence on the Annual Report from—
 - Lorna Johnston, Executive Director and
 - Sarah Nicholson, Office Manager, Standards Commission for Scotland.
3. The Annual Report can be accessed via the following link—

[Standards Commission for Scotland Annual Report 2021-22](#)

Background

4. The Standards Commission is a statutory body established under the Ethical Standards in Public Life etc. (Scotland) Act 2000. The Act - one of the first pieces of legislation of the devolution period – included provisions for a new code of conduct for councillors which would be enforced by the Standards Commission. The Act was intended to “enhance the reputation of local government and to ensure a commitment to the highest standards”.
5. The 2000 Policy Memorandum for the Bill states that legislation would “provide for clear standards for all councillors and a transparent system for the investigation and consideration of alleged breaches”. It goes on to state:

“The Bill will establish a Standards Commission for Scotland which will have overall responsibility for dealing with alleged breaches of the codes. The Executive consider that the creation of a single independent body is necessary to provide the public, the bodies governed by the Bill, and their members with confidence that every allegation will be subject to a consistent process and will be dealt with thoroughly and fairly. A national body will also develop expertise in dealing with alleged breaches.”

6. The single independent body system existed until 2010 when the Scottish Parliamentary Commissions and Commissioners etc. Act 2010 was passed. This transferred investigatory powers to the newly created Ethical Standards Commissioner (ESC). A separate investigatory body was recommended by the Session 3 Review of SPCB Supported Bodies Committee and the subsequent Bill was a Committee Bill.

7. The Standards Commission's website notes that the independence of the investigatory role undertaken by the ESC and the adjudicatory role undertaken by the Standards Commission is a crucial principle. The reason for the separation of functions between the two distinct organisations is to ensure impartiality, fairness and objectivity in the decision-making process

8. The Standards Commission encourages high ethical standards in public life including the promotion and enforcement of relevant codes of conduct. It issues guidance to councils and devolved public bodies, adjudicating through hearings on alleged breaches of codes of conduct by councillors or board members. Where a breach is found, the Commission will apply a sanction.

9. The Commission comprises a convener and four Commission members who are appointed by the SPCB. The Commission employs four staff, led by an Executive Director, and has an annual budget of £300,000 from the SPCB.

10. The Standards Commission has an oversight role in respect of how the ESC undertakes some of its functions and has powers to issue Directions under the 2000 Act. The Standards Commission used these powers of direction for the first time during 2020-21.

11. Today's session will focus on the Commission's Annual Report 2021-22, and issues relating to its oversight of the ESC.

Conclusion

12. The Committee is invited to consider the above in its evidence session with the Standards Commission for Scotland

**Clerks,
Local Government, Housing and Planning Committee**