

Local Government, Housing and Planning Committee

1st Meeting, 2023 (Session 6)

Tuesday 10 January 2023

Ethical Standards Commissioner 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 Ethical Standards Commissioner on its Annual Report for 2021-22.
2. The Committee will take evidence on the Annual Report from—
 - Ian Bruce, Acting Ethical Standards Commissioner,
 - Angela Glen, Senior Investigating Officer and
 - Karen Elder, Head of Corporate Services and Accountable Officer
3. The Annual Report can be accessed via the following link—

[Ethical Standards Commissioner Annual Report and Accounts for 2021-22](#)

Background

4. The Ethical Standards Commissioner (ESC) is an independent regulator appointed and funded by the Scottish Parliamentary Corporate Body (SPCB) and approved by MSPs. It is underpinned by various pieces of legislation, including the [Ethical Standards in Public Life, etc \(Scotland\) Act 2000](#), the 2002 [Scottish Parliamentary Standards Commissioner Act](#) and the [Scottish Parliamentary Commissions and Commissioners etc. Act 2010 \(the 2010 Act\)](#)
5. The ESC employs 13 people and has an annual budget of around £1 million.
6. Under [the 2010 Act](#), the ESC is an independent officeholder and the exercise of their statutory functions, unless otherwise provided for in the Act, is not under the direction or control of MSPs, the Scottish Government or the SPCB. This is to protect their independence.
7. The Ethical Standards Commissioner has three main roles:

- i. To investigate complaints about the conduct of MSPs, local authority councillors, board members of public bodies and lobbyists.
- ii. To investigate complaints about lobbyists who have failed to register or provide certain information to the Scottish Parliament.
- iii. To regulate how people are appointed to the boards of public bodies in Scotland.

8. Where the Ethical Standards Commissioner considers there has been a breach of the relevant Code of Conduct, they will report to the Standards Commission for Scotland (SCS) in the case of councillors and members of public bodies. In the case of MSPs, the ESC will report to the Parliament's Standards, Procedures and Public Appointments Committee.

9. The ESC is currently subject to directions issued by the SCS. Over the course of financial year 2020-21, the Standards Commission issued statutory directions. These directed the Commissioner to:

- submit interim reports where an investigation takes more than a three-month period.
- report the outcome of each investigation undertaken pursuant to s 9 and 12 of the 2000 Act.
- carry out an investigation into every complaint about a Councillor and Member save in specific circumstances set out in the Direction.

10. These directions were intended to provide assurance to the Standards Commission, and others, that the Commissioner's office was acquitting its functions in accordance with its founding legislation.

11. Today's session will focus on the Ethical Standards Commissioner's Annual Report with a particular focus on work relating to local councillors and how it is seeking to improve its performance since the issuing of directions by the SCS.

Conclusion

12. The Committee is invited to consider the above in its evidence session with the Ethical Standards Commissioner

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