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| Agenda Item | 12 |
| Report No | AS/9/20 |

Highland Council

Committee: Audit & Scrutiny Committee

Date: 24 September 2020

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/Standards Commission during the period 1st April 2019 to 30th June 2020 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 the complaints against Highland Council Members, concluded during 2019/20, the Commissioner/Commission has found there to have been one breach 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 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 Commissioner 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

Upon receipt of a complaint of an alleged breach of the Code the Commissioner will undertake an initial consideration and review of the circumstances of the concern. In some instances the Commissioner will decide that the complaint is not accepted and there will be no further investigation. In other instances the Commissioner will accept the complaint and undertake further enquiry. Following investigation if the Commissioner identifies there has been a potential breach the matter is reported to the Standards Commission.

4.4

This report deals with complaints concluded during the period 1st April 2019 to 30th June 2020.

4.5

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 – 2019/20

5.1

During 2019/20, the Commissioner investigated a total of two complaints against Members of the Highland Council.

5.2

In one instance the outcome of the investigation was that there had been a breach of the Code of Conduct. The report was considered by the Standards Commission who determined there had been a breach following a hearing. The outcome was reported to Council in July.(See Appendix One)

Date: 6 September 2020

Author: Stewart Fraser, Head of Corporate Governance

Appendix One

| Case Ref | Complaint Subject | Outcome | Outcome Date |
|-----------------|--------------------------|----------------|---------------------|
| LAH3003 | Councillor A Henderson | Breach | 30 April 2020 |
| LAH3005 | Councillor A | No breach | 24 January 2020 |