

ANGUS COUNCIL

14 FEBRUARY 2002

ETHICAL STANDARDS IN PUBLIC LIFE (SCOTLAND) ACT 2000

REPORT BY THE DIRECTOR OF LAW AND ADMINISTRATION

ABSTRACT

This Report draws the attention of Members to Section 33 of the Ethical Standards in Public Life Etc. (Scotland) Act 2000 which came into force on 1 January 2002.

1. RECOMMENDATION

Members are asked to note the contents of this Report.

2. BACKGROUND

The Ethical Standards in Public Life Etc. (Scotland) Act received Royal Assent on 24 July 2000. The Act covers Codes of Conduct for Councillors and other members of devolved public bodies.

Members are advised that Section 33 of the Act was brought into force with effect from 1 January 2002. This Section of the Act:-

- (a) revises the special reports and hearings procedure by which the Accounts Commission for Scotland investigates alleged negligence or misconduct by an individual, or failure by a local authority in the management of public funds;
- (b) repeals the existing surcharge provisions and introduces a range of new sanctions in respect of negligence or misconduct by an individual in the management of public funds; and
- (c) passes responsibility for those sanctions to the Accounts Commission, rather than the Scottish Ministers.

As a result, the Accounts Commission's procedures in respect of the above will be similar to those to be made available to the new Standards Commission in respect of allegations about unethical behaviour. This has advantages in that, although some variation in process must be expected, officers and Members will not need to become familiar with two entirely different systems.

Although many aspects of the Reports and Hearings procedure remain largely unaltered from those previously available to the Accounts Commission, the new legislation introduces some important changes. These are summarised in Appendix A.

3. FINANCIAL IMPLICATIONS

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

4. HUMAN RIGHTS IMPLICATIONS

There are no human rights implications in connection with the contents of this Report.

5. CONSULTATION

The Chief Executive and the Director of Finance have been consulted on the contents of this Report.

CATHERINE A COULL
DIRECTOR OF LAW AND ADMINISTRATION

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