

STANDARDS COMMISSION FOR SCOTLAND – CONTINGENCY FUNDING REQUEST

Executive summary

1. This paper invites the SPCB to consider a contingency fund application of £3.5k from the Standards Commission for funding to cover the cost of unbudgeted Hearings which were held in the last two months of the 2013-14 financial year.

Issues and Options

2. The Standards Commission receives reports from the Commissioner for Ethical Standards in Public Life who investigates complaints into councillors and members of public bodies. The Commission determines whether to (i) direct the Commissioner for Ethical Standards to carry out further investigations on its behalf (ii) hold a Hearing or (iii) take no action. The purpose of holding a Hearing is to determine whether a councillor or member of a devolved public body has contravened the councillors' or the Members' Code of Conduct. If following a Hearing, the Commission finds that a councillor or member has breached the relevant code it determines the sanction to be applied.

3. As the Commission is not in control of the number of reports that the Commissioner for Ethical Standards sends to it in any given year, for budgeting purposes, the Commission estimates that on average it will undertake 3 Hearings per annum. In 2013-14 the Commission undertook 5 Hearings, 2 of which were undertaken in the last two months of the 2013-14 financial year.

4. In addition to holding 5 Hearings, in 2013-14 the Commission successfully defended a Judicial Review of one of its decisions. The estimated cost of the judicial review proceedings was £9k and the SPCB approved the Commission's application for contingency funding on the basis of the estimated costs. The actual cost was £15,375 leaving the Commission to fund the balance amounting to £6,375 from its approved budget.

5. As a result of paying £6,375 towards the judicial review proceedings, the Commission is now unable to meet the total costs of the last 2 Hearings and is seeking contingency funding of £3.5k to meet the shortfall.

6. There are sufficient funds within the 2013-14 contingency fund to meet this request.

7. The SPCB is invited to consider and agree the Commission's contingency application.

Resource Implications

8. The Commission's approved budget for 2013-14 was £226k.
9. If contingency funding is approved, the Commission's total budget for 2013-14 will be £238.5k of which £12.5k (£9k and £3.5k) will be contingency funding.

Governance issues

10. As this is a request for contingency funding, SPCB approval is required.

Publication Scheme

11. This paper can be published in line with the SPCB's disclosure policy.

Next steps

12. The next steps would be to inform the Commission of the SPCB's decision.

Decision

13. The SPCB is invited to consider the contingency application submitted by the Commission and to give its approval for additional funding of £3.5k as a result of judicial review proceedings and holding 5 Hearings, 2 of which were held in the last two month of the 2013-14 financial year and had not been budget for.

Officeholder Services
April 2014

CERTIFICATION REQUESTING ADDITIONAL FUNDS FROM THE OFFICEHOLDERS CONTINGENCY FUND	
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Purpose of Funding	
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To meet cash flow requirements arising from processing end of year invoices, arising from the costs from undertaking a greater number of Hearings than originally budgeted for within the 2013/14 budget.

(Original budget allowed for 3 Hearings, and by the year end the Standards Commission had undertaken 5 Hearings, 2 of which were conducted in the last 2 months of the financial year.)

During the year, the Standards Commission were faced with defending a judicial review, with associated costs of £15,375. We applied to and received from SPCB contingency funds the sum of £9,000 on the basis that we considered that we could absorb the remaining costs within our budget.

Unfortunately, due to the Hearings at the financial year end which have a statutory timetable attached, it has constrained our ability to meet all the cash flow requirements generated from these Hearings.

Estimated Cost of Funding	£3500
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Total Funding Requested	£3500
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Additional Information (timing etc.)	
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This is to meet a cash flow need at the end of the financial year 31 March 2014.

Certified by: Lindsey McNeill Date: 9/05/14	
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Office held : Executive Director, Standards Commission for Scotland	
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