



The Scottish Parliament
Pàrlamaid na h-Alba

Officeholders – Contingency Fund Applications 18 February 2021 Reference: SPCB(2021)Paper 10

Executive summary

1. This paper invites the SPCB to consider two contingency fund applications – one from the Standards Commission for Scotland and one from the Scottish Information Commissioner.
2. The Officeholders' Contingency Fund for 2020/21 is £400k of which £139k is available.

Issues and options

3. Individual officeholders' budgets do not contain contingency funding. Instead, the SPCB has established a separate central Officeholders' Contingency Fund for exceptional one-off expenditure which cannot be met from an officeholder's approved budget for any given year. This arrangement also prevents an officeholder's budget baseline increasing due to one-off costs in any given financial year.
4. Contingency funding may be requested for costs such as defending legal actions and for temporary staff cover for maternity absences etc.
5. Requests for contingency funding can be made at any time of the year but we would not expect an officeholder to draw down the funding until it is clear that they are unable to meet the costs, in full or part, from their approved budget.
6. The officeholders have kept officials informed of potential calls on the Contingency Fund throughout the year.

Standards Commission for Scotland

7. The Standards Commission for Scotland is seeking funding of £19,260 to meet the costs of legal fees associated with the defence of an appeal, lodged on 20 October 2020 before Paisley Sheriff Court, against a Hearing Panel's decision to find a councillor in breach of the Councillor's Code.

8. As a matter of principle the Commission wishes to defend its decision and it has received legal advice to the effect that it has good prospects of successfully defending the appeal. If the defence of the appeal is successful, any expenses recovered will be returned to the SPCB.

9. The Commission's application is attached at Annex A.

Scottish Information Commissioner

10. The Scottish Information Commissioner is seeking contingency funding of £62k to meet costs as a result of (i) defending Appeals to the Court of Session (£40k) and (ii) setting up remote working as a result of Covid-19 (£22k).

11. The Commissioner has identified savings of £33,317 (mainly as a result of staff vacancies) which has reduced the amount requested.

12. The Commissioner's applications are attached at Annexes B and C.

Governance

13. The SPCB has a statutory duty to approve the officeholders' funding. As these requests are for additional funding, SPCB approval is required.

Resource implications

14. The Officeholders Contingency Fund for 2020/21 is £400k of which £241,500 has already been committed (SPSO and SHRC staffing and ESC restructuring). There is therefore sufficient funding to meet these two requests.

15. The remaining funding - £77,240 - will be surrendered to the SPCB.

Publication Scheme

16. This paper can be published.

Decision

17. The SPCB is invited to approve the contingency funding applications from the SIC for £62k and the SCS for £19,260.

Officeholder Services

February 2021