

At a Hearing of the Standards Commission for Scotland, which concluded on Thursday 16 April 2015, the Hearing Panel found that Councillors Barney Crockett, Neil Cooney, Fraser Forsyth, Ross Grant, Jenny Laing, Ross Thomson and Willie Young of Aberdeen City Council had not breached the Councillors' Code of Conduct (the Code).

The Hearing Panel considered evidence in documents and from witnesses concerning the allegation.

The Complaint alleged that following a decision of the Urgent Business Committee of Aberdeen City Council, on 11 March 2014, a letter providing broad budgetary information and setting out a number of policy initiatives against which proposed expenditure had been set was enclosed with Council Tax bills issued by Aberdeen City Council.

The letter contained the paragraph:

"The council's position is clear, as we agreed at our meeting in December last year we recognise that Aberdeen is stronger now and will be stronger in the future – economically, politically and socially – as a partner within the United Kingdom".

The complaint alleged the generation and distribution of this letter had contravened paragraph 3.16 of the Code ('Use of Council Facilities').

3.16 "The Council will normally provide facilities to assist councillors in carrying out their duties as councillors or as holders of a particular office within the Council. This may involve access to secretarial assistance, stationery and equipment such as telephones, fax machines and computers. Such facilities must only be used in carrying out Council duties in accordance with your relevant Council's information technology, communications and member support policies or for incidental personal use as authorised by your Council and not related in any way to party political or campaigning activities. Where the Council recognises party political groups, assistance to such groups is appropriate in relation to Council matters but must not extend to political parties more generally and you should be aware of and ensure the Council complies with the statutory rules governing local authority publicity".

The Chair of the Hearing Panel said:

The Panel carefully weighed all of the evidence and, on the balance of probabilities, found there had not been a breach of the Code.

It was satisfied that the Respondents were acting in their capacity as councillors in a properly constituted Council committee. The use of officers' time and Council resources was legitimate and in furtherance of Council business. The Panel accepted that the paragraph of the letter was a restatement of Aberdeen City Council policy, which had been in the public domain since December 2013.

In relation to section 3.16 of the Code, the Panel was not persuaded that the paragraph in the letter amounted to "party political or campaigning activities". There was a history of such a publication of this style, at this time, to accompany Aberdeen City Council Tax letters.

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The Decision of the Standards Commission for Scotland's Hearing Panel will be available to download from the Commission's website within 20 working days.