

Decision of the Hearing Panel of the Standards Commission for Scotland following the Hearing held in the Busby Hotel, Clarkston, Glasgow on 2 December 2014

Panel Members: Mrs Lindsey Gallanders, Chair of the Hearing Panel
Mr Ian Gordon, OBE, QPM
Ms Jan Polley

The Hearing arises in respect of a Report by Mr Bill Thomson, the Commissioner for Ethical Standards in Public Life in Scotland (“the CESPLS”), further to complaint number LA/ER/1490 (“the Complaint”) concerning an alleged contravention of the Councillors’ Code of Conduct (“the Code”) by Councillor Barbara Grant (“the Respondent”) of East Renfrewshire Council.

Mr Thomson, the CESPLS, was accompanied by Mr Ian Mackay, the Investigating Officer. The Respondent attended the Hearing. No witnesses were called by the CESPLS or the Respondent.

The Complaint

The Complainant alleged that the Respondent had contravened the Councillors’ Code of Conduct in particular paragraph 3.2 in respect of Conduct at Meetings.

The CESPLS investigated the complaint and when considering the key principles of Objectivity and Respect he found the words used by the Respondent were offensive and therefore concluded the Respondent had breached paragraph 3.2 of the Councillors’ Code of Conduct.

The relevant provision is:

Conduct at Meetings

3.2 You must respect the chair, your colleagues, Council employees and any members of the public present during meetings of the Council, its committees or sub-committees or of any public bodies where you have been appointed by, and represent the Council. You must comply with rulings from the chair in the conduct of the business of these meetings.

The CESPLS submitted a report to the Standards Commission on 18 Sept 2014 in accordance with section 14.2 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 as amended.

Joint Statement of Facts

The CESPLS and the Respondent provided a Joint Statement signed on 7 November 2014 by the Respondent and on 26 November 2014 by the CESPLS, in respect of facts that were agreed and facts that were in dispute.

Part 1 of the CESPLS’s report was agreed.

Part 2 of the CESPLS’s report was agreed

Part 3 of the CESPLS’s report was agreed.

Part 4 of the CESPLS's report was agreed subject to an acknowledgement that the reference to "lining developers pockets" in paragraph 4.2 was a general remark and not directed at the complainant.

Part 5 of the CESPLS's report was agreed.

Annex B of the CESPLS's report was agreed as an accurate record of the matters which it purported to record.

Evidence presented at the Hearing

Mr Thomson outlined the facts and presented his case as set out in his report to the effect that Councillor Grant had, during a Council Planning Committee meeting held on 9 October 2013, made remarks that were inappropriate and not those expected of a councillor. These remarks had, therefore, resulted in the Respondent breaching paragraph 3.2 of the Councillors' Code of Conduct.

Mr Thomson asked the Hearing Panel to adopt the findings and conclusions contained in the report.

Councillor Grant referred to the Joint Statement of Facts, admitted the breach as presented by the CESPLS in his report and invited the Hearing Panel to accept that her behaviour was out of character and that she had apologised unreservedly both publicly and privately for her actions.

Decision

The Hearing Panel considered all of the evidence, submissions given in writing and orally at the Hearing and found as follows:

1. The Councillors' Code of Conduct applied to the Respondent
2. The Hearing Panel accepted the admission from the Respondent to the breach of the Councillors' Code of Conduct at Paragraph 3.2.
3. The Respondent had breached paragraph 3.2 of the Councillors' Code of Conduct.

Sanction

The decision of the Hearing Panel was to censure Councillor Grant

This sanction was made under the terms of the Ethical Standards in Public Life etc. (Scotland) Act 2000 section 19(1)(a).

Reasons for Sanction

In reaching their decision, the Hearing Panel took into account:

1. The Respondent accepted that her conduct constituted a breach of the Code.
2. In mitigation, the Panel took account of the fact that the Respondent fully apologised for her conduct and cooperated throughout the investigation.

3. The Hearing Panel accepted her statement that her conduct was out of character and acknowledged her lengthy service as a Councillor.
4. The Hearing Panel was pleased to note the effort by the Council to address the complaint. It demonstrated the Council's commitment to upholding high ethical standards.

Right of Appeal

The attention of the Respondent was drawn to section 22 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 as amended which detailed the right of appeal in respect of this Decision.

Date: 11 December 2014

L. M. Gallanders

Mrs Lindsey Gallanders
Chair of the Hearing Panel