

At a Hearing of the Standards Commission for Scotland, held in Falkirk on 24 October 2016, Councillor Alan Nimmo of Falkirk Council was censured for breaching the Councillors' Code of Conduct.

The complaint arose after Councillor Nimmo made enquiries of officers at Falkirk Council about a garden structure his neighbour had erected. The sanction was imposed as a result of a failure by Councillor Nimmo to comply with the provisions in the Code which prohibits elected members from using their position as a councillor to seek preferential treatment from the Council.

In reaching its decision, the Hearing Panel:

- Noted the Respondent had made it clear to officers that he was enquiring about, and objecting to, a structure (for which planning consent had not been sought), as a neighbour. There was no evidence that Councillor Nimmo attempted to put pressure on officers to reach a particular outcome in respect of the planning application, nor that his actions had any bearing on the decision that was ultimately made.
- However, the Panel found that Councillor Nimmo had used his position as a councillor to seek information from senior officers of the Council, which would not normally be available to members of the public and to exert influence in asking that the matter be dealt with urgently. The Hearing Panel noted that officers may have felt under pressure to comply with such a request.
- Found that Councillor Nimmo attempted to call-in his neighbour's planning application and, in doing so, he failed to distinguish between his role as a potential objector and his role as a councillor.
- Councillor Nimmo's actions amounted to attempts to seek preferential treatment from the Council, as prohibited by the Code.

The Panel Chair, Mr Matt Smith, in delivering the Hearing Panel's decision said:

"The Hearing Panel reminds all councillors about the importance of avoiding any action that could lead members of the public to believe preferential treatment was being sought".

24 October 2016

***Note for editors:***

*It should be noted that complaints in terms of the Councillors' Code are made to the Commissioner for Ethical Standards in Public Life in Scotland (CESPLS). It is for the CESPLS to investigate and determine if any matter should be referred to the*

*Standards Commission for Scotland as alleged breach of the Councillors' Code. It is for the Standards Commission for Scotland to determine if there has been a breach and if so proven, to issue an appropriate sanction.*

*The Hearing Panel concluded that the Respondent had breached paragraph 3.19 of the Councillors' Code of Conduct.*