

Former Edinburgh Councillor found to have breached the Councillors' Code of Conduct

The Standards Commission for Scotland, at a hearing held in Edinburgh on 11 July 2017 censured former Councillor Jim Orr for a breach of the Councillors' Code of Conduct.

The Hearing Panel found that former Councillor Orr had made a number of allegations and critical comments on his online blog about the complainer, Mr Steve Cardownie, who had been a fellow councillor, which were of a personal and insulting nature. The Hearing Panel further found that the comments were clearly intended to impugn and demean the complainer in a public forum. The Hearing Panel noted that Councillor Orr had subsequently proffered an unqualified apology to the complainer, in which he had accepted the allegations and imputations he had made in the blog were 'entirely false and without foundation'.

In the particular circumstances of this case, the Hearing Panel took the view the comments in question did not amount to a value judgement and that the Respondent should not, therefore, be afforded the enhanced protection afforded under Article 10 of the European Convention on Human Rights for political expression. The Hearing Panel concluded, therefore, that it was satisfied that a finding of breach and subsequent imposition of a sanction, would not contravene Article 10.

The Panel Chair, Mrs Tricia Stewart, said:

"The Hearing Panel accept that, in a political context, a degree of immoderate, provocative, colourful and emotive language, that would not be acceptable outside that context, is tolerated. However, councillors have a duty under the Code to treat their colleagues with courtesy and respect and cannot, therefore, indulge in offensive personal attacks or make accusations, which are entirely lacking in foundation, in order to intentionally impugn others."

For further information contact the Standards Commission on 0131 348 6666 or by email to enquiries@standardscommission.org.uk

11 July 2017

Note for editors:

(1) 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.

(2) The Hearing Panel concluded that neither Respondent had breached paragraphs 3.1 and 3.2 of the Councillors' Code of Conduct as alleged.

(3) The Hearing panel is comprised of 3 members of the Standards Commission, being the Chair, Mrs Tricia Stewart; Mr Kevin Dunion, OBE, who is Convenor of the Standards Commission for Scotland and Mrs Julie Ward.