



18 January 2019

MEDIA RELEASE

COUNCILLOR SANCTIONED AFTER FAILING TO DECLARE INTEREST

A local councillor who failed to declare an interest in a matter relating to a parking restriction has been sanctioned by the Standards Commission at a public hearing held in Helensburgh on 18 January 2019.

At a meeting of the Helensburgh and Lomond Area Committee of Argyll & Bute Council on 21 December 2017, Councillor Gary Mulvaney, who has been a member of Argyll & Bute Council for some 15 years, failed to declare an interest at the meeting. This was in respect of an item concerning a proposal to extend an existing traffic order to permit a no waiting restriction in the layby at Scott Gardens, Cardross.

The Hearing Panel heard that that Councillor Mulvaney was appointed, following the May 2017 local government elections, to be Argyll & Bute Council's representative on the Dunbritton Housing Association. Councillor Mulvaney had included this appointment in his Register of Interests.

The Panel concluded that, having considered the full terms of the report before the Committee, the objections received should have put Councillor Mulvaney on notice that the residents of the Housing Association owned development may have gained a particular benefit in terms of their egress on to the main road.

The Hearing Panel noted that Councillor Mulvaney had declared an interest in the Housing Association on 11 separate other occasions. The Hearing Panel was satisfied that this demonstrated that Councillor Mulvaney was aware of the requirements of the Code and was diligent in applying them. In this case, the Hearing Panel was of the view that, on balance, Councillor Mulvaney should have erred on the side of caution as advised by the Code and declared an interest as it considered that members of the public, with knowledge of the relevant facts, might not reasonably consider that his interest was so remote and insignificant that it might not affect his decision-making.

In reaching its decision on sanction, the Panel recognised that there had been no personal gain to Councillor Mulvaney and, given that the proposal had been passed unanimously, it was unlikely that his failure to declare an interest and withdraw would have had any impact on the overall decision of the Committee.

The Panel was further satisfied that Councillor Mulvaney had demonstrated insight and understanding of the provisions of the Code and the importance of complying with it. The Panel had no reason to doubt that Councillor Mulvaney had been trying to act in the overall public interest in terms of road safety.

The Panel reiterated, however, that the requirement to declare interests is an integral part of the Councillors' Code of Conduct as it provides the opportunity for openness and transparency in a councillor's role and affords members of the public the opportunity to consider whether a councillor's interests may influence their discussion and decision-making.

Mr Mike McCormick, Chair of the Hearing Panel, said: "public confidence in a Council's decision-making processes can be eroded by a failure to declare interests as required by the Code. It is essential for the public to have the highest confidence that those elected to local government are making decisions in the public interest only."

"On this occasion, when faced with a finely balanced decision, Councillor Mulvaney should have taken cognisance of the advice in the Code to err on the side of caution in order to ensure full transparency and maintain public confidence."

A full written decision in respect of the Hearing will be issued and published on the Standards Commission's website within 14 days.

The Councillors' Code of Conduct is based on nine key principles, which include integrity, honesty and transparency.

The Standards Commission works independently of Government and political parties. It promotes and enforces Codes of Conduct for councillors, as well as individuals appointed to a wide range of national and regional public bodies across Scotland such as the Accounts Commission, the Scottish Qualification Authority, Sport Scotland, Scottish Water and the Scottish Police Authority and many other organisations, including NHS Boards and further education colleges.

Further information on the work of the SCS can be found at <http://www.standardscommissionscotland.org.uk/>

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