

For immediate release

Aberdeenshire Councillor suspended for 6 months from certain Aberdeenshire Council committees for breach of the Councillor’s Code of Conduct

The Standards Commission for Scotland, at a hearing held in Aberdeen on 21 June 2017, suspended Councillor Alexander Duncan of Aberdeenshire Council for breaches of the Councillors’ Code of Conduct.

The Hearing Panel heard that Councillor Duncan, as a partner of a firm, submitted a planning application for a wind turbine, which had been considered by the Banff and Buchan Area Committee at a meeting on 16 August 2016 and was due to call again at a meeting on 6 September 2016. The Hearing Panel found that Councillor Duncan sent two emails from his Council email address, which were signed off by him as a councillor, to seven members of the Committee on 4 August 2016 putting forward some points in favour of the planning application. The Hearing Panel heard that the planning application was granted at the Committee meeting on 6 September 2016.

The Hearing Panel found that Councillor Duncan had acted inappropriately in using his council facilities to send the email of 4 September 2016, having previously been expressly warned not to do so by the Council’s Monitoring Officer. In doing so, the Respondent had contravened the provision in the Code which states that Council facilities should only be used for carrying out Council duties or for incidental personal use authorised by the Council. The Hearing Panel further found that members of the public would reasonably conclude that, in signing off his emails as a councillor, Councillor Duncan was using his position to seek preferential treatment and, in making representations, outwith the Committee forum and the correct procedure, in favour of the application was also seeking to privately lobby other councillors about the planning application.

The Panel Chair, Mrs Julie Ward, in delivering the Hearing Panel’s decision said:

“Whilst accepting that Councillor Duncan had a previously unblemished record, had referred himself for investigation and accepted he should have dealt with matters differently, he nevertheless should have ensured he kept his role as an applicant and that of a councillor separate and should not have used council facilities, sought preferential treatment or sought to lobby other councillors in respect of a personal matter. A failure to keep personal interests separate and distinct can result in Council decisions being legally challenged and can erode public confidence and trust in local government and the democratic process itself.”

The Hearing Panel suspended Councillor Duncan from all committee and sub-committees of the Council that make decisions on quasi - judicial or regulatory matters (such as planning), for a period of 6 months. Councillor Duncan can attend all other Council meetings as usual, including full Council.

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

21 June 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 the Respondent had breached paragraphs 3.16, 3.19 and 7.10 of the Councillors' Code of Conduct.