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MEDIA RELEASE

COUNCILLOR SUSPENDED AFTER MAKING DISRESPECTFUL COMMENTS ABOUT A TAXI DRIVER

A COUNCILLOR with over 11 years' experience has been suspended after making disrespectful comments about a taxi driver.

Cllr MacDiarmid, who serves the Howe of Fife and Tay Coast ward, was found to have said words to the effect of: "I don't know why two women would live with you never [mind] get married to you."

SNP councillor, David MacDiarmid, is and was a member of Fife Council's Regulation and Licensing Committee which heard an application from a taxi driver who wished to renew his licence.

Cllr MacDiarmid's actions contravened the Councillors' Code of Conduct, which states that elected members must ensure that they act fairly and also been seen to be acting fairly when taking decisions on such matters.

Cllr MacDiarmid appeared before a panel at a public hearing at the Standards Commission for Scotland (SCS) in Glenrothes, Fife, on April 25, where he was suspended from the Council's Regulation and Licensing Committee for two months for his actions.

The finding and sanction reflected that the SCS determined that he had breached the Code and that his actions had fallen below the standards expected of those in public life.

It found that his comments were "unnecessary and gratuitous", and had "no place in the decision-making process."

Cllr MacDiarmid's representative, Mr Hugh Olson, Advocate, pointed out that his main consideration would have been the safety of the people of Fife and that he has since acknowledged that the remarks attributed to him were unacceptable and out of character.

However, the SCS hearing panel adjudged that he had failed to observe the rules of good conduct, had acted disrespectfully towards the taxi driver and should have known the importance of acting professionally and fairly.

The hearing panel had before it written evidence and heard submissions.

It noted that while Cllr MacDiarmid had no recollection of having made these comments, some two years beforehand, he nevertheless did not dispute having done so although his position was that the taxi driver failed to engage properly when asked about a conviction and other matters referred to in a police report.

The panel accepted Cllr MacDiarmid's position that he had been concerned with the safety of the public and noted that he had since acknowledged the making of such remarks was not appropriate.

However, after consideration, it decided that he had clearly breached the Code of Conduct and that his actions had been a significant factor in the success of a subsequent legal challenge brought by the taxi driver against the Council's decision. The Court considering the legal challenge found that the taxi driver was a fit and proper person and should be granted a licence.

Mr Michael McCormick, Chair of the Hearing Panel, said: "In this case, we were dealing with a councillor who has a great deal of experience in dealing with regulatory matters and he should have known how vital it is that not only did he act in a fair and impartial manner but was also seen to be doing so.

"It was very clear that he had made insulting, personal remarks toward the taxi driver and as such, his actions brought the Council into disrepute and risked that public confidence in its processes was diminished as a result.

"It is essential that all councillors are fully aware of the provisions in the Code and to ensure that they comply with them.

"The Code of Conduct is in place to ensure the public can have confidence that the councillors they elect to represent them are holding themselves to a high professional standard."

The Code of Conduct is based around nine key principles, including, integrity, honesty and respect.

The SCS is an independent public body, responsible for encouraging high standards of behaviour by councillors and those appointed to boards of devolved public bodies.

The public bodies include colleges, National Health Service boards and regional bodies, such as the Highlands and Islands Enterprise.

It also covers national organisations like the Scottish Qualification Authority, Sport Scotland and Scottish Water, among many others.

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

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