



7 November 2019

MEDIA RELEASE

COUNCILLOR CLEARED OF BREACH OF THE COUNCILLORS' CODE OF CONDUCT

A Scottish Borders' councillor, James Fullarton, was found by the Standards Commission not to have breached the Councillors' Code of Conduct, in respect of allegations that he had behaved in a disruptive and disrespectful manner at a meeting of Eyemouth Community Council when issues relating to a Berwickshire Housing Association development were being discussed.

At a public Hearing held in Newton St Boswells on 6 November 2019, the Commission's Hearing Panel heard evidence from five witnesses, including Councillor Fullarton, about a heated meeting of the Community Council meeting on 29 January 2018. Members of the Community Council had repeatedly directed a number of questions towards Councillor Fullarton, who was a board member of the Housing Association, and, in particular, had raised issues regarding repairs to properties within one of its developments. When members of the Community Council had made it clear they did not accept Councillor Fullarton's response, the meeting had become heated with those present talking over each other. The Panel noted that Councillor Fullarton accepted he had banged his fist on a table a number of times during the discussion and had made a comment to the effect that at least one of the members present was moaning.

While the Panel noted Councillor Fullarton's position was that he had only banged on the table to get people's attention and to stop them shouting, it considered that it was also likely he had done so out of frustration. The Panel was of the view that banging on a table was poor behaviour but it did not consider, in the particular context of the meeting, that doing so amounted to a breach of the respect provision in the Code.

The Panel found that the Respondent may have directed his comment about moaning towards one individual present, but was not satisfied that there was sufficient evidence to conclude doing so was a personal attack, as opposed to his opinion of the member's conduct at the meeting. While the Panel considered the comment was unhelpful, it also did not consider that the making the comment in the context of the heated discussion amounted to a breach of the Code.

Ms Ashleigh Dunn, Standards Commission Member and Chair of the Hearing Panel, said: "Councillors have a duty under the Code to treat members of the public with courtesy and respect, even if they disagree with their views. However, while they cannot simply indulge in offensive behaviour or personal abuse, they have a right when discussing matters of public concern, to freedom of expression. In a political context a degree of the immoderate and emotive must be tolerated.

“In this case, the Panel’s opinion was that Councillor Fullarton’s conduct, in the context of a heated meeting and discussions with community councillors, being other public representatives, fell within the scope of that which is acceptable.”

After hearing and weighing up the evidence, the Panel concluded that Councillor Fullarton had not breached the Councillors’ Code of Conduct.

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

All councillors have a personal responsibility to adhere to the provisions outlined in the Councillors’ Code of Conduct, which is based on nine key principles, including, integrity, honesty and respect.

The Standards Commission for Scotland 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 role of the Standards Commission for Scotland can be found at <http://www.standardscommissionscotland.org.uk/>

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