



8 July 2020

MEDIA RELEASE

HIGHLAND COUNCILLOR CENSURED FOR FAILING TO DECLARE AN INTEREST

A Highland Councillor, Alan Henderson, was censured by the Standards Commission at a Hearing held online on 8 July 2020 for failing to declare his interest in HITRANS (the local regional transport partnership), as required by the Councillors' Code of Conduct, at a meeting of Highland Council's Environment, Development and Infrastructure Committee on 16 May 2019. The Hearing Panel accepted, however, that Councillor Henderson's failure to comply with the Code was inadvertent and an oversight. It noted that he had apologised unreservedly.

The Panel heard that it was not in dispute that Councillor Henderson moved, and voted on, a motion to approve £170,000 worth of additional funds for work relating to Skye Airport / Aerodrome; and for him, as Committee Chair, to write to the Transport Secretary on behalf of the Council and also on behalf of HITRANS, requesting support.

The Panel noted that HITRANS was a member of a working group established for the purpose of developing Skye Aerodrome into an airport and that Councillor Henderson had been Chair of HITRANS since June 2017. While the Panel accepted that Councillor Henderson's role as Chair was unremunerated, was widely known, and that the funding approved by the committee would not benefit HITRANS, it nevertheless noted that he should have declared an interest under the terms of the Councillors' Code. A specific exclusion in the Code for members of regional transport partnerships would have allowed Councillor Henderson to take part in this discussion and decision-making, if he had declared this interest.

The Panel concluded, therefore, that Councillor Henderson's conduct did not warrant a more severe sanction than censure. This was because there was no evidence that he had attempted to conceal his interest or that there was any personal gain. Furthermore, if Councillor Henderson had declared the interest as required, the specific exclusion in the Code which applied would still have allowed him to take part in the discussion and decision-making.

Ms Ashleigh Dunn, Standards Commission Member and Chair of the Hearing Panel, said: "The requirement for councillors to declare certain interests is a fundamental requirement of the Code. A failure to do so can remove the opportunity for openness and transparency in a councillor's role and can deny members of the public the opportunity to consider whether a councillor's interests may or may not influence their discussion and decision-making."

“In this case, however, the Panel had no reason to consider the failure to declare the interest was anything other than an inadvertent breach of the Code. It noted that Councillor Henderson had made no attempt to hide his interest and had apologised to all concerned, including the complainant, for his failure to declare it.”

A full written decision of the Hearing will be issued and published on the Standards Commission’s website within 5 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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