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MEDIA RELEASE

SOUTH LANARKSHIRE COUNCILLOR CENSURED FOR FAILING TO DECLARE AN INTEREST

A South Lanarkshire Councillor, Gerry Convery, was censured by the Standards Commission at a Hearing held online on 23 July 2020 for failing to declare the interest of a close relative in a matter being considered at a special meeting of the Council's Housing and Technical Resources Committee on 6 February 2019.

The Hearing Panel heard that it was not in dispute that a report proposing a budget saving through the redesign of the Council's Housing Repairs Standby (Out of Hours) service was considered at the meeting on 6 February 2019. The Panel heard that Cllr Convery failed to declare an interest and took part in the decision-making on the matter. This was despite being aware that his son participated voluntarily in the Out of Hours service as part of his employment with the Council and was also a local representative of a trade union that had expressed concerns about the budget savings proposal, and its potential impact on service delivery and the employees' earnings.

While the Panel accepted Cllr Convery's position that his decision-making at the meeting had not been influenced by any connection his son had to the matter under consideration, it nevertheless concluded that he should have declared an interest under the Councillors' Code of Conduct. This was because the Panel considered that a member of the public would be reasonably entitled to conclude that Cllr Convery would be unlikely to support a proposal that could possibly have a detrimental impact on his son's earning capacity and, as such, the interest could potentially influence his discussion, decision-making and voting on the matter.

The Panel concluded, however, that Cllr Convery's conduct did not warrant a more severe sanction than censure. This was because there was no evidence that there was any personal gain to him or that he had attempted to conceal his son's employment or connection to the matter.

Mrs Tricia Stewart, 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, decision-making and voting."

"In this case, however, the Panel noted that Councillor Convery had made no attempt to hide his son's connection to the matter or that his failure to declare the interest had led to any personal gain."

A full written decision of the Hearing will be issued and published on the Standards Commission's website within 7 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.

Paragraph 5.3 of the Code requires councillors to consider the objective test, being: *whether a member of the public, with knowledge of the relevant facts, would reasonably regard an interest they have as so significant that it would be likely to prejudice their discussion or decision making* when determining whether they are required to declare an interest and refrain from taking part in any discussion or voting on a specific matter.

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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