



24 August 2020

MEDIA RELEASE

FIFE COUNCILLOR CLEARED OF BREACH OF CODE OF CONDUCT

A Fife Councillor, Linda Erskine, was found by the Standards Commission not to have breached the Councillors' Code of Conduct, in respect of an allegation that she had failed to declare an interest when the Council's Community and Housing Services Committee approved changes to the Benarty and Lochgelly Community Council boundary at a meeting on 14 February 2019.

At a Hearing held online on 24 August 2020, the Commission's Hearing Panel heard that, before the meeting, Councillor Erskine had privately messaged friends and family encouraging them to vote against the proposal to amend the boundary. The Panel noted that the messages had entered the public domain.

The Panel heard that Councillor Erskine accepted that she had not declared an interest at the Committee meeting and had not left the room when the matter was being considered.

The Panel noted that the Code of Conduct requires councillors to declare certain non-financial interests they have in a matter and to then withdraw from the discussion and decision-making. In this case, however, the Panel did not consider that the expressing of an opinion privately, on a council policy, to friends and family would amount to having an interest in a matter. This was because the Panel was of the view that, generally, to constitute an 'interest' a councillor's personal circumstances would have to be capable of being advantaged by the decision in question. The Panel noted that their circumstances could include those of their close family and associates or any organisation to which they were connected. In this case, the Panel determined that there was no such benefit.

Professor Kevin Dunion, Standards Commission Convener and Chair of the Hearing Panel, said:

"Councillors are entitled to have and publicly express views and opinions on policy matters and matters of local interest. Councillors are often elected precisely because they have expressed such views. The requirements of the Code should not limit councillors from discussing or debating matters of policy or strategy. In this case, the Panel was satisfied that Councillor Erskine was entitled to contact her friends and family to express her opinion on the boundary change. This in itself did not amount to a public campaign and, even if it had done so, it would not necessarily have constituted an interest that she was then required to declare."

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.

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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