



9 November 2020

MEDIA RELEASE

FIFE COUNCILLOR CENSURED FOR FAILING TO DECLARE AN INTEREST

A Fife Councillor, Brian Thomson, was censured by the Standards Commission at a Hearing held online on 9 November 2020 for failing to declare his non-financial interest as a Council appointed member of the St Andrews Links Management Committee, in a matter being considered at a special meeting of the Council's North East Fife Area Committee on 23 January 2019.

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, the Panel was satisfied that Councillor Thomson had registered his membership of the Links Management Committee and that the failure to declare it at the meeting was inadvertent. The Panel noted that Cllr Thomson had apologised unreservedly for the failure to declare the interest."

The Hearing Panel heard that it was not in dispute that an application by the St Andrews Rail Link Campaign for funding from the Local Community Planning Budget to pay for VAT on a transport feasibility study was being considered at the meeting on 23 January 2019. The Panel noted that the study would include considering a potential rail link that may require to be routed through the grounds of the hotel linked to one of the golf courses, the golf practice centre and the Links Trust's building. It also would require the diversion of holes on two golf courses. The Panel heard that Cllr Thomson failed to declare an interest and moved a motion to refuse the funding application.

The Panel accepted Cllr Thomson's position that his decision-making at the meeting was based on his concerns that the application did not meet the Committee's criteria for the use of the public funds at its disposal, rather than his membership of the Links Management Committee. The Panel nevertheless concluded that Cllr Thomson 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 he would be unlikely to support an application for funding for a study that could help facilitate the creation of a rail link, being something that could have a detrimental impact on the golf courses and recreational areas run by the Trust.

The Panel concluded, however, that Cllr Thomson'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 membership of the Links Management Committee. The Panel further noted positive character references made and submitted on Cllr Thomson's behalf, confirming that he was a committed, diligent and conscientious local representative, who actively sought to assist the communities he served and who worked hard in their interests.

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.

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