



18 October 2021

MEDIA RELEASE

PERTH AND KINROSS COUNCILLOR CLEARED OF BREACH OF CODE OF CONDUCT

Councillor Lewis Simpson, of Perth & Kinross Council, was cleared by the Standards Commission at a Hearing held online, on 18 October 2021, in respect of a complaint that he had breached the Councillors' Code of Conduct in relation to a comment made in an email dated 16 October 2020.

The Chair of the Standards Commission's Hearing Panel, Mike McCormick, said: "The Panel considered that while Councillor Simpson could have chosen the wording of his email more carefully, it was not sufficient to constitute a breach of the Code. A member of the public, in receipt of the email in question and with a knowledge of the relevant facts, would be aware that there was nothing to prevent Councillor Simpson, or indeed anyone else, from asking a committee member to raise a question at the meeting."

The Hearing Panel heard that Councillor Simpson, in an email to a constituent, suggested that he had "*colleagues who may be persuaded to ask questions etc. on his behalf*", in respect of a planning matter to be considered at an upcoming meeting of the Council's Planning and Development Management Committee. Councillor Simpson was not a member of the committee.

It had been argued that the use of the word "*persuaded*" could give rise to suspicion, or the appearance of improper conduct. The Panel was not convinced, however, that Councillor Simpson's use of the word "*persuaded*", would necessarily be interpreted as him suggesting that his colleagues on the committee could be pressured or influenced into reaching a certain decision or into doing something wrong.

The Panel noted that it may have been helpful for Councillor Simpson, in his email, to have explained that any committee member, having been approached to ask a question at an upcoming committee meeting, would have to be careful not to pre-judge or be seen to be pre-judging the matter.

After considering and weighing up the evidence presented at the Hearing, the Panel concluded that Councillor Simpson had not breached the Councillors' Code of Conduct.

Mr McCormick said: "Though this case did not result in a finding of breach, it does serve as a reminder of the need for clarity in communication at all times – councillors should ensure that their correspondence, with all parties and especially with constituents, is unambiguous, transparent and avoids any appearance of improper conduct."

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

ENDS

NOTES FOR EDITORS

1. Complaints about councillors are made to the Ethical Standards Commissioner (ESC). The Standards Commission and ESC are separate and independent, each with distinct functions. The ESC is responsible for investigating complaints. Following investigation, the ESC will refer its report to the Standards Commission for Scotland for adjudication. Email: info@ethicalstandards.org.uk, <https://www.ethicalstandards.org.uk/> Tel: 0300 011 0550
2. 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 including in education, environment, health, culture, transport, and justice. The role of the Standards Commission is to encourage high ethical standards in public life; promote and enforce the Codes of Conduct; issue guidance to councils and devolved public bodies and adjudicate on alleged breaches of the Codes of Conduct, applying sanctions where a breach is found.
3. The [Codes of Conduct](#) outline the standards of conduct expected of councillors and members of devolved public bodies. In local authorities, there is one Code of Conduct, approved by Scottish Parliament, which applies to all 1227 councillors elected to Scotland's 32 Local Authorities.