



1 JUNE 2022

MEDIA RELEASE

FORMER DUNDEE COUNCILLOR CLEARED OF BREACH OF CODE OF CONDUCT

Former Dundee City Councillor, Gregor Murray, was cleared by the Standards Commission at a Hearing held in respect of a complaint that they¹ had breached the Councillors' Code of Conduct in respect of comments and posts they had made on Twitter in June 2021. The Panel found that the conduct in question had been disrespectful and amounted to harassment. However following consideration of the former councillor's right to freedom of expression, the Panel found that a formal finding of breach and imposition of sanction could not be justified.

Tricia Stewart, Standards Commission Member and Chair of the Hearing Panel, said: "The Panel found that former Cllr Murray made public and serious accusations about a member of the public, without sufficient justification. The Panel found that former Cllr Murray could have expressed their views on the member of the public's beliefs in a more appropriate manner, without resorting to making offensive and disrespectful personal and public attacks that amounted to harassment".

At the Hearing, held in Dundee on 1 June 2022, the Commission's Hearing Panel heard that it was not in dispute that former Cllr Murray made public accusations that the Complainer, a public law solicitor, had bullied and intimidated trans people and that his employer, a prominent charity law centre, had used public money to defend transphobia.

The Panel was satisfied that former Cllr Murray was commenting on matters of public concern, namely issues concerning the debate on gender recognition and trans rights. In the circumstances, the Panel considered that former Cllr Murray would attract the enhanced protection of freedom of expression afforded to politicians, including local politicians, under Article 10 of the European Convention on Human Rights. As such, the Panel noted that there was limited scope to restrict former Cllr Murray's right to freedom of expression.

The Panel considered that former Cllr Murray's comments were not sufficiently offensive and gratuitous as to justify a restriction on their right to freedom of expression. This was because the Panel was ultimately satisfied that former Cllr Murray was attempting to express their opinion about the Complainer's views and position in a polarised debate, albeit they had done so in a particularly inappropriate manner. As such, the Panel concluded that a finding of breach of the Councillors' Code of Conduct, and the consequent imposition of a sanction, was not justified.

Mrs Stewart stated that:

¹ Former Councillor Murray is non-binary and uses the pronouns they/them.

“The Panel would wish to emphasise that the requirement for councillors to lead by example and behave in a respectful and courteous manner towards members of the public, regardless of the polarity of the views under debate, is a fundamental requirement of the Code, as it ensures a minimum standard of public debate.”

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.