



7 June 2022

MEDIA RELEASE

ABERDEEN CITY COUNCILLOR CLEARED OF BREACH OF CODE OF CONDUCT

At a Hearing held today in Aberdeen, Aberdeen City Councillor, Michael Hutchison, was cleared by the Standards Commission of an allegation that he had breached the Councillors' Code of Conduct in relation to remarks he made in a newspaper article, and accompanying video, regarding the restoration of a historic townhouse in Aberdeen.

Michael McCormick, Standards Commission Member and Chair of the Hearing Panel, said: "The Panel considered that Cllr Hutchison's comments, which were the subject of the complaint made against him, were aimed at the Council's administration, and not at any of the workforce responsible for the restoration. The Panel noted that it was important to draw a distinction between a councillor scrutinising the decisions of an administration and a councillor embarking on public criticism of the capability of individual and identifiable council employees".

In this case, the Panel was satisfied that the Respondent had not raised any matters relating to the conduct or capability of any identifiable employee or employees in public. The Panel did not consider the fact that the identities of the employees who had undertaken the work were known to themselves, their friends and family, other employees or other councillors, meant that they were reasonably publicly identifiable.

In any event, the Panel noted that the requirement in the Code for councillors to behave with respect and to refrain from criticising the conduct or capability of employees in public does not prevent them from scrutinising the administration's performance and decisions.

The Panel was satisfied that, in his remarks, the Respondent was referring to the methods used in the restoration, rather than the performance, conduct or capability of the employees undertaking the work. The Panel was satisfied, that the Respondent's comments concerned the decisions taken by the administration in respect of how the city's historical buildings should be restored. The Panel considered it was entirely possible to distinguish any criticisms of decisions made by the political administration from criticisms of the employees who had undertaken the restoration work in accordance with these decisions.

For the reasons outlined above, the Panel was satisfied that the Respondent's conduct in making the comments contained in the article, did not amount to a breach of the Code.

Mr McCormick stated that:

"Despite finding no breach at today's Hearing, the Panel would wish to emphasise that the requirements for councillors to behave in a respectful and courteous manner towards council employees and to refrain from criticising them in public are fundamental requirements of the

Code. Councillors must adhere to these provisions as they help ensure public confidence in council employees and the council itself is not undermined.”

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.