



6 February 2024

MEDIA RELEASE

HIGHLAND COUNCILLOR FOUND TO HAVE BREACHED COUNCILLORS' CODE

At a Hearing held online on 6 February 2024, the Standards Commission decided to suspend Highland Councillor Maxine Smith for one month. This was after she was found to have behaved discourteously and failed to advance equality of opportunity, in relation to another councillor, regarding nominations for a post on a planning committee of the Council. The Panel found that this was because the other councillor was pregnant, and Cllr Smith had assumed she was likely to take maternity leave. The Panel further found that Cllr Smith had failed to register certain interests timeously, as required by the Code.

Suzie Vestri, Standards Commission member and Chair of the Hearing Panel, said: “In this case, the Panel considered Cllr Smith’s conduct in making assumptions about another councillor’s maternity leave and, therefore, her ability to be an effective member of the planning committee was discourteous and amounted to a failure to advance equality of opportunity, as required by the Code.”

The Hearing Panel heard that it was not in dispute that in an email to the Council’s ward manager, Cllr Smith referred to two of her fellow ward councillors in relation to a call for nominations to a planning committee. She had also noted that the committee needed someone who was “continuous and consistent”, and failed to mention the remaining ward councillor. Cllr Smith later explained this was because she assumed that other councillor would be on maternity leave for at least a year.

The Panel accepted that Cllr Smith had not intended to discriminate against the councillor in question and noted that her aim had been to protect the committee and ensure its effectiveness.

The Panel heard further that it was not in dispute that Cllr Smith failed to update her register of interests to detail her shareholding in two limited companies after the Council elected in 2022. The Panel noted that it had no reason to consider the failure to register the interests properly was anything other than an inadvertent breach of the Code. It noted that Cllr Smith had made no attempt to hide her interests and had apologised to all concerned for the failure to ensure her register of interests was updated and correct, in adherence to the Code.

The Panel considered that Cllr Smith’s failure to advance equality of opportunity could have been detrimental to the other councillor concerned. The Panel further considered that it could have impacted adversely upon the effective functioning of the Council, as it could

have the effect of preventing or discouraging certain groups from participating in local politics.

The Panel noted, in mitigation, that Cllr Smith had co-operated fully with the investigative and Hearing processes. The Panel further noted that it was the first time Cllr Smith had been before the Standards Commission and that she had been apologetic and open in her evidence. The Panel also noted the Respondent's longstanding contribution to the Council and public life, as evidenced by the numerous character references provided in her support.

In the circumstances, therefore, the Panel concluded that a suspension of one month was the appropriate sanction.

Ms Vestri stated: "The Code of Conduct does not prevent councillors from being able to express their views and opinions. The Standards Commission considers, however, that they should do so in a way that advances equality of opportunity, given the potential adverse effect that a failure to do so can have on representation in local politics. Furthermore, the requirement for councillors to register their interests is vital to ensure that the public can have confidence that Council decisions are being taken in their best interests and not that of individual councillors."

A full written decision of the Hearing will be issued and published on the Standards Commission's website within 14 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.