



1 July 2025

MEDIA RELEASE

ABERDEENSHIRE COUNCILLOR SUSPENDED FOR BREACH OF CODE OF CONDUCT

At a Hearing held in Aberdeen on 1 July 2025, the Standards Commission suspended an elected member of Aberdeenshire Council, Wendy Agnew, for two months. This was after she was found to have breached the Councillors' Code of Conduct at a meeting of the Council's Kincardine and Mearns Area Committee on 21 November 2023, when a planning application was being considered.

Helen Donaldson, Standards Commission Member and Chair of the Hearing Panel, said:

"The Panel found that, at the meeting, Cllr Agnew treated the applicant less favourably because she was a gypsy traveller, based on Cllr Agnew's apparent knowledge of unauthorised use of a different site and an assumption that travellers, as a group, were more likely to breach planning conditions."

The Panel found there was no dispute that, at the meeting, Cllr Agnew made various remarks about a planning application. These included raising concerns that part of the application was retrospective and questioning whether the fact that the applicant and others had already put their caravans on the site without permission, would mean they would consider they could do what they wanted going forward, in the absence of any relevant approval, or that they would just ignore any other restrictions on the use of the site.

The Panel found that the Council officer's report on the application stated that the use of the site for unauthorised traveller accommodation was ongoing. The Panel considered, therefore, that it was reasonable for Cllr Agnew to have raised concerns about this and the possibility that this, or a similar situation, might continue in respect of the future use of the site, regardless of whether the retrospective nature of the application was a material consideration in terms of the decision-making on the application. The Panel concluded, therefore, that Cllr Agnew's conduct in raising concerns about this matter was not inherently disrespectful towards the applicant.

The Panel found, however, that Cllr Agnew stated "I know there's been, as well, the same thing in....". While the recording cut out and the Panel could not determine exactly what Cllr Agnew had said, it was satisfied from her evidence that it was likely she was referring to the unauthorised use of a different site. The Panel noted that Cllr Agnew proceeded to state "they seem to do what they want", "history could repeat itself", "if they've done it once, other things can happen". The Panel noted that Cllr Agnew had confirmed in evidence that her concerns had arisen, at least in part, from her knowledge of a fight that had taken place between gypsy travellers at another site when its use had been extended. The Panel further noted that Cllr Agnew provided conflicting evidence as to whether she was referring, when expressing concerns, to the potential extended use of the site in question, or to applicants who made retrospective applications in general. In the circumstances, the Panel did not therefore find Cllr Agnew's position that she had not been referring to the use of other sites by gypsy travellers to be credible.

The Panel considered it would have been reasonable for anyone at the meeting, or observing it, to conclude Cllr Agnew was referring not only to the potential continued unauthorised use by the applicant at the specific site in question, but also to the unauthorised use of sites by travellers more widely.

The Panel therefore considered that Cllr Agnew's comments were not based solely on information in the report about the continued unauthorised use of the specific site in question. As such, the Panel was satisfied that Cllr Agnew treated the applicant, as a gypsy traveller, less favourably, or gave the impression she could be doing so, based on her [Cllr Agnew's] apparent knowledge of unauthorised use at a different site, fights involving gypsy travellers that had allegedly arisen elsewhere, and an assumption that travellers, as a group, were more likely to breach planning conditions.

The Panel further found that, when another councillor challenged Cllr Agnew's remarks and stated that gypsy travellers had protected characteristics, Cllr Agnew advised she had not made them just because the applicant and others occupying the site were "gypsies". Cllr Agnew proceeded to say that her concerns stemmed from the size of the site and, as such, she would have expressed them if the applicant been "a British person".

The Panel acknowledged it was evident that Cllr Agnew made her comments about a British person in an attempt to explain and confirm that her concerns about the application had nothing to do with the protected characteristics of the applicant or others. The Panel nevertheless found that it could be inferred reasonably from her comment that Cllr Agnew did not consider gypsy travellers to be British. The Panel agreed that, in doing so, Cllr Agnew effectively made a distinction between gypsy travellers and other British people, based on an assumption or perception of their nationality or ethnicity. The Panel agreed that while it may not have been Cllr Agnew's intention, it would be understandable for the applicant and other gypsy travellers to have found the making of such an assumption to be disrespectful, particularly given there was no basis for such a generalisation.

The Panel considered therefore that, in making these comments and in treating or appearing to treat, the applicant less favourably based on a protected characteristic, Cllr Agnew was disrespectful towards the applicant, in breach of the provision in the Code that requires councillors to behave with courtesy and respect. The Panel further considered that, in making such a distinction and implying that gypsy travellers are not British, Cllr Agnew also breached the provision in the Code that obliges councillors to seek to foster good relations between different people (in this case between British people in general, and British people who have a specific protected characteristic).

The Panel noted that Section 7 of the Code obliges councillors, when considering quasi-judicial matters (such as planning applications), to not only act fairly, impartially and without bias, but to avoid any perception they were not doing so. In this case, the Panel noted that Cllr Agnew had made her comments about having raised the same concerns had the applicant been British, in the context of explaining that the applicant's protected characteristic had not been a factor in her consideration of the application. The Panel considered, however, that it would be reasonable for those present or observing an unedited version of the webcast of the meeting, to consider Cllr Agnew's comments, both when taken alone and when considered with her previous remarks that had implied gypsy travellers were more likely to breach planning conditions, as evidence she viewed the applicant differently to other British people because she was a gypsy traveller. As such, the Panel considered Cllr Agnew had failed to avoid any perception of unfairness or bias. The Panel concluded, therefore, that the Cllr Agnew had also breached Section 7 of the Code.

In determining the sanction to be imposed, the Panel agreed that, as an experienced member of the Committee, Cllr Agnew should have known how to raise any concerns she may have had about any

application before it, without being disrespectful and making assumptions about the applicant and others. The Panel was concerned that while it was apparent Cllr Agnew may not have intended to be disrespectful or divisive, she had not demonstrated any understanding of the need to avoid making assumptions or any insight into how her comments could be reasonably perceived, until the Hearing itself.

The Panel nevertheless noted, in mitigation, that the conduct in question amounted to comments made at one committee meeting and, as such, was limited in duration. The Panel further noted the Respondent had referred herself to the Ethical Standards Commissioner and that she had not been the subject of any previous finding of a contravention of the Code.

In the circumstances and context, the Panel concluded, on balance, that a two-month suspension was the appropriate sanction.

Ms Donaldson stated: *“the provisions that state councillors must be respectful, must foster good relations between different people and must avoid any perception that they are not acting fairly and without bias when making decisions on quasi-judicial matters, such as planning applications, are key requirements of the Councillors’ Code. The Panel noted that a failure to comply with the Code’s provisions in this regard can have a detrimental impact on the right of an applicant to be treated fairly, and can erode public confidence in the role of a councillor. Such a failure also had the potential to bring the committee, the Council and its decisions into disrepute and open it up to the risk of a successful legal challenge.”*

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](https://www.ethicalstandards.org.uk/) 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.