

EAST RENFREWSHIRE COUNCIL

12 February 2015

Report by Deputy Chief Executive

ETHICAL STANDARDS IN PUBLIC LIFE ETC. (SCOTLAND) ACT 2000 :
STANDARDS COMMISSION HEARING

INTRODUCTION

1. As Members may be aware, the Standards Commission held a hearing into an alleged breach of the Councillors' Code of Conduct (paragraph 3.2: Conduct at Meetings) by Councillor Barbara Grant.
2. Paragraph 3.2 of the Code states *You must respect the chair, your colleagues, Council employees and any members of the public present during meetings of the Council, its committees or sub-committees or of any public bodies where you have been appointed by, and represent the Council. You must comply with rulings from the chair in the conduct of the business of these meetings.*
3. The hearing was held on 2 December 2014 in the Busby Hotel, Busby when the Hearing Panel of the Standards Commission found that Councillor Grant had breached paragraph 3.2 of the Code of Conduct. The Panel decided to censure Councillor Grant under the terms of section 19(1)(a) of the Ethical Standards in Public Life etc (Scotland) Act 2000.
4. In reaching their decision, the Panel took into account that Councillor Grant had accepted that her conduct constituted a breach of the code; that she had fully apologised for her conduct and cooperated throughout the investigation; and accepted Councillor Grant's statement that her conduct was out of character and acknowledged her lengthy service. The Hearing Panel also noted the efforts taken by the Council to address the complaint.

APPEAL

5. Anyone subject to a sanction imposed by the Standards Commission has the right, within 21 days of receipt of the findings, to appeal to the Sheriff Principal but the sanction continues to have effect pending the outcome of the appeal. Councillor Grant has not lodged an appeal.

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6. In terms of Section 18 of the Act and Rule 10.9 of the Hearing Rules, the Members of the Commission who conduct any hearing are duty bound to serve a copy of their decision on the Council and the Council in turn has to consider the findings of the hearing within a period of 3 months of the date the Council receive a copy of the decision (11 December 2014). In terms of the said section, the findings have to be considered by the full Council and to that end a copy of the written decision of the Standards Commission is attached. Thereafter, notification of any actions or decisions taken is to be forwarded to the Standards Commission by no later than 12 March 2015.

RECOMMENDATION

7. It is recommended that the Council note the terms of the written decision made by the Standards Commission in relation to Councillor Grant.

Caroline Innes
Deputy Chief Executive
25 January 2015

Decision of the Hearing Panel of the Standards Commission for Scotland following the Hearing held in the Busby Hotel, Clarkston, Glasgow on 2 December 2014

Panel Members: Mrs Lindsey Gallanders, Chair of the Hearing Panel
Mr Ian Gordon, OBE, QPM
Ms Jan Polley

The Hearing arises in respect of a Report by Mr Bill Thomson, the Commissioner for Ethical Standards in Public Life in Scotland ("the CESPLS"), further to complaint number LA/ER/1490 ("the Complaint") concerning an alleged contravention of the Councillors' Code of Conduct ("the Code") by Councillor Barbara Grant ("the Respondent") of East Renfrewshire Council.

Mr Thomson, the CESPLS, was accompanied by Mr Ian Mackay, the Investigating Officer. The Respondent attended the Hearing. No witnesses were called by the CESPLS or the Respondent.

The Complaint

The Complainant alleged that the Respondent had contravened the Councillors' Code of Conduct in particular paragraph 3.2 in respect of Conduct at Meetings.

The CESPLS investigated the complaint and when considering the key principles of Objectivity and Respect he found the words used by the Respondent were offensive and therefore concluded the Respondent had breached paragraph 3.2 of the Councillors' Code of Conduct.

The relevant provision is:

Conduct at Meetings

3.2 You must respect the chair, your colleagues, Council employees and any members of the public present during meetings of the Council, its committees or sub-committees or of any public bodies where you have been appointed by, and represent the Council. You must comply with rulings from the chair in the conduct of the business of these meetings.

The CESPLS submitted a report to the Standards Commission on 18 Sept 2014 in accordance with section 14.2 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 as amended.

Joint Statement of Facts

The CESPLS and the Respondent provided a Joint Statement signed on 7 November 2014 by the Respondent and on 26 November 2014 by the CESPLS, in respect of facts that were agreed and facts that were in dispute.

Part 1 of the CESPLS's report was agreed.

Part 2 of the CESPLS's report was agreed

Part 3 of the CESPLS's report was agreed.

Part 4 of the CESPLS's report was agreed subject to an acknowledgement that the reference to "lining developers pockets" in paragraph 4.2 was a general remark and not directed at the complainant.

Part 5 of the CESPLS's report was agreed.

Annex B of the CESPLS's report was agreed as an accurate record of the matters which it purported to record.

Evidence presented at the Hearing

Mr Thomson outlined the facts and presented his case as set out in his report to the effect that Councillor Grant had, during a Council Planning Committee meeting held on 9 October 2013, made remarks that were inappropriate and not those expected of a councillor. These remarks had, therefore, resulted in the Respondent breaching paragraph 3.2 of the Councillors' Code of Conduct.

Mr Thomson asked the Hearing Panel to adopt the findings and conclusions contained in the report.

Councillor Grant referred to the Joint Statement of Facts, admitted the breach as presented by the CESPLS in his report and invited the Hearing Panel to accept that her behaviour was out of character and that she had apologised unreservedly both publicly and privately for her actions.

Decision

The Hearing Panel considered all of the evidence, submissions given in writing and orally at the Hearing and found as follows:

1. The Councillors' Code of Conduct applied to the Respondent
2. The Hearing Panel accepted the admission from the Respondent to the breach of the Councillors' Code of Conduct at Paragraph 3.2.
3. The Respondent had breached paragraph 3.2 of the Councillors' Code of Conduct.

Sanction

The decision of the Hearing Panel was to censure Councillor Grant

This sanction was made under the terms of the Ethical Standards in Public Life etc. (Scotland) Act 2000 section 19(1)(a).

Reasons for Sanction

In reaching their decision, the Hearing Panel took into account:

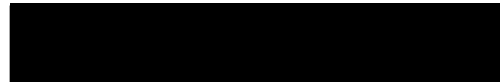
1. The Respondent accepted that her conduct constituted a breach of the Code.
2. In mitigation, the Panel took account of the fact that the Respondent fully apologised for her conduct and cooperated throughout the investigation.

3. The Hearing Panel accepted her statement that her conduct was out of character and acknowledged her lengthy service as a Councillor.
4. The Hearing Panel was pleased to note the effort by the Council to address the complaint. It demonstrated the Council's commitment to upholding high ethical standards.

Right of Appeal

The attention of the Respondent was drawn to section 22 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 as amended which detailed the right of appeal in respect of this Decision.

Date: 11 December 2014



Mrs Lindsey Gallanders
Chair of the Hearing Panel

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