Appendix A

Councillor who messaged fellow planning committee member during meeting he could not attend breached code.

The standards committee at King's Lynn and West Norfolk Borough Council has recommended that a councillor be removed from its planning committee after emails he sent to a fellow committee member during a meeting he could not attend created the "perception of undue influence".

Independent councillor Terry Parish was unable to attend the meeting as he was recovering from a car accident, according to a report from the Local Democracy Reporting Service.

According to the report, Cllr Parish, who was previously the leader of the council, emailed his deputy, Cllr Sue Lintern, a series of messages before and during the meeting, including a message that read: "No deferral. REFUSE IT."

A complaint was later lodged against the member over his conduct.

The council's standards committee considered an investigator's findings regarding the complaint last week (7 May).

The complaint alleged that the emails may have influenced, or attempted to influence, Cllr Lintern's decision-making.

The investigator's report identified a set of relevant obligations on councillors within the Planning Code, which included section 1.4 (openness and transparency) and section 3 (regarding impartiality and integrity of decision-making).

It also highlighted parts of the council's Code of Conduct concerning the 'General Principles', impartiality, disrepute and the Nolan principles.

The investigator upheld the complaint, finding that while Cllr Parish did not explicitly instruct Cllr Lintern how to act, and while there was no direct evidence that the emails altered any decision, the nature and timing of those emails could be interpreted as attempts to unduly influence the decision-making process.

The report said the behaviour raised concerns regarding impartiality, integrity, and fairness and transparency in decision-making.

At the hearing, Cllr Parish told the standards panel that he had not intended to apply any influence to Cllr Lintern but only to communicate his opinions.

He noted that this was a misjudgement that had only occurred due to exceptional circumstances, and he regretted it.

In a decision issued on Tuesday (13 May), the panel found the councillor had breached the Code of Conduct and the Planning Code, finding that the emails sent to Cllr Lintern "create the perception of undue influence".

The panel specifically found the emails were inconsistent with section 1.4 of the Code of Good Practice for Planning, section 5.1 of the Code of Conduct regarding disrepute and the Nolan principles of openness.

It also concluded that the Nolan Principle of respect had been breached "in that the emails failed to respect Cllr Lintern and the remainder of the Planning Committee".

The panel recommended that Cllr Parish's group leader remove the councillor from the Planning Committee.

"At the same time, the panel recognised the wider contributions of Cllr Parish to Council business to council business," minutes of the standards hearing reported.

The panel also balanced its decision against mitigating factors, including Cllr Parish's circumstances at the time, his apology and acknowledgement that he should not have sent the emails.

Adam Carey, Local Government Lawyer

Reform councillor resigns after failing to declare council employment

A Reform UK candidate who won a seat in Durham County Council in the May elections resigned after it emerged that he failed to declare that he was an employee of the local authority.

Andrew Kilburn, who was elected to Durham's Benfieldside Ward last week, stepped down from his seat just nine days into his tenure.

Kilburn was part of a wave of Reform candidates who won seats in Durham, resulting in the party gaining overall control of the local authority.

A spokesperson for Reform UK said the party understood that Kilburn did not declare his employment to the returning officer "as expected and is now required to resign his seat".

The statement added: "We look forward to contesting the upcoming by-election to give the people of Benfieldside a strong voice in Durham County Council."

A Durham County Council spokesperson said: “We can confirm one newly elected councillor has resigned with immediate effect.

“We will be going through the statutory process of declaring the vacancy and will announce details of a by-election should one be needed.”

Kilburn’s resignation comes after Reform UK's leader, Nigel Farage, warned council staff involved in climate change initiatives, diversity or equity and inclusion (DEI) initiatives - or anyone wishing to continue working from home - to "begin seeking alternative careers very, very quickly".

In a speech in Durham following the party's success in the local elections, Farage added: "We want to reduce excessive expenditure, we want to find out who the long-term contracts are signed with and why and reduce the scale of local government back to what it ought to be: Providing social care, providing SEND needs for kids and mending potholes."

Adam Carey, Local Government Lawyer

Council to refer to police failure by former cabinet member to register disclosable pecuniary interest correctly

Cornwall Council has said it will refer to the police a former councillor's failure to correctly register his disclosable pecuniary interest (DPI) upon becoming Head of Air and Space at Cornwall Airport.

In an assessment decision notice made public on 9 June, the council's assurance officer, Simon Mansell, also concluded that Louis Gardner failed to declare a non-registerable interest at a meeting of the Cornwall and Isles of Scilly Economic Prosperity Board on 27 February 2025, where the agenda included an item involving a vote on £200,000 in funding for Spaceport, which is a project owned and run by Cornwall Airport.

Gardner had accepted the role at Cornwall Airport the day before the meeting of the Economic Prosperity Board.

His DPI arose on the commencement of his employment, the report said, which was believed to be on 17 March 2025. On 11 April, he made enquiries as to who he should send an update to. However, the Democratic Lead at Cornwall told Mansell that there had been no further communication from Gardner on updating his register. He stopped being a councillor on 1 May.

Mansell found that Gardner, who was a cabinet member and portfolio holder for economy, had breached a series of provisions set out in Cornwall's Code of Conduct.

In relation to the failure to correctly declare his DPI, the assessment decision notice said this might represent a failure to comply with the requirements of Section 30 of the Localism Act 2011, "and this part of the complaint will be forwarded to the police to allow them to consider if an offence under Section 34 of the Localism Act has been committed".

Section 34 of the 2011 Act makes it a criminal offence if a member "fails, without reasonable excuse, to comply with requirements under section 30 or 31 to register or declare disclosable pecuniary interests".

It also empowers the magistrates' court, upon conviction, to impose a fine of up to £5,000 and an order disqualifying the person from being a member of a relevant authority for up to five years.

In relation to the failure to declare a non-registerable interest, the decision notice said: "[W]hilst a breach of this nature would normally in a recommendation of a censure, as the Subject Member is no longer a Councillor no further action can be taken beyond the referral to the police."

The council's monitoring officer, Matthew Stokes had submitted the complaint alongside another councillor.

The assessment decision notice said that, at the time of the board meeting, Gardner would not have had a DPI, "but he clearly had a non-registerable interest because of the Spaceport appointment".

The notice added that the funding decision might reasonably be regarded as affecting the financial position of Spaceport, "which might also reasonably be regarded as affecting [Gardner's] wellbeing (by providing funding for Spaceport that he would then have at least some responsibility for and which would enable him to succeed in his role)".

Mansell suggested that Gardner had breached the following provisions of the council's code of conduct:

- You must not conduct yourself in a manner which is contrary to the council's duty to promote and maintain high standards of conduct by Members.
- You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the council into disrepute.
- You must not use or attempt to use your position as a Member of the Council improperly to confer on or to secure for yourself or any other person an advantage or disadvantage.
- Declaration of interest at a meeting.
- Registration of new disclosable pecuniary interests.

Gardner argued that he had weighed up everything at the time of the meeting but decided he did not have an interest to declare as he had not started employment with Cornwall Airport and had not yet been given a contract.

He also said that the Spaceport programme was a long-standing council project which was already fully endorsed by the Cabinet. In light of this, he said he believed he was "merely endorsing" a Cornwall Council project.

He said that he would have sought legal advice but was "very wary" about informing anybody about his forthcoming move and wished to honour an agreement between him and the airport's managing director on who would be informed and when.
"I did not trust officers or councillors within the room to not leak news of my employment to the media or elsewhere", he said.

In addition, Gardner contended that the grant that was awarded during the meeting mostly went to a consultancy firm and "made absolutely no impact" on Spaceport's financial standing.

Gardner also asserted that "literally everybody" at the council was aware of his registerable interest before he had even started employment.

He said the entire council had been informed and that the complainant "knew every detail" of his employment, having provided legal advice surrounding his appointment.

He also noted that the complaint was submitted while he was on holiday and that he updated the register upon his return.

With regards to the complaint, Gardner said: “I did not ‘have interests in my mind about bringing my office into disrepute’. The absolute opposite is true, everything I did was to protect both the council and Cornwall Airport Limited. I had no idea that supporting an existing and longstanding Cornwall Council project, which I had already supported previously on multiple occasions would bring anybody into disrepute. However, I am very sorry for the harm which this has caused.”

Mansell ultimately found that the code had been breached.

He concluded: "I cannot see that the Subject Member had a reasonable excuse for not registering his interests.

"A last-minute enquiry was made before going on holiday, but this was at the 11th hour, and the Subject Member has 28 days to act and register his employment."

It added: "Whilst the failure to register the interest is a breach of the Code, in order to ensure this is dealt with as is required by the legislation this part of the complaint this will be forwarded to the police to allow them to consider if an offence under section 34 of the Localism Act has been committed."

The decision also said that in failing to declare an interest, Gardner "failed to follow one of the most basic concepts of the code with regards to ensuring that 'if in doubt, get out'".

The decision note said: "There is nothing in the submission by the Subject Member which can excuse the failure to do this and by saying he did not declare an interest because he did not trust officers or members gives the impression to the reader that he was dismissive of any professional advice and his fellow Cabinet members who he had worked with for the last few years."

The report said that the breach would normally result in a recommendation of a censure, but no further action would be taken in this case, given Gardner is no longer a councillor.

Adam Carey, Local Government Lawyer

Politician found in breach of council rules with controversial social media post on immigration

A Tameside councillor broke council rules with a controversial social media post following the Harehills riots in Leeds last year.

The incident, triggered by a dispute over four children of a Romani family being taken into care by social services and police in Yorkshire, sparked Coun Liam Billington to make a controversial Facebook post the following day (July 19, 2024).

In the social media post, which has since been deleted, the Conservative councillor called for translators to be scrapped; funds for immigration charities/groups to be stopped; and a hyper tax on landlords who are booting out tenants in exchange for housing asylum seekers at three times the market rate.

Council documents show the Stalybridge South ward representative went on to say 'if that makes me a far right or racist, so be it'.

This led to a complaint from the former councillor Jim Fitzpatrick, who described the post as 'disgraceful'.

A meeting of Tameside Council's Standards Committee to decide Coun Billington's fate judged his comments to be disrespectful and to have brought Tameside Council into disrepute.

Independent investigator, Linda Comstive, found the post to be discriminatory and offensive, the hearing in Dukinfield Town Hall was told. Ms Comstive found no breach for bullying though, which had also been alleged.

She said: "The Facebook post is disrespectful to other councillors and the public. The post was made in response to riots in Leeds. It was not part of a council debate.

"His post on the Facebook social media platform was made in his role as a councillor and he did not need to use the words he did. He used the incident to promote his discriminatory and racist views in his role as a councillor.

"The words of the Facebook post show disrespect for people who work in immigration, for asylum charities and partner organisations that work in this area."

Ms Comstive added that the quote 'if that makes me a far right or racist, so be it' is an admission of his racism.

Coun Billington, who arrived at the hearing wearing a MAGA (Make America Great Again) hat, said this was not an admission of being a racist, but in direct reaction to those who label him as such for raising concerns over immigration issues.

Coun Billington told the meeting on June 16: “I stand by those comments, but they are political. They are not me speaking on behalf of the council, saying this is what the council wants, because I’m not in the controlling group.

“To say that I’m racist, I’m not a racist. It is often an accusation levied at people with concerns with immigration or even grooming gangs to be labelled as far right.”

He went on to say: “I use my Facebook page for political communication and I make that very clear. I feel that if the committee makes a decision today based on something I’ve done on social media acting in a political manner, are we then going to start policing election leaflets, because I don’t think that would be just.

“I terms of treating other councillors and members of the public with respect. I didn’t reference any councillor or member of the public in that.

“It was just a sweeping statement. I have repeated some of these points in council and other meetings as people have had general concerns about immigration and the impact it’s having.”

After being found by the standards sub committee, Coun Billington described the hearing as ‘politically motivated’, ‘ridiculous’ and ‘a kangaroo court from start to finish’.

On July 19, 2024, the politician wrote to his Cllr. Liam Billington Facebook page:

“The scenes of riots across the country are disgraceful. Put it plainly, they are from immigrant backgrounds. This is the price of multiculturalism combined with weak leadership from a metropolitan elite who won’t have to live with it.

“As a councillor, I've resisted more immigration and we should not make life easy for it to be appeased either. I’ve called for translators to be scrapped, funds for immigration charities/groups to be stopped and a hyper tax on landlords who are booting out tenants in exchange for housing asylum seekers at 3x the market rate. This is why Tameside has had the sharpest increase in rents of anywhere in the county.

“If that makes me far right to be a racist. So be it. As your voice on the council, I stand up for you and your values”.

Coun Billington was found to be in breach of four sections of the council’s code of conduct:

- Treat other councillors and members of the public with respect
- Treat local authority employees, and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play
- Promote equalities and do not discriminate unlawfully against any person
- You must not conduct yourself in a manner, which could reasonably be regarded as bringing your office or the council into disrepute

The sanctions recommended for Coun Billington are to censure him (a formal announcement of his code breaches); restriction of council building access; training on equality and social media use; and having a monitoring officer ensure he complies.

George Lythgoe

Suspended London Labour councillor found not guilty after calling for far-right protesters' throats to be cut

Suspended Labour councillor Ricky Jones has been found not guilty of encouraging violent disorder after he called for far-right protesters' throats to be cut at an anti-racism rally.

Jones faced trial at Snaresbrook Crown Court accused of the offence after he described demonstrators as "disgusting Nazi fascists".

A video showing Jones addressing crowds on Hoe Street in Walthamstow, east London, on August 7 last year went viral on social media after the protest, which had been organised in response to plans for a far-right march outside Waltham Forest Immigration Bureau.

The now-suspended councillor, 58, wearing a black polo top and surrounded by cheering supporters, said: "They are disgusting Nazi fascists. We need to cut all their throats and get rid of them all."

He also drew his finger across his throat as he spoke to the crowd.

Jurors deliberated for just over half an hour and found him not guilty on Friday.

Jones, who wore a navy blue suit with a white shirt and pale pink tie in the dock, was seen mouthing "thank you" at the panel.

Family and supporters hugged each other before Jones, who declined to comment on the verdict, was driven out of the court grounds in a car.

Responding to the verdict, Reform UK leader Nigel Farage said: "This is another outrageous example of two-tier justice."

Shadow home secretary Chris Philp accused the Government of appearing to be "quite happy with two-tier justice"

Former Home Secretary and Tory leadership candidate James Cleverly said the jury's decision to clear Jones was "perverse".

He wrote on X: "This unacceptable.

"Perverse decisions like this are adding to the anger that people feel and amplifying the belief that there isn't a dispassionate criminal justice system."

Former Reform UK chairman Zia Yusuf has said that “two tier justice in this country is out of control” after Jones was found not guilty by a jury of encouraging violent disorder.

In a message on X, Yusuf said: “The Labour councillor literally caught on video calling for people to slit the throats of his political opponents has been found not guilty.

“Meanwhile Lucy Connolly gets 31 months in jail? Two tier justice in this country is out of control.”

Connolly pleaded guilty last year to a charge of inciting racial hatred by publishing and distributing “threatening or abusive” written material on X which meant she did not face a trial.

Jones, who at the time was also employed as a full-time official for the Transport Salaried Staffs’ Association union, was arrested on August 8 last year and interviewed at Brixton police station that night.

He has been a borough councillor in Dartford, Kent, since 2019, but was suspended by the Labour Party the day after the incident.

Prosecutor Ben Holt previously told the court Jones, a father of four and grandfather, used “inflammatory, rabble-rousing language in the throng of a crowd described as a tinderbox”.

He told jurors Jones’s speech was amplified through a microphone and speakers and took place “in a setting where violence could readily have been anticipated”.

Giving evidence in his trial, Jones said his comment did not refer to far-right protesters involved in the riots at the time, but to those who had reportedly left National Front stickers on a train with razor blades hidden behind them.

Before he made the comment, jurors were shown video where he said to crowds: “You’ve got women and children using these trains during the summer holidays.

“They don’t give a shit about who they hurt.”

He told the court he was “appalled” by political violence, adding: “I’ve always believed the best way to make people realise who you are and what you are is to do it peacefully.”

Jones, who said he was on the left of the Labour Party, previously told jurors the riots had made him feel “upset” and “angry” and said he felt it was his “duty” to attend counter-protests, despite being warned to stay away from such demonstrations by the Labour Party.

Matt Watts and Anthony France, Evening Standard

26 March 2025 ***MEDIA RELEASE***

HIGHLAND COUNCILLOR CENSURED FOR BREACH OF COUNCILLORS' CODE

Following a Hearing held online on 26 March 2025, Highland Councillor Kate Willis was found by the Standards Commission to have breached the provision in the Councillors' Code of Conduct that requires councillors to register certain non-financial interests. The Hearing Panel censured Cllr Willis.

Suzanne Vestri, Standards Commission Convener and Chair of the Hearing Panel, said: "the obligation for councillors to register certain interests is a fundamental requirement of the Code. A failure to ensure a register is kept up to date, as required, removes the opportunity for openness and transparency in a councillor's role and denies members of the public the opportunity to consider whether the councillor's interests may be likely to influence their discussion and decision-making."

The Panel found, and noted that it was not in dispute, that Cllr Willis failed to record membership of the Lochaber National Park Working Group in her Council Register of Interests until 3 July 2024, despite having been a member since at least October 2023.

The Panel noted that the Working Group was a small, informal one set up by local people who believed that Lochaber should submit an application to the Scottish Government to be designated as a National Park.

The Panel noted the Code obliges councillors to apply an objective test to determine if any non-financial interests they have require to be registered. In terms of that test, registrable non-financial interests are those which members of the public, with knowledge of the relevant facts, might reasonably think could influence a councillor's decision-making in their council. The Panel noted that non-financial interests could include membership of, or participation in, community groups who could potentially be impacted by, or benefit from, decisions taken by the Council.

The Panel noted that the Working Group was informal and comprised of unpaid volunteers. The Panel nevertheless noted that it was not in dispute that the group had organised community consultation events, set up a website and social media pages, ran a survey, and submitted a 'conditional nomination document' to the Scottish Government in February 2024, as part of the National Park designation process. The Panel noted that Cllr Willis was named and identified as a councillor in the conditional nomination document.

The Panel was of the view in this case, the relevant facts for the purpose of the application of the objective test were that:

- There was evidence that the suggestion that Lochaber should seek national park status had generated strong feelings locally, both for and against the proposal. The Panel considered, therefore, that there was public interest in the group and, as such, the

public might view its aims as having the potential to affect a community served by the Council.

- The Council provided funding to an organisation that supported the group. As such, it was a community group that benefitted from a decision taken by the Council.
- Cllr Willis was identified as a councillor in the nomination document, which suggested her status as an elected member was considered relevant.

The Panel considered that it would be reasonable for members of the public, with knowledge of these relevant facts, to consider they were sufficiently significant as to be likely to potentially influence the Respondent's discussion and decision-making at Council. This was because it would be reasonable for members of the public to conclude it was likely the Council could be asked to support (financially or otherwise) any nomination application. The Panel concluded, therefore, that Cllr Willis' membership of the group was a non-financial interest that required to be registered, within a month.

The Panel found that as Cllr Willis' name was added to the group's blog in October 2023, there was evidence she was a member at that point. The Panel found, however, that Cllr Willis did not register her membership of the group until July 2024. The Panel concluded, therefore, that Cllr Willis had breached the Code.

The Panel noted, in mitigation, that Cllr Willis had apologised for her failure to register her membership of the group within the required timescales.

While the Panel concluded that Cllr Willis should have registered her membership of the working group, it was nevertheless satisfied that she had not attempted to conceal her interest and that there was no personal gain. The Panel further accepted that Cllr Willis' apology was genuine. In the circumstances, the Panel concluded that a censure was an appropriate sanction.

A full written decision will be published on the Standards Commission's website within seven working days.

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.

5 June 2025 ***MEDIA RELEASE***

FALKIRK COUNCILLOR SUSPENDED FOR BREACH OF CODE OF CONDUCT

At a Hearing held online on 5 June 2025, the Standards Commission suspended, for three months, an elected member of Falkirk Council, William Buchanan. This was after he was found to have breached the Councillors' Code of Conduct.

Morag Ferguson, Standards Commission Member and Chair of the Hearing Panel, said:
"The Panel found that, in an email of 9 June 2023, Cllr Buchanan was disrespectful towards a planning officer of the Council. The Panel further found that Cllr Buchanan's conduct, in respect of the email, amounted to bullying, even if this had not been his intent."

The Panel heard that the Council's Planning Review Committee granted, in March 2022, permission on a planning application, subject to conditions and a Legal Agreement being in place. The Panel noted Cllr Buchanan, as Convener of the Committee, was advised at the end of May 2023 that the Legal Agreement had not been finalised. The Panel noted that after another councillor on the committee sent an email asking about the delay, a senior planning officer replied, explaining the delay had been caused by the introduction of a revised National Planning Framework and associated policy requirements.

The Panel found that Cllr Buchanan then sent an email, on 2 June 2023, to the other councillor and managers from the senior planning officer's team stating that he wanted "an immediate investigation" into the situation and the concerns expressed regarding the senior planning officer's "part in the handling" of the application.

The Panel further found that Cllr Buchanan sent an email, on 9 June 2023, to the same recipients, stating that he was "looking for a meeting" with officers "to make a formal complaint and get advice on the suspension of an officer pending the outcome of an investigation". Cllr Buchanan proceeded to state that he was also considering contacting the police about the matter and would copy in his solicitor should he "be required". Cllr Buchanan concluded the email by stating the situation was "scandalous".

The Panel accepted that, in his email of 9 June 2023, Cllr Buchanan had not identified the senior planning officer as the officer about whom he had concerns and was seeking advice with regard to a potential suspension. The Panel noted, however, that Cllr Buchanan had confirmed to the Ethical Standards Commissioner during the investigation that he had been referring to the senior planning officer. The Panel was satisfied, in any event, that when considered in the context of his earlier email, it was evident Cllr Buchanan assumed the senior planning officer was responsible for what he regarded as an undue delay in progressing the matter.

The Panel was of the view that, regardless of intent, a reasonable interpretation of Cllr Buchanan's email of 9 June, as a whole and in the context in which it was sent, was that he was also suggesting the senior planning officer be suspended as a result. In support of this conclusion, the Panel noted

Cllr Buchanan had deliberately removed the senior planning officer from the list of recipients in the email chain. The Panel further noted it had not been provided with any credible explanation as to why Cllr Buchanan may otherwise have asked for advice about the suspension of an officer.

The Panel accepted fully that Cllr Buchanan was entitled to raise questions about the progress of applications determined by the Committee and to raise concerns, with the appropriate line manager or senior officer, about delays potentially caused by a council employee. The Panel considered, however, that it was reasonable for anyone reading the email to conclude, from Cllr Buchanan's mention of a disciplinary measure, the police, his solicitor, and his use of the word "scandalous", that he was clearly implying the senior planning officer was guilty of misconduct and or had deliberately done something that was improper or illegal.

The Panel was of the view it was entirely disrespectful for Cllr Buchanan, as an elected member and Committee chair, to have made such serious accusations about the senior planning officer (who, as a council officer was someone over whom he enjoyed a position of power and influence), without providing any details or supporting evidence. The Panel considered this was particularly the case given, at least on the face of it, some form of explanation for the delay had been provided.

The Panel was further of the view that Cllr Buchanan should have known it was likely the contents of his email would be disclosed to the senior planning officer, given the reference to disciplinary proceedings and seriousness of the inferred allegations about the officer's conduct (even if the full email was not shared).

The Panel agreed that it would be reasonable for the senior planning officer to have interpreted Cllr Buchanan's comments as a threat to contact both the police and an external solicitor about his conduct. Given that, unless there was a suggestion of illegality, an officer's conduct would be an internal council matter, the Panel considered it would be reasonable for the senior planning officer to have felt bullied by this. The Panel again noted that Cllr Buchanan had not provided any evidence to support an accusation of illegality or even misconduct. In the circumstances, it considered Cllr Buchanan's conduct, in making such an implicit threat, amounted to bullying. The Panel concluded, therefore, that Cllr Buchanan had breached the provisions in the Code that require councillors to behave respectfully towards council officers and to refrain from any conduct that could amount to bullying.

While the Panel accepted councillors are entitled to raise concerns about apparent delays and ask for them to be investigated, it considered that in stating that he was "looking for a meeting" so that he could obtain advice "on the suspension of an officer pending the outcome of an investigation", Cllr Buchanan was effectively directing that a meeting be held and / or an investigation undertaken into the senior planning officer's conduct in conjunction with a suspension. The Panel was of the view that, in trying to direct an action be taken in respect of a potential disciplinary matter concerning an individual officer of the senior planning officer's grade, Cllr Buchanan was becoming inappropriately involved in an operational matter, in breach of paragraph 3.7 of the Code. This was regardless of whether any action was taken as a result.

In determining the sanction to be imposed, the Panel agreed that, as an experienced member, Cllr Buchanan should have known how to undertake his scrutiny role in respect of the application and overall process and could have asked relevant senior officers to establish whether and, if so why, any undue delays had occurred, without breaching the Code. The Panel was concerned that Cllr Buchanan had not shown any remorse or insight into how his conduct may have affected others.

The Panel nevertheless noted, in mitigation, that the conduct in question was essentially limited to the one email exchange and, as such, was limited in duration. As such, the Panel concluded, on balance, that a three-month suspension was the appropriate sanction.

Mrs Ferguson stated: *"the requirements for elected members to treat council officers with respect, to refrain from any conduct that could amount to bullying, and to refrain from becoming inappropriately involved in operational management, are all key requirements of the Councillors' Code. The Panel noted that a failure to comply with the Code's provisions in these regards can have a detrimental impact on officers and can also erode the mutual bond of trust and confidence between them and councillor that allows local government to function effectively."*

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

ENDS

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5 August 2025 ***MEDIA RELEASE***

ABERDEEN CITY COUNCILLOR SUSPENDED FOR BREACH OF CODE OF CONDUCT

At a Hearing held in Aberdeen on 5 August 2025, the Standards Commission suspended, for four months, an elected member of Aberdeen Council, Councillor Mrs Jennifer Stewart. This was after she was found to have breached the Councillors' Code of Conduct.

Malcolm Bell, Standards Commission Member and Chair of the Hearing Panel, said:
"The Panel found that, at various Council meetings between 14 December 2022 and 11 October 2023, Cllr Mrs Stewart was disrespectful towards the Lord Provost of the Council. The Panel further found that Cllr Mrs Stewart's conduct amounted to harassment and, in respect of one comment, to a personal attack on the Lord Provost based on his age."

The Panel found that at the meetings in question, Cllr Mrs Stewart made various personal remarks about the Lord Provost. The Panel found that these remarks either directly accused the Lord Provost of being, or inferred clearly that he was: sexist, a misogynist who hated women, displaying religious intolerance, engaging in intimidatory behaviour and of treating Cllr Mrs Stewart differently, due to her sex.

The Panel noted that, regardless of whether Cllr Mrs Stewart considered them to have merit, the accusations were of a particularly serious nature. Given this and the fact they were made in public, the Panel considered they had the potential to cause irrevocable harm to the Complainer's reputation and that of the Council.

In addition, the Panel found Cllr Mrs Stewart stated, at a meeting in April 2023, that she was not prepared to put up with the alleged behaviour she had experienced from the Lord Provost at previous meetings. Cllr Mrs Stewart had stated this included "sexual harassment as I see it". The Panel noted that the everyday meaning of sexual harassment was any unwanted behaviour of a sexual nature that creates a hostile or offensive environment. The Panel was of the view that it would have been reasonable for members of the public observing the webcast of the meeting to:

- give the phrase its everyday meaning; and
- understand Cllr Mrs Stewart was accusing the Complainer of having engaged in unwanted sexual behaviour towards her. This was because the remark was made in the context of her listing other concerns about the Complainer's alleged behaviour towards her.

The Panel noted Cllr Mrs Stewart had not provided any evidence whatsoever, either at the time or subsequently, to support such an accusation and, indeed, appeared to accept at the Hearing that he had not done so.

The Panel found, therefore, that Cllr Mrs Stewart's conduct in making the personal remarks and accusations of such a nature at public meetings was objectively disrespectful and, on the face of it, amounted to a breach of the requirement in the Code for councillors to treat their colleagues with courtesy and respect.

The Panel noted that, at a meeting in October 2023, the Lord Provost paused for a short period before inviting Cllr Mrs Stewart to speak. The Panel noted that Cllr Mrs Stewart then asked whether it was perhaps the Lord Provost's age that had "caused the delay". The Panel considered it would be reasonable for any members of the public or press observing to conclude Cllr Mrs Stewart was suggesting the Lord Provost's performance in his role as Chair was affected adversely by his age. The Panel noted there was no upper age limit for being a councillor or Provost, and considered the remark amounted to personal attack on the Lord Provost, based on his age. The Panel concluded, therefore, that Cllr Mrs Stewart had breached the provision in the Code that requires councillors to seek to foster good relations between different people.

The Panel noted that harassment is any unwelcome behaviour or conduct that makes someone feel offended or humiliated, and that it can occur as an isolated incident or as a course of persistent behaviour. The Panel was of the view that Cllr Mrs Stewart's remarks about the Lord Provost's age, and the accusations that he was a misogynist and had sexually harassed her, were inappropriate and offensive. The Panel agreed that these amounted to repeated personal, public attacks that were both intended to, and would have caused, the Lord Provost to feel offended and humiliated. The Panel was satisfied, therefore, that Cllr Mrs Stewart also harassed the Lord Provost, in breach of the provision the Code that prohibits such behaviour.

The Panel further found that, during a number of the meetings in question, Cllr Mrs Stewart talked over the Lord Provost and refused to move on or sit down when he directed her to do so. As such, the Panel concluded that Cllr Mrs Stewart failed to respect and comply with his rulings, as Chair, in breach of the Code.

The Panel agreed Cllr Mrs Stewart's accusations, as outlined above, were also entirely shocking, offensive and gratuitous. The Panel agreed they were potentially damaging both to the Lord Provost and to the public's confidence in the Council as a whole. As such, the Panel concluded that, in the circumstances, a restriction on Cllr Mrs Stewart's right to freedom of expression, that a finding of breach and imposition of a sanction would entail, was justified.

In determining the sanction to be imposed, the Panel agreed that there was nothing to prevent Cllr Mrs Stewart from raising her concerns about the Lord Provost's alleged conduct with him or council officers in private, or by making a complaint to the Ethical Standards Commissioner. The Panel noted that Cllr Mrs Stewart had indeed made such a complaint, and that the Commissioner had not found any breach of the Code by the Lord Provost. The Panel was further of the view that Cllr Mrs Stewart could have also raised concerns about the way the meetings were being conducted, without disrupting them and directing personal comments and abuse towards the Lord Provost. It found, just as importantly, the Cllr Mrs Stewart had disrupted meetings over an extended period. As such, the Panel considered the breaches of the Code were serious in nature.

The Panel noted, in mitigation, there had not been any previous findings of a contravention of the Code by Cllr Mrs Stewart. It noted her extensive contribution to public life and the character references submitted on her behalf. The Panel was concerned, however, that she had not apologised or shown any insight into:

- the potential impact of her conduct on the Lord Provost;
- how disruptive her conduct was (and whether it unnecessarily prolonged council meetings and impacted on the time others had to discuss items on the agenda);
- the tone and focus of the discussions at the meetings in question (and how this might affect public confidence in the Council itself); and
- the need for a minimum standard of public debate in general.

In the circumstances, the Panel concluded that a four-month suspension was an appropriate sanction.

Mr Bell stated: *"the requirements for elected members to treat others with respect and to refrain from any conduct that could amount to bullying or harassment are key requirements of the Councillors' Code. The Panel noted that a failure to comply with the Code's provisions in these regards can adversely affect the rights and reputations of others. It also has a detrimental effect on the standards of public debate, which in turn erodes public confidence in politicians and the democratic institutions they represent."*

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
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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 involved 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

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17 July 2025 ***MEDIA RELEASE***

ANGUS COUNCILLOR CRITICISED FOR BEING DISRESPECTFUL BUT CLEARED OF BREACH OF CODE OF CONDUCT

At a Hearing held online on 17 July 2025, Angus Councillor Brian Boyd was found by the Standards Commission, on the face of it, to have breached the provision in the Councillors' Code of Conduct that requires elected members to treat others with courtesy and respect, during a Council meeting on 20 June 2024 that he was chairing in his (then) role as Provost. The Standards Commission's Hearing Panel found, however, that a restriction on Cllr Boyd's right to freedom of expression could not be justified in the specific circumstances of the case and, therefore, that a formal finding of breach could not be made.

Ms Suzanne Vestri, Standards Commission Convener and Chair of the Hearing Panel, said: *"Having watched a webcast of the meeting, the Panel found that, when another councillor attempted to speak about an agenda item, Cllr Boyd stood, repeated her name twice and read excerpts from the Council's Standing Orders. These included that deference should be paid to the chair's authority, at all times; that when the chair speaks other elected members must sit down; and that the chair should be heard without interruption. Cllr Boyd concluded his intervention by asking whether he had made himself clear."*

The Panel acknowledged that Cllr Boyd, as chair of the meeting, had a crucial role in ensuring it was conducted in compliance with the Council's Standing Orders and that questions and discussions remained focussed and relevant.

The Panel agreed, however, that in deciding to read, to the other councillor, the provisions in the Standing Orders, Cllr Boyd clearly implied she had failed to conduct herself in a manner that accorded with them. This was because the Panel noted a Chair would normally only be expected to refer to the Standing Orders if there had been a single serious contravention or repeated contraventions of them by a meeting participant. The Panel noted there was no evidence, in the webcast recording of the meeting, of any such a contravention by the other councillor.

The Panel further agreed that the way in which Cllr Boyd had intervened; namely by repeating the other councillor's name, standing up, and talking loudly (in such pointed and critical manner), would lead anyone present or observing the meeting to reasonably conclude he was reprimanding her. Given it had found there was no reason for such an admonishment of that kind, and given its public nature, the Panel agreed that the manner of Cllr Boyd's interruption was inappropriate and disproportionate, and would have been confusing and upsetting for the other councillor and others present.

The Panel considered that in, essentially, reprimanding her so publicly in circumstances where such action was not warranted, Cllr Boyd was disrespectful and discourteous towards the other councillor. The Panel therefore determined on balance, that he had contravened the provision in the Code that requires councillors to treat everyone with courtesy and respect.

The Panel accepted nevertheless that, as a politician acting in a political context, Cllr Boyd was entitled to enhanced protection in respect of his right to freedom of expression, under Article 10 of the European Convention on Human Rights. In assessing whether a restriction on this right could be justified, the Panel noted that the Courts have found that, in such a context, a degree of the shocking, non-rational and even aggressive, that would not be acceptable outside that context, should be tolerated.

In considering whether Cllr Boyd's conduct was excessive, the Panel agreed that while the manner in which he had interrupted the other councillor was somewhat shocking and non-rational, it noted it would not be entirely unusual for a chair to intervene if they considered a meeting participant was unduly labouring a point, rather than asking a question. The Panel was of the view, therefore, that an intervention by Cllr Boyd may not have been entirely unexpected (albeit the other councillor could not have anticipated he would choose to read excerpts from the Standing Orders in the manner he did).

The Panel further noted the Courts have held that politicians are expected and required to have thicker skins and more tolerance than ordinary citizens. The Panel considered that such tolerance would include adhering to the rulings of a chair, even when these might appear to be unfair.

The Panel further considered that the impact of Cllr Boyd's conduct was somewhat reduced by the fact that when the meeting resumed after a short adjournment he publicly apologised and acknowledged he had over-reacted.

Having taken into account the context and factors outlined above, the Panel determined, on balance, that the Respondent's conduct was not so excessive as to justify, as proportionate, a restriction on his enhanced right to freedom of expression. The Panel concluded, therefore, that a formal finding of a breach of the Code could not be made.

Ms Vestri stated: *"the Standards Commission, and indeed the public, expect elected members (and particularly Chairs and Conveners of local authorities), to lead by example and be courteous and respectful at all times. The Panel noted a failure to do so can have a detrimental impact on the standards of public debate, the efficacy of meetings, and public confidence in elected members and in local authorities."*

A full written decision of the Hearing will be issued and published on the Standards Commission's website within 7 days.

ENDS

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30 July 2025 ***MEDIA RELEASE***

NORTH AYRSHIRE COUNCILLOR SUSPENDED FOR BREACH OF CODE OF CONDUCT

At a Hearing held in Irvine on 30 July 2025, the Standards Commission suspended, for two months, an elected member of North Ayrshire Council, Councillor Donald Reid. This was after he was found to have breached the Councillors' Code of Conduct.

Lezley Stewart, Standards Commission Member and Chair of the Hearing Panel, said:
"The Panel found that, at an online meeting of the Kilwinning Locality Partnership in February 2024, Cllr Reid was disrespectful towards a member of the public. The Panel further found that Cllr Reid's conduct towards the individual amounted to bullying, even if that had not been his intent."

The Panel heard that the member of the public was representing Kilwinning Heritage, a local history society, that was, at the time of the events in question, seeking funding from the Council by way of presenting an 'expression of interest' at the meeting.

The Panel was satisfied, from the evidence it heard from witnesses who had attended the meeting, that, Cllr Reid had:

- been rude, aggressive and confrontational in his questioning of the member of the public;
- unnecessarily interrupted and spoke over her on various occasions; and
- belittled, or given the appearance of belittling, her, Kilwinning Heritage and the expression of interest.

The Panel acknowledged that Cllr Reid, as an elected member, had an important role in scrutinising funding applications, in order to ensure that Council funds were distributed fairly and in the public interest. The Panel was satisfied, however, that not only was Cllr Reid's approach in the circumstances disproportionate, but also that the manner in which he had talked to and questioned the member of the public was wholly inappropriate.

The Panel acknowledged Cllr Reid may not have intended to cause any upset. The Panel was of the view, however, that it would be reasonable for those observing the meeting to perceive his conduct as an attack on both Kilwinning Heritage and on the member of the public, as its representative. The Panel noted, in support of this conclusion, that other witness had perceived this to be the case.

The Panel agreed it would be reasonable for members of the public representing local groups making applications for funding to the Council, particularly in a non-paid voluntary capacity, to be given the opportunity to present information in a respectful environment. The Panel considered that while such representatives and volunteers should understand they may have to answer questions, they have a right to expect any will be put to them in a respectful and non-confrontational matter, and that they will be allowed to answer without being interrupted or belittled.

The Panel agreed that by interrupting repeatedly and asking questions in a confrontational, aggressive and inappropriate manner, Cllr Reid was disrespectful and discourteous towards the member of the public, in breach of the Code.

The Panel accepted similar conduct might be characterised as being 'robust' and even, in certain circumstances acceptable, had it been directed towards other elected members during a political debate. This was because they are accustomed to working in a political environment and might be expected to have more tolerance. The Panel noted, however, that Cllr Reid, as an elected politician, was in a position of relative power in respect of the member of the public, who was an unpaid volunteer giving up her time for a local heritage society. The Panel considered that as she had been subjected to what the Panel considered was effectively an unwarranted and unexpected public attack, it would be reasonable for the member of the public to have felt upset, bullied and humiliated as a result. The Panel considered that the manner in which Cllr Reid conducted himself towards her was both intimidating and disparaging. Even accepting this may not have been his intention, the Panel further considered that Cllr Reid should have realised his actions would likely have this impact. The Panel therefore agreed, on balance, that he had also breached the bullying provision in the Code.

In determining the sanction to be imposed, the Panel agreed that, as an experienced member, Cllr Reid should have known how to undertake his scrutiny role in respect of the application, without breaching the Code. The Panel nevertheless noted, in mitigation, that the conduct in question was essentially limited to an interaction at one meeting and, as such, was limited in duration. The Panel therefore concluded, on balance, that a two-month suspension was the appropriate sanction.

Dr Stewart stated: *"the requirements for elected members to treat members of the public with respect and to refrain from any conduct that could amount to bullying, are key requirements of the Councillors' Code. The Panel noted that a failure to comply with the Code's provisions in these regards can have a detrimental impact on public confidence in both elected members and local authorities and, in particular, in respect of their expectation that members of the public will be treated appropriately when engaging with them."*

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

ENDS

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Northern Ireland
Local Government
Commissioner for Standards

13 June 2025

PRESS RELEASE

Councillor Wesley Irvine (Ards & North Down Borough Council) has been suspended for three months following an Adjudication Hearing held today (13 June).

The suspension related to the councillor's failure to deal properly with a conflict of interest at two council meetings. An item on the agenda of both meetings was considering funding applications for organisations of which the councillor was a member.

The investigation found that despite two branches of the organisation being ineligible for funding, Councillor Irvine had still proposed that both should receive council money. Although this proposal was not voted on, the councillor proposed a further motion seeking to have both applications scored, despite their ineligibility. This motion was passed and while both organisations were scored by council officers they did not meet the threshold for funding.

Commissioner Margaret Kelly found that Councillor Irvine had breached the following rules of the Code of Conduct for Councillors;

Paragraph 4.16 a councillor must not use their position to confer or secure an advantage or seek preferential treatment for themselves or another person,

Paragraph 4.17 you must avoid any action that would lead members of the public to believe that preferential treatment is sought,

Paragraph 6.4 you must declare any significant non-pecuniary interest as soon it becomes apparent and then withdraw from any council meeting where it is being discussed,

Paragraph 8.1 when participating in meetings or reaching decisions you must do so objectively, on the basis of merit and in the public interest. You must act fairly and be seen to act fairly.

Commissioner Kelly concluded that by staying in the meeting and taking part in discussions, members of the public could reasonably believe that the Councillor was seeking to use his influence to get preferential treatment for the organisation.

In considering the applicable sanction Commissioner Kelly drew attention to the public interest considerations relevant to this case. She took into account the positive references and the mitigating factors, but for these she indicated a sanction of suspension for five months would have been appropriate. However, taking

everything into consideration Commissioner Kelly imposed a sanction of three months suspension.

Notes:

The Commissioner's full written decision will be made available shortly on the Commissioner's website at:

https://nipso.org.uk/nilgcs/hearings-and-adjudication-decisions/

ENDS

For further information please contact communications@nipso.org.uk

Northern Ireland
Local Government
Commissioner for Standards

9 July 2025

PRESS RELEASE

Alderman suspended for 3 months

Alderman Linda Clarke (Antrim and Newtownabbey Borough Council) has been suspended from her position as councillor for 3 months following an Adjudication Hearing held today (9 July).

Adjudication Commissioner Ian Gordon found that the Alderman had breached the Code of Conduct for Councillors by being present during a Planning Committee's discussions of two planning applications where representations were made by her husband. Alderman Clarke did not declare an interest in either matter, did not leave the meeting, and participated in the voting.

Her husband, the MLA Trevor Clarke, was acting on behalf of the agent in one application and representing the applicant in the other. The Commissioner ruled that the Alderman therefore had a significant private or personal non-pecuniary interest in the planning matters discussed, both from both her marriage to the MLA and her position as his employee.

The Commissioner noted that despite the Council lawyer providing her with guidance on the relevant provisions of the Code, she chose to remain in the meeting. As paragraph 6.4 of the Code notes, it is the personal responsibility of councillors to determine, having regard to council advice and guidance, whether they have any conflicts of interest.

He said that on any objective analysis, her failure to declare her interest and to withdraw from the meeting, amounted to a breach of paragraphs 6.3 and 6.4.

Adjudication Commissioner Gordon said that providing details of potential conflicts of interest in the Council's Registration of Interests did not mean that Alderman Clarke had complied with the requirements.

He stated that:

> *'It would appear that the Councillor did not understand the implication of perception, by a member of the public, of influence and prejudice arising if she failed to declare her interest and leave the Committee room where an application involved representations by her MLA spouse and her employer.'*

Commissioner Gordon also determined that when Alderman Clarke was appointed to the Planning Committee she should have considered whether she needed to take steps to mitigate any conflicts that could arise, given the information to which she had access as an employee of the MLA. He therefore found that she had failed to comply with paragraph 4.3 of the Code.

While he acknowledged that Alderman Clarke had accepted the breaches and had made an apology for them, Commissioner Gordon believed that a suspension was an appropriate

sanction. He noted this was necessary in order to discourage similar conduct by other councillors, and to uphold public confidence in the standards regime.

Notes:

The Councillor may appeal to the High Court against this decision in accordance with the provisions of the Local Government Act (Northern Ireland) 2014.

The Commissioner's full written decision will be made available shortly on the Commissioner's website at:

https://nipso.org.uk/nilgcs/hearings-and-adjudication-decisions/

ENDS

For further information contact Andrew Ruston on 07503640551 or communications@nipso.org.uk

Appendix C

In *The Spitalfields Historic Building Trust, R. (on the application of) v London Borough of Tower Hamlets & Anor* [2025] UKSC 11, handed down last month, the Supreme Court examined the wording of the LLG Model Members Planning Code, which a number of councils, including Tower Hamlets LBC ("the Council"), have very sensibly lifted and placed directly into standing orders for their planning committees.

For the Council, this meant there were detailed procedures and a standing order that:
Where an application is deferred and its consideration recommences at a subsequent meeting only Members who were present at the previous meeting will be able to vote. If this renders the Committee inquorate then the item will have to be reconsidered afresh. This would include public speaking rights being triggered again.

The points examined by the Court set out in Council's Planning Code of Conduct were as follows:

"Councillors should only come to their decision after due consideration of all of the relevant information reasonably required upon which to base a decision ..."; and

"Councillors must not take part in the meeting's discussion on a proposal unless they have been present to hear the entire debate, including the officers' introduction to the matter. If an application has previously been deferred then the same Councillors will be asked to reconsider the application when it is returned to Committee."

These derive from the model LLG Members Planning Code of Good Practice, last updated Feb 2024, section 10 of which provides the following advice to Members when taking decisions:

- *Do come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, defer or refuse.*
- *Don't vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter. (Where a matter is deferred and its consideration recommences at a subsequent meeting, only Members who were present at the previous meeting will be able to vote. If this renders the Committee inquorate then the item will have to be considered afresh and this would include public speaking rights being triggered again)."*

As the Court of Appeal succinctly put it, the question under contention was:
"whether a provision in a local authority's constitution, whose effect was to restrict voting by members on deferred applications for planning permission to those who had been present at the meeting or meetings at which the application had previously been considered, was lawful".

The argument made in support of the challenge was that a Member could not be prevented from voting on matters before a meeting of the authority or a committee of which they are a member (and at which they are present), unless prohibited by statute from doing so, and that the express provisions in para 42 of Schedule 12 and section 106 of the LGA 1972 (under which an authority has power to make standing orders for the regulation of its business and proceedings) did not extend to the making of a standing order in those terms. The simple answer, from the High Court, the Court of Appeal, and the Supreme Court was that, yes they did.

What is somewhat strange is that, early on it was agreed as common ground between the parties, to which the courts agreed, that it was not irrational under the principles of public law decision making, for the Council to restrict voting on deferred applications to the members present at the first meeting at which such an application had been considered. As the Supreme Court put it *"It is conceded that the relevant standing orders complied with those [established] public law requirements"*.

This meant the whole thing turned on the legislative interpretation of the scope of and authority's power to make standing orders for the regulation of its proceedings and business, and whether the standing order the Council had adopted to restrict voting in the specified circumstances fell within that scope, and was therefore lawful.
Had the challenge succeeded, then in practical terms this would have meant that meetings where continuity was at issue as here would all have to be started anew in these sort of circumstances; that the Planning Code of Conduct on issues beyond disclosable pecuniary interest provisions expressly set out in legislation would have to be re-examined along with a host of other rules and procedures; and that a chair, advisor and any meeting would have little sway where they considered that a particular member's form of participation was likely to vitiate their decision. The outcome therefore mattered for those participating in meetings and for the committee managers and lawyers advising them. It mattered a lot.
In this there are a couple of things that are a little surprising, at least to those of us who operate and advise in this area. The first is that the participants had to take this as far as the Supreme Court before they had a final (and what has been definitively consistent) answer to their challenge. The second is that, in addressing this somewhat narrow question, the Supreme Court's judgment has needed to run to some 26 pages, 14 pages of which form the analysis of the question.

The judgment is nonetheless an interesting read, and quite enjoyably refers to academic texts more ancient than modern, so here are the highlights:

1. There is a reiteration of the principle that councillors, when fulfilling their role as members of their local authorities, do not act as individuals but as members of the council to which they have been elected. (It is internally we often refer to them as 'members', rather than as 'councillors', which acts as a reminder of that). Their capacity for action as members is corporate and not separate and personal.
2. The right of councillors to vote on business of the local authority is not an explicit right set out in the statutory regime. On the contrary, the general entitlement to vote is assumed by the legislation and is implicit in it.

3. Para 39(1) of Schedule 12 of the Local Government Act (LGA) 1972 simply codifies the rule that decisions are taken by a majority of the members attending who may validly cast a vote, but does not otherwise limit the power of a local authority to regulate the conduct of meetings by means of standing orders.
4. Likewise the relevant provisions in the Local Government & Housing Act (LGHA) 1989, concerning the political balance of seats and the duty to give effect to the wishes of political groups, are grafted onto the decision-making regime set out in the LGA 1972 and presuppose that it applies in the usual way.
5. That it has always been recognised that common law principles provide the background setting for the operation of local government legislation and that where statutes or standing orders do not make sufficient provision for the conduct and procedure of such meetings, common law principles should be applied.
6. That there is a distinct set of rules which originated in principles of impartiality and fair-dealing identified by the courts and which are so fundamental that they are implicitly reflected in legislative provisions such as para 39 of Schedule 12. A councillor may not vote upon a matter if, for example, they are biased or give an appearance of bias, or have a predetermined view, or have a pecuniary or other personal interest in the outcome.
7. These general disqualifying rules extend significantly beyond the specific statutory disqualifications from voting contained in primary legislation. The legal consequence if a councillor does vote in the circumstances where the general rules apply, at any rate where that has a material bearing on the outcome, is that the decision taken by the local authority is unlawful and liable to be set aside.
8. A local authority has power under para 42 of Schedule 12 and section 106 of the LGA 1972 to make standing orders, the underlying purpose of which is to enable a local authority to take lawful decisions. That power is subject to the usual public law constraints, in particular that the exercise of the power has to be rational and for a proper purpose within the contemplation of the legislation. The relevant standing orders in this case can be seen in this light and so impose lawful constraints.
9. The provisions in relation to this meeting are to be distinguished from the position in *R v Flintshire County Council, ex p Armstrong-Braun* [2001] LGR 344. In that case, the introduction of a standing order preventing a member from putting a motion on the agenda for a council meeting without being seconded by another member was quashed by the court. The council in that case treated the introduction of that standing order as a matter of administrative convenience, whereas the court took the view that there had been far more than that at issue and that no one had taken into account *"the potential damage to local democracy"* by preventing a member from representing their constituents in this way or the possibility that local democracy might be impeded rather than promoted by adoption of the standing order. (It is why there is a convention that lone motions on notice are formally seconded by the chair at full authority meetings). There was an absence on the part of the local authority in *Armstrong-Braun* to give the matter the *"most anxious consideration"*, so the decision did not satisfy the comparatively demanding standard of rationality applicable in this context. In the present case it was conceded that the relevant standing orders were given that consideration and did satisfy that standard.

10. The Court found that the restrictive voting rule set out in the relevant standing orders *"obviates a risk that councillors voting at the second meeting may not have had the benefit of the discussion of the proposal that took place at the first. It gives weight to the continuity of proceedings, and to the value of ensuring that in these circumstances the entitlement to vote is kept to those councillors who have been present throughout the committee's deliberations on the application for planning permission"*.
11. If a committee member proposed to cast their vote in circumstances where the standing orders disqualified them from doing so, the chair of the meeting could properly disregard their vote so that the relevant decision of the Committee was taken according to the votes of those members who are entitled to cast them. If necessary, the issue could be resolved by the court making an order to achieve that effect.
12. A defined role of the chair therefore, in acting in the way described above, is to uphold the effectiveness and lawfulness of the collective decision-making process for the authority and the meeting as a whole.

Concerning the existence of such standing orders, as gathered together with supporting codes in the Council's constitution, the summary is that (subject to statute and the normal rules of decision making) as long as the implications of standing orders are thought through, that they exist for the regulation of the authority's business and proceedings, and that their purpose is to promote rather than impede local democracy, then their requirements should be valid.

In addition, the Supreme Court rehearsed some of the well-known rules and practices of local authority meeting, which is always useful.