

ANGUS COUNCIL

21 MARCH 2019

STANDARDS COMMISSION DECISION

REPORT BY HEAD OF FINANCE AND LEGAL

ABSTRACT

In terms of Section 18 of the Ethical Standards in Public Life Etc (Scotland) Act 2000 and Rule 10.9 of the Standards Commission Hearing Rules, the Council requires to consider within three months, the terms of a written decision issued by the Standards Commission.

1. RECOMMENDATION

It is recommended that the Council considers the decision in relation to complaint reference LA/An/2134.

2. ALIGNMENT TO THE COUNCIL PLAN

This report contributes to the achievement of our priority that the council is efficient and effective as detailed in our Council Plan for 2017 – 2022.

3. BACKGROUND

A complaint was received by the Commissioner for Ethical Standards in Public Life in Scotland (CESPLS) regarding the alleged conduct of Councillor Boyd (the respondent). Following an investigation, CESPLS referred the complaint to the Standards Commission for Scotland on 10 December 2018, in accordance with section 14(2) of the Ethical Standards in Public Life (Scotland) Act 2000, as amended.

The substance of the referral was that the Respondent had failed to comply with the provisions of the Councillors' Code of Conduct and in particular paragraphs 3.1 and 3.2. The relevant provisions relate to General Conduct and Relationship with other councillors and members of the public.

The complaint related to the Respondent signing a petition that called for the removal of the complainer as a chaplain of a high school in the Council area and encouraged others to do so. A link to it had been posted automatically on the Respondent's Facebook page, where he was identified, in his profile, as a councillor.

The decision of the Hearing Panel was that:

1. The Councillors Code of Conduct applied to the Respondent; and
2. The Respondent had breached paragraphs 3.1 and 3.2 of the Councillors' Code of Conduct.

In terms of the sanction, the Hearing Panel decided to censure Councillor Boyd.

4. PROPOSALS

Attached as Appendix 1 to this Report is the formal decision of the Hearing Panel held on 20 February 2019. Members are asked to consider the decision of the Panel and thereafter, the Council's acting Monitoring Officer will intimate to the Commissioner that they have done so.

5. FINANCIAL IMPLICATIONS

There are no financial implications arising from this Report.

NOTE: No background papers, as detailed by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

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Appendix 1: Decision of the Panel Hearing