

Report

Report to:	South Lanarkshire Council
Date of Meeting:	26 June 2019
Report by:	Chief Executive

Subject:	Standards Commission's Hearing Outcome
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1. Purpose of Report

1.1. The purpose of the report is to:-

- Advise the Council of the decision of the Standards Commission of Scotland following the Hearing into a complaint against Councillor Gerry Convery held on 4 April 2019.

2. Recommendation(s)

2.1. The Council is asked to approve the following recommendation(s):-

- (1) that the decision of the Hearing Panel of the Standards Commission for Scotland that Councillor Gerry Convery had breached paragraphs 3.1 and 3.2 of the Councillors' Code of Conduct be noted; and
- (2) that the decision of the Hearing Panel to censure Councillor Convery be noted.

3. Background

3.1. A complaint was received by the Commissioner for Ethical Standards in Public Life in Scotland (ESC) that on 27 June 2018, during a meeting of the Executive Committee, Councillor Convery had said "seig heil" as the Chair of the Committee concluded a debate on an item of business.

3.2. Following an investigation, the ESC referred the complaint to the Standards Commission for Scotland on the basis that Councillor Convery had failed to comply with the provisions of the Councillors' Code of Conduct and that in particular he had contravened paragraphs 3.1 and 3.2 of the Code which are as follows:

3.1 The rules of good conduct in this section must be observed in all situations when you are acting as a Councillor.

3.2 You must respect your colleagues and members of the public and treat them with courtesy at all times when acting as a Councillor.

4. Hearing Panel Decision

4.1. The Hearing called by the Standards Commission took place in Hamilton on 4th April 2019. As a joint statement of facts had been agreed in advance of the hearing, no witnesses were called.

4.2. The Hearing Panel considered the submissions given orally at the Hearing and in writing and found that the Councillors' Code of Conduct applied to Councillor Convery and that he had breached paragraphs 3.1 and 3.2 of the Code.

- 4.3. The Hearing Panel concluded that the making of the comment, in the circumstances, was offensive and gratuitous and amounted to a personal and political attack on the Chair. The Panel took the decision to censure Councillor Convery under section 19 (1) of the Ethical Standards in Public Life etc. (Scotland) Act 2000.
- 4.4. In reaching its decision on sanction, the Panel considered and weighed up all relevant mitigating and aggravating factors. The Panel noted that the requirement for councillors to behave in a respectful manner was an important part of the Code, as it prevented a Council and the role of a councillor from being brought into disrepute and ensured that public confidence in both were not adversely affected.
- 4.5. The Panel emphasised that it was a councillor's personal responsibility to be aware of the provisions in the Code and to ensure that he complied with them and that Councillor Convery had been negligent in this regard.
- 4.6. The Panel was of the view that a more severe sanction was not warranted because there was no evidence of pre-meditation in the making of the comment, or of it forming part of a course of conduct. The Panel accepted that the Councillor had immediately retracted the comment and subsequently apologised and were satisfied that he had recognised that his comment was entirely inappropriate.
- 4.7. The full decision is available on the Standards Commission for Scotland website.

5. Employee Implications

- 5.1. There are no employee implications arising from this report.

6. Financial Implications

- 6.1. There are no financial implications arising from this report.

7. Other Implications

- 7.1. Section 18 of the Ethical Standards in Public Life etc. (Scotland) Act requires a Council receiving a copy of a Hearing Decision to consider the findings within three months of receipt of the decision.

8. Equalities Impact Assessment and Consultation Arrangements

- 8.1. This report does not introduce a new policy, function or strategy and therefore no Equality Impact Assessment is required.
- 8.2. There was no requirement for consultation in terms of the content of this report.

Lindsay Freeland
Chief Executive

12 June 2019

Link(s) to Council Values/Improvement Themes/Objectives

- ◆ Accountable, effective, efficient and transparent
- ◆ Focused on people and their needs

Previous References

- ◆ None.

List of Background Papers

◆ None

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

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