

Decision of the Hearing Panel of the Standards Commission for Scotland following the Hearing held online, on 20 November 2020.

Panel Members: Ms Ashleigh Dunn, Chair of the Hearing Panel
Mr Mike McCormick
Mrs Tricia Stewart

The Hearing arose in respect of a Report referred by Ms Caroline Anderson, the Commissioner for Ethical Standards in Public Life in Scotland (the ESC), further to complaint reference LA/AC/3199, concerning an alleged contravention of the Councillors' Code of Conduct (the Code) by Councillor Alan Donnelly (the Respondent).

The ESC was represented by Mr Martin Campbell, Director of Investigations and solicitor to the Commissioner. The Respondent was represented by Ms Karen Cameron, solicitor advocate.

Referral

Following an investigation into complaints received about the conduct of the Respondent, the ESC referred a report to the Standards Commission for Scotland on 16 June 2020, in accordance with section 14(2) of the Ethical Standards in Public Life etc. (Scotland) Act 2000, as amended.

The substance of the referral was that the Respondent had failed to comply with the provisions of the Code and, in particular, that he had contravened paragraphs 1.5, 3.2 and 3.6. The relevant provisions were:

Introduction to the Code of Conduct

1.5 Councillors hold public office under the law and must observe the rules of conduct stemming from the law, this Code and any guidance from the Standards Commission, and the rules, standing orders and regulations of the Council. It is your personal responsibility to comply with these and review regularly, at least annually, your personal circumstances with this in mind, particularly when your circumstances change. You must not, at any time, advocate or encourage any action contrary to the Code of Conduct.

Relationship with other councillors and members of the public

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.

Bullying and Harassment

3.6 Bullying or harassment is completely unacceptable and will be considered to be a breach of this Code.

Preliminary Matters

The Respondent's representative requested that the Hearing Panel adjourn the Hearing. The Respondent's representative explained that she had only been asked to act by the Respondent late on 18 November 2020 and, as such, had not had time to prepare or take proper instructions, other than in respect of seeking an adjournment. The Respondent's representative advised that the Respondent had dismissed his previously instructed solicitor when he had discovered that the solicitor had failed to ask a key witness to appear at the Hearing. The Respondent's representative advised that she had not yet received the paperwork from the Respondent's previously appointed solicitor and was not, therefore, fully aware of any submissions made to date on the Respondent's behalf.

The Respondent's representative noted that the Standards Commission had been provided with evidence, in the form of a medical certificate, to demonstrate that the Respondent was not fit to attend the Hearing. The Respondent's representative argued that, in accordance with the principles of natural justice, the Respondent was entitled to both be heard and represented at the Hearing, and urged the Panel to adjourn until such time as he could attend. The Respondent's representative indicated this was likely to be in

approximately nine weeks' time, which was when a course of treatment the Respondent was undertaking was due to end.

The Respondent's representative noted that Hearing Rules provided that if the Standards Commission was satisfied that any party or witness was unable, through physical or mental impairment, to attend a Hearing, it 'may make such arrangements as appear best suited in all the circumstances of the case to fairly dispose of the matter'. The Respondent's representative contended that, in the current circumstances, the Panel could not dispose of the case fairly given the Respondent was not in attendance or represented, and therefore, the ESC's witnesses would not be cross-examined. The Respondent's representative accepted that the Hearing had been adjourned once before, following a request made on behalf of the Respondent, but advised this was because he had been suffering from the coronavirus at the time. The Respondent's representative accepted that she was making the adjournment request at the last moment, but contended that the Respondent could not have reasonably foreseen that he would require treatment and would also need to instruct new representation. The Respondent's representative argued that as the Panel had the power to suspend or disqualify the Respondent, and thus remove his employment, the requirement for it to be fair and prevent any potentially substantial prejudice to him, outweighed any need to avoid inconvenience to the ESC and any witnesses.

The Respondent's representative advised that if the Panel did not accept the adjournment request, she would have to withdraw from the Hearing as she would not be able to represent the Respondent properly and, further, did not have instructions to do so.

The ESC's representative accepted that the Respondent had the right to be heard at the Hearing but noted, nevertheless, that the Panel had the discretion to proceed in his absence. The ESC's representative asked the Panel to note that the medical certificate submitted only stated that the Respondent was unable to work and argued that it should not, therefore, be taken as evidence that he was unable to attend the online Hearing or provide instructions. The ESC's representative highlighted the lateness of the adjournment request and advised that there would be a great deal of inconvenience to the witnesses if it was granted, given they had given up their time to appear and, indeed, had been ready previously for the Hearing initially scheduled in October. The ESC's representative noted that any potential prejudice to the Respondent resulting from him not being able to cross-examine the witnesses was mitigated by the fact that the Panel was entitled to put questions to them and to explore any inconsistencies in the answers supplied. The ESC's representative noted that there was a public interest in the expeditious disposal of the case and contended that confidence in the ethical standards framework could erode if there was any further delay to the Hearing. He stated that the concept of fairness extended to the interests of the Respondent, the interests of the public and the interests of the participants.

The Panel considered carefully the adjournment request and the submissions made by Ms Cameron and Mr Campbell. The Panel noted that before any postponement or adjournment was granted, it was required, in terms of the Standards Commission's Rules, to consider not only the issue of fairness to the Respondent but also whether there could be any inconvenience or prejudice to the parties and to witnesses, as well as the public interest in the expeditious disposal of the case.

The Panel was of the view, on balance, that the public interest in the expeditious disposal of the case, along with the risk of inconvenience to the ESC and the other witnesses, outweighed the risk of any prejudice to the Respondent. This was because the matter, in which there was substantial public interest, has been ongoing for a lengthy period of time, with the Hearing having been postponed previously at the Respondent's request. The Panel was satisfied that the Respondent had been afforded sufficient time to prepare fully for the Hearing and to instruct someone to appear on his behalf. In this regard, the Panel noted that the Respondent was sent a notice on 23 June 2020 advising that a Hearing was to be held. He was asked, in the notice, to submit within the following 21 days, a written statement of case and the names of any witnesses he intended to call to give evidence. Since then, the Respondent's previously appointed solicitor had

attended a pre-Hearing meeting on his behalf, held on 7 September 2020. When the previously appointed solicitor had advised the Commission, 8 days before the Hearing, that a new witness had been identified, the Commission had confirmed a witness statement would be accepted and considered by the Panel. The previously appointed solicitor had advised the Standards Commission, on 18 November 2020, that he had signed statements from two witnesses, that he had updated a prepared statement for the Respondent to sign, and that he had been ready to submit these for the Panel's consideration at the Hearing. The Panel confirmed that such statements would have been accepted and considered, had the Respondent given instructions for them to be submitted.

The previously appointed solicitor further indicated that both he and an advocate had been intending to attend and represent the Respondent at the Hearing. The previously appointed representative advised, however, that the Respondent had withdrawn instructions that day. The Panel was satisfied, therefore, that it had been the Respondent's decision to change representatives two days before the Hearing and that he would have been represented, with witness statements submitted on his behalf, had he not have made that choice. The Panel was further satisfied, in any event, that it had detailed submissions from the Respondent's previous representative outlining the Respondent's position as to whether there had been a breach of the Councillors' Code of Conduct. The Panel confirmed it would consider and refer to these when making its decision.

The Panel was also of the view that any further delay in dealing with the matter could erode public confidence in the ethical standards framework. In the circumstances, the Panel considered that it could fairly dispose of the case by proceeding with the Hearing as planned.

Having been advised of the Panel's decision, the Respondent's representative confirmed that she was not able to represent the Respondent further and withdrew from the Hearing.

Evidence Presented at the Hearing

The ESC's representative advised that the Respondent had been convicted of sexual assault, contrary to section 3 of the Sexual Offences (Scotland) Act 2009, at Aberdeen Sheriff Court on 13 December 2019. The Panel further noted that, at a Sentencing Hearing on 31 January 2020, the Respondent had been ordered to pay compensation of £800 and placed on the Sex Offender's Register.

The ESC's representative drew the Panel's attention to the extract conviction, which described the charge the Respondent was convicted of as being that, on various occasions on 3 November 2018 at the Seven Incorporated Trades, Trinity Hall, Aberdeen, he sexually assaulted a Mr A, who was working there, by touching his face and hair, his body and by kissing him on the face.

The ESC's representative led evidence from two witnesses, being Councillor Lumsden, the Co-Leader of Aberdeen City Council, and the Deacon Convenor of the Seven Incorporated Trades of Aberdeen organisation.

Councillor Lumsden advised that an email from the Seven Incorporated Trades organisation had been sent to his Council email address, on 11 October 2018, inviting him to its annual Election Dinner at Trinity Hall, Aberdeen on 3 November 2018. Councillor Lumsden advised that he had initially thought he could attend and, as such, the Council Leader's secretary responded on his behalf to advise that he would be there. Councillor Lumsden confirmed that the secretary was a council employee whose role was to assist the Leaders with council related business. Councillor Lumsden confirmed that a formal invitation was then issued and sent to him at the Council's postal address.

Councillor Lumsden stated that the Seven Incorporated Trades of Aberdeen had a longstanding and close connection to the Council and that the organisations worked together on various matters, including a Remembrance Day service. Councillor Lumsden advised that the Seven Incorporated Trades organisation had

sent invitations to the dinner to the Lord Provost and the leaders of each political group (all of whom were councillors). Councillor Lumsden confirmed that he had received the invitation in his capacity as leader of the Conservative Party group.

Councillor Lumsden advised that, when he subsequently realised he was unable to attend, he had passed the invitation to the co-Vice Chair of the local Conservative Association, who was not a councillor. It was only when he had also been unable to attend, that the invitation had been passed to the Respondent.

In response to questions from the Panel, Councillor Lumsden advised he had passed the invitation to the co-Vice Chair, despite him not being a councillor, as he had felt that the key consideration was for a fellow Conservative Party member to attend. Councillor Lumsden confirmed that the only individuals he had approached about the invitation were the co-Vice Chair and the Respondent. Councillor Lumsden advised that his decision to ask the Respondent to attend in his place was based on him being a Conservative Party member, rather than a fellow councillor, and that he had not considered that the invitation had to be passed to another elected member. Councillor Lumsden advised that he had attended the event the previous year but was unable to recall if there had been any name badges or seating plan displaying the title of attendees. Councillor Lumsden confirmed that the email from the Seven Incorporated Trades organisation of 11 October 2018 had been sent to his council email account but noted that was his only publicly available email address.

The Deacon Convenor of the Seven Incorporated Trades of Aberdeen confirmed that the organisation had a historic and longstanding relationship with the Council and worked with it on various charitable endeavours, such as establishing a fund to assist the families of trades members who had been affected by the coronavirus pandemic. The Deacon Convenor confirmed that invitations to the annual Election Dinner being held on 3 November 2018 had been issued to the leaders of all the Council's political groups and that this was in accordance with the practice followed by the Seven Incorporated Trades organisation's practice for the last 30 years at least. The Deacon Convenor advised that his understanding had been that Councillor Lumsden would attend and that the Seven Incorporated Trades organisation had not been told that the invitation had been passed to anyone else or that the Respondent would be present in his place. He stated he would have expected a Councillor to attend on Councillor Lumsden's behalf.

In response to questions from the Panel, the Deacon Convenor confirmed that, having sent the invitations to the group leaders, his expectation was that it would be councillors who would attend. The Deacon Convenor advised that name cards bearing the titles of attendees were placed on the tables at the dinner. The Deacon Convenor advised that he expected that, as the organisation did not know the invitation had been passed on, the name card on the table would have remained in the name of Councillor Lumsden. The Deacon Convenor further advised that attendees were initially placed in an ante room before being called into the dining room by a clerk. The Deacon Convenor stated that as it was the clerk's practice to announce the attendees by title and name, he would expect the Respondent would have been announced as "Councillor Donnelly".

Submissions made by the ESC's Representative

The ESC's representative argued that, in breaking the law, the Respondent had breached paragraph 1.5 of the Code, which states that councillors 'must observe the rules of conduct stemming from the law, this Code and any guidance from the Standards Commission, and the rules, standing orders and regulations of the Council'. The ESC's representative stated that, by acting unlawfully and contravening the Sexual Offences (Scotland) Act 2009, the Respondent failed to observe the rules of conduct stemming from the law. The ESC's representative argued that there was no qualification in the Code stating that councillors were only expected to act lawfully when they were acting, or could be perceived as acting, as a councillor. This qualification only appeared in respect of section 3. The ESC's representative noted that the Code was issued by Scottish Ministers and argued that if they had intended paragraph 1.5 to be qualified in such a way, they would have stated so in express terms, as they had in the section 3. The ESC's representative noted that it was self-evident that all citizens must obey the law and contended, therefore, that by including reference to this at paragraph 1.5, Scottish Ministers were intending to incorporate this in the Code as a duty. The ESC's

representative argued that the language used in paragraph 1.5 supported his contention that it was an obligation.

The ESC's representative contended, in any event, the Respondent could reasonably be perceived as acting as a councillor at dinner on 3 November 2018. This was because:

- the Respondent was invited to the event via the invitation sent to his colleague, Councillor Lumsden's, council email address;
- the response to the email inviting Councillor Lumsden to the dinner was delegated to, and issued by, a council employee;
- the official invitation was then sent to Councillor Lumsden at the Council's postal address;
- the custom and practice of the Seven Incorporated Trades organisation was to invite the Council's party group leaders; and
- the expectation was that councillors would attend the event, particularly given the historical connection between the Council and the Seven Incorporated Trades organisation.

The ESC's representative contended that, by sexually assaulting Mr A at the dinner, the Respondent had failed to treat him with courtesy and respect. The ESC's representative further argued that, in trying to engage Mr A in sexual activity without consent or a reasonable belief of consent, the Respondent had harassed him. The ESC's representative contended, therefore, that the Respondent had also breached paragraphs 3.2 and 3.6 of the Code.

In response to questions from the Panel, the ESC's representative accepted that while one of the key principles outlined in section 2 of the Code was 'respect', the provision to treat everyone with respect was nevertheless included as a specific requirement under section 3. The ESC's representative noted the point being made in the question was that there would have been no need to include this, if sections 1 and 2 were taken to form part of the substantive Code. The ESC's representative argued, however, that the fundamental difference was that section 2 explicitly stated that the key principles 'should be used for guidance and interpretation only'. The ESC's representative noted that there was no such caveat in section 1.

DECISION

The Hearing Panel considered the submissions made both in writing and orally at the Hearing. It concluded that:

1. The Councillors' Code of Conduct applied to the Respondent, Councillor Donnelly.
2. The Respondent had breached paragraphs 3.2 and 3.6 of the Code.

Reasons for Decision

The Panel noted the ESC's representative's arguments that the Respondent had breached paragraph 1.5 of the Code (which states that councillors must observe the rules of conduct stemming from the law). The Panel agreed, however, with written submissions made on behalf of the Respondent, that section 1 of the Code was clearly labelled as an 'Introduction to the Code' and, as such, did not form part of the rules of conduct. In support of this view, the Panel noted that section 2 of the Code contains the key principles, which again did not form part of the Code itself, but were included to assist with the interpretation of the substantive, actionable provisions. The Panel noted, in particular, that the key principle of 'duty' in section 2 states that councillors have a duty to uphold, and act in accordance with, the law. Section 2 clearly states, however, that the key principles are included for 'guidance and interpretation only'. The Panel was of the view that this contradicted the ESC's representative's argument in relation to the inclusion of 'respect' in both the key principles and the rules of good conduct in Section 3.

In any event, the Panel agreed that if paragraph 1.5 was taken to be part of the substantive Code itself then any conviction (for example, for a failure to pay for a TV licence or a minor road traffic offence) could be a breach. The Panel noted that the ESC's representative had argued that the ESC was entitled to exercise a

discretion, based on proportionality, in respect of whether to refer breaches of the Code for minor, low level convictions to the Standards Commission. The Panel noted, however, that the ESC had not exercised any such a discretion in respect of other cases and, in practice, referred all potential breaches of the Code, including ones where there was an inadvertent, technical contravention, such a failure to register an interest within the strict one-month deadline for doing so. The Panel further noted that the ESC had never previously sought to rely on a breach of a paragraph in section 1 as a breach of the Code itself.

The Panel noted that if had been Parliament's intention, when it approved the Code, for all criminal convictions to amount to a breach, it would have expressly stated so, or would have sought to amend the section in the Local Government (Scotland) Act 1973 that provides that a councillor is automatically disqualified if they are convicted of a crime and receive a custodial sentence of three months or more. The Panel further noted that paragraph 1.5 also referred to councillors being obliged to observe the Standards Commission's Guidance. The Panel noted that the ESC herself has correctly held, in respect of other investigations, that the Guidance did not hold as much weight as the Code and that a breach of the Guidance did not constitute a breach of the Code.

As an aside, the Panel noted a consultation on a revised version of the Councillors' Code of Conduct was currently underway, with the Scottish Government inviting all comments and proposals to be submitted by 3 February 2021. The Panel noted that Scottish Ministers would have the opportunity to amend the Code and make it clear that it applied in all situations, regardless of whether a councillor was acting, or could reasonably be perceived as acting in that capacity, if that had always been the intention.

The Panel was satisfied, therefore, on the balance of probabilities, that a breach of paragraph 1.5 was not, in itself, a breach of the Code. It therefore proceeded to consider whether there had been a breach of paragraphs 3.2 and 3.6.

The Panel noted that while written submissions had been made on behalf the Respondent, none had been made to the effect that the conduct as outlined in the charge had not occurred. The Panel was therefore satisfied, on the balance of probabilities, that the Respondent had engaged in the behaviour as described.

The Panel noted that paragraph 3.1 of the Code stated that the rules of good conduct must be observed in all situations where an individual is acting as a councillor or could be perceived as acting as a councillor. The Panel agreed that there could be situations where councillors cannot reasonably be perceived to be acting as such, including when they were acting solely in a personal capacity. The Panel considered, however, that there are circumstances when the Code would apply when a councillor was attending an external event, provided they were doing so, or could reasonably be perceived as doing so, in their capacity as a councillor.

The Panel noted the written submissions made on behalf of the Respondent and, specifically, that he disputed that his attendance at the dinner was in his capacity as a councillor. This was because:

- the invitation was initially extended to Councillor Lumsden as group leader of the Conservative Group. When Councillor Lumsden could not attend, he had nominated the co-Vice Chair of the local Conservative Association as his substitute. The co-Vice Chair was not a councillor and it was only when he advised that he could not attend that the invitation had been passed to the Respondent. The key connection between Councillor Lumsden, the co-Vice Chair and the Respondent was their positions in the Conservative Party (as opposed to them all being councillors).
- the invitations had been issued to the leaders of the political groups, not elected members;
- the Respondent could not have been a 'substitute councillor', because the individual he substituted for was not one; and
- the event was a private dinner and by invitation only and, as such, was not official council business.

The Panel nevertheless was of the view that it would have been reasonable for an informed member of the public to have perceived that the Respondent was acting as such at the dinner on 3 November 2018 for the following reasons:

- the invitations had been sent to group leaders, as elected members, and it was the Deacon Convener's clear expectation that councillors would be attending;
- the initial invitation had been issued to Councillor Lumsden via his council email address. The formal invitation had then been sent to him at his council's postal address;
- the response to the invitation had been issued by a council employee;
- notwithstanding that the invitation had been passed to the co-Vice Chair of the local Conservative Association before being forwarded to him, the Respondent was still in effect deputising for Councillor Lumsden (being another elected member);
- there was a long-established relationship between the Seven Incorporated Trades organisation and the Council;
- the Deacon Convener had confirmed that titles would have been used at the dinner. The Panel considered that it was likely, therefore, that the Respondent would have been addressed 'Councillor Donnelly' at the event; and
- other attendees at the dinner would have known the Respondent as being a councillor, as well as being the Deputy Provost (at the time).

The Panel noted that paragraph 3.2 of the Councillors' Code of Conduct requires councillors to respect their colleagues, council employees and members of the public and to treat them with courtesy at all times when acting as a councillor or when they could reasonably be perceived as acting as such. The Panel was satisfied that, by sexually assaulting an individual at the event, the Respondent had failed to treat that individual with courtesy and respect.

The Panel noted that paragraph 3.6 of the Code provides that bullying or harassment is completely unacceptable and will be considered a breach of the Code. The Panel noted that Standards Commission's Advice Note for Councillors on Bullying and Harassment defines harassment as any unwelcome behaviour or conduct which has no legitimate workplace purpose and which makes someone feel offended, humiliated, intimidated, frightened and/or uncomfortable at work. In this case, the Panel noted the offence was committed at Mr A's workplace and had no legitimate workplace purpose. The Panel was of the view that it was reasonable to conclude that the fact a complaint had been made to the police meant that Mr A had not consented and was likely to have made to feel offended, humiliated and uncomfortable at work. As such, the Panel was satisfied that the Respondent had harassed Mr A.

The Hearing Panel concluded, therefore, that the Respondent's conduct amounted to a contravention of paragraphs 3.2 and 3.6 of the Code.

Submissions in respect of Mitigation and Sanction

The Panel noted that, in a response to the ESC the Respondent's previous representative had asked that it be noted that the underlying charge, for which the Respondent had been convicted bore limited facts, being that he had touched Mr A on the face and his hair; touched Mr A's body; and kissed Mr A on his face.

The Respondent's previous representative had highlighted that only a conviction giving rise to a period of custody of three months or more precluded the holding of the office of councillor under, and in terms of, section 31 of the Local Government (Scotland) Act 1973. The Respondent's previous representative argued that the system of sanctions for misconduct contained within the 2000 Act ought not to conflict with the clear and unambiguous intention of Parliament, as contained in section 31 of the 1973 Act.

The Panel noted that an eight-month supervision period imposed on the respondent at the Sentencing Hearing had now ended and that the Respondent was no longer on the Sex Offenders' Register.

SANCTION

The decision of the Hearing Panel was to suspend, for a period of 12 months, the Respondent, Councillor Donnelly, from all meetings of the council and of any committee or sub-committee thereof and of any other body on which the councillor is a representative or nominee of the council or body.

The sanction was imposed under section 19(1)(c) terms of the Ethical Standards in Public Life etc. (Scotland) Act 2000.

Reasons for Sanction

In reaching its decision on sanction, the Hearing Panel noted, in mitigation, that the Respondent had co-operated with the investigative and adjudicatory processes, albeit he had not been able to attend the Hearing.

The Panel noted that the options available to it were to censure the Respondent, to suspend him for a period not exceeding one year or to disqualify him.

The Panel emphasised that the requirement for councillors to behave in a respectful manner towards colleagues, council employees and members of the public is a fundamental requirement of the Code. The Panel noted that a failure to do so has the potential to undermine the reputation of a Council and public confidence in the role of elected members. Given the serious nature of the conviction that led to the breach of the Code, the Panel did not consider that a censure was an appropriate disposal.

The Panel considered whether a sanction of disqualification should be imposed. The Panel noted that only a conviction giving rise to a period of custody three months precludes the holding of the office of councillor in terms of Section 31 of the Local Government (Scotland) Act 1973. The Panel noted that the Sentencing Sheriff in the Respondent's case, having heard the full account of the circumstances and its impact, had not considered the events in question that led to the conviction necessitated a custodial sentence. The Panel was of the view that, while the Respondent's conduct was entirely unacceptable and would have been distressing and disturbing for the victim, there was no evidence before it to show that the Respondent's conduct had been repeated or had extended beyond the incident in question. The Panel noted that the Respondent had been a councillor since 2007 and that he had not previously been the subject of a referral to the Standards Commission. The Panel accepted that the Respondent had already been punished by a criminal Court in respect of the incident that was the subject of the complaint. The Panel noted that that the supervision period imposed on the Respondent had ended and, further, he was no longer on the Sex Offenders' Register. In the circumstances, the Panel did not consider that disqualification was an appropriate sanction.

The Panel determined, therefore, that the sanction should be a suspension. The Panel was of the view that, in order to reflect how wholly inappropriate the Respondent's behaviour had been, the maximum suspension of one year should be imposed. The Panel was satisfied that the imposition of the maximum suspension would reflect the potential damage the Respondent's conduct had inflicted on the public's confidence on the role of a councillor and the reputation of the Council. The imposition of the maximum suspension would also reflect the wholly unacceptable nature of the conduct towards Mr A, who was working at the location when he was sexually assaulted by the Respondent.

The Panel noted that the Standards Commission had imposed an interim suspension on the Respondent on 4 March 2020, while the matter was being investigated by the Commissioner, and to reflect the serious nature of the conviction. The interim suspension had remained in place since then, meaning that the Respondent had already been suspended for a period of eight months. The Panel noted that it was obliged to take into account any period for which a Respondent had already been the subject of an interim suspension. As such, the Panel suspended the Respondent, Councillor Donnelly's, right to attend all meetings

of Aberdeen City Council and of any committee or sub-committee thereof and of any other body on which he is a representative or nominee of the council until 3 March 2021.

RIGHT OF APPEAL

The Respondent has a right of appeal in respect of this decision, as outlined in section 22 of the Ethical Standards in Public Life etc. (Scotland) Act 2000, as amended.

Date: 25 November 2020



**Ms Ashleigh Dunn
Chair of the Hearing Panel**