

Councillor Allard moved, seconded by Councillor Greig:-

That the Council approve the recommendations contained within the report.

Councillor Tissera moved as an amendment, seconded by Councillor Watson:-

That the Council:-

- (1) note the decision of the Standards Commission for Scotland in relation to the Code of Conduct complaint against Councillor van Sweeden;
- (2) agree Dr Lezley Stewart, Standards Commission Member and Chair of the Hearing Panel made the highly unusual statement in a Press Release following the hearing which said amongst other things *"The Standards Commission wishes to emphasise that racism and discrimination are abhorrent, have no place in politics and should not be tolerated. The Standards Commission, and indeed the public, expect politicians, including local councillors, to lead by example and be respectful at all times. This includes refraining from using language, or terminology, that could be perceived as being offensive. The Panel noted that a failure to do so only serves to lower standards of public discourse and encourage the exchange of abuse, rather than reasoned and respectful debate."* This statement appears to be at odds with the decision made by the Standards Commission Hearing Panel and contrary to the decision taken within the report by the Ethical Standards Commissioner;
- (3) agree the Standards Commission requires reform noting that at the time of the hearing the membership of the hearing panel had no representation from minority ethnic backgrounds and that even today there remains no minority ethnic representative on the hearing panel despite a substantial number of councillors from all sides of the political divide being from an ethnic background;
- (4) agree that on the two tests of racism Councillor Malik and Councillor Van Sweeden the Standards Commission as a corporate body has failed in its duty to uphold the necessary standards in public life, Councillor Malik being suspended for 1 month overturned by the Sheriff Principal, having considered written submissions, allows the appeal on joint motion; recalls the decision of the commission and Councillor Van Sweeden by issuing a press release stating racism and discrimination are abhorrent, have no place in politics and should not be tolerated yet found against the Ethical Standards Commissioner which said racism was evident; and
- (5) instruct the Chief Executive to write to all other 31 local authorities asking for their Council's opinion on the usefulness or otherwise of the Councillors' Code of Conduct and how it relates to robust debate by Councillors within and outwith the democratically elected chamber in which they operate. Once the information is received, further instruct the Chief Executive to forward the responses to the appropriate Scottish government minister.

On a division, there voted:-

For the motion (23) - Lord Provost; Depute Provost; and Councillors Al-Samarai, Allard, Alphonse, Bouse, Hazel Cameron, Clark, Cooke, Copland, Cormie, Davidson, Fairfull, Greig, Henrickson, Hutchison, MacGregor, McLellan, McRae, Mennie, Radley, van Sweeden and Yuill.

For the amendment (15) - Councillors Ali, Blake, Bonsell, Boulton, Crockett, Graham, Grant, Lawrence, Macdonald, Malik, Nicoll, Mrs Stewart, Thomson, Tissera and Watson.

Declined to vote (6) - Councillors Brooks, Cross, Houghton, Kuszniir, McLeod and Massey.

The Council resolved:-
to adopt the motion.