



26 October 2022

*MEDIA RELEASE*

### **FORMER GLASGOW CITY COUNCILLOR CENSURED FOR BREACH OF CODE OF CONDUCT**

At a Hearing held today in Glasgow, former Glasgow City Councillor Martin McElroy was censured by the Standards Commission for a breach of the Councillors' Code of Conduct in relation to a use of council facilities for party political or campaigning purposes during the period before the Scottish Parliament Election in May 2021.

Michael McCormick, Standards Commission Member and Chair of the Hearing Panel, said: "The Panel considered that former Cllr McElroy's actions, which were the subject of the complaint, had the potential to damage the reputation of the Council and result in it failing to comply with legislative requirements".

The Panel noted that it was not in dispute that, at an online Council meeting on 1 April 2021, the Respondent displayed a background showing a collage of photos of overflowing bins, rubbish bags and litter, over which the words 'SNP CUTS HURT GLASGOW' were imposed. The Panel noted that there was also no dispute that the Respondent then posted a screenshot of the background on his Facebook account alongside the comment "WARNING! OFFENSIVE CONTENT!"

The Panel noted that the meeting had been held, and the Facebook post published, during the run up to the Scottish Parliament Election on 6 May 2021, for which the Respondent was standing as a candidate.

The Panel was satisfied that the background displayed by the Respondent at the meeting could amount to the campaigning activity, the background clearly implied that a rival political party was responsible for the build-up of rubbish on the city streets at the time.

The Panel concluded that the Respondent's action in displaying the background at the meeting was disrespectful to his fellow councillors, the meeting Chair and Council officers. This was because:

- The Local Government Act 1986 prohibits local authorities from publishing any material (including any communication) that could be perceived as seeking to influence public opinion or promoting a particular candidate or political party.
- Officers had issued Guidance to all elected members before the meeting, reminding them that facilities and resources could not be used in support of a party or election candidate. The Lord Provost had reminded all attendees of the requirement to comply with the Guidance at the start of the meeting on 1 April 2021.
- He was aware that the meeting was being broadcast live.

The Panel further noted that regardless of whether the Respondent had used a Council issued laptop to attend the meeting or publish the post on Facebook, it was evident that Council facilities, including officers' services, software and webcasting were used at the meeting. The Panel concluded, therefore, that the Respondent had also used council facilities for party political or campaigning purposes.

For the reasons outlined above, the Panel was satisfied that the Respondent's conduct amounted to a breach of the Code. In reaching its decision on sanction, the Hearing Panel noted that the Respondent had co-operated fully with the investigative and Hearing processes. The Panel accepted that the Respondent had been trying to express his views on behalf of his constituents and that he had not considered that using the background would breach the pre-election guidelines.

The Panel noted that the Respondent was no longer a councillor and, as such, the option to suspend him was not available. The Panel was of the view that the Respondent's conduct did not come close to warranting a disqualification. This was because there was no evidence of serious aggravating factors such as dishonesty, concealment or repeated behaviour over a long period of time. The Panel further noted that the impact of the Respondent's conduct was somewhat limited given that background was subsequently removed by officers.

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