



**1 November 2022**

**MEDIA RELEASE**

### **ANGUS COUNCILLOR FOUND TO HAVE BREACHED CODE OF CONDUCT**

Angus Councillor, Bill Duff, was suspended from the Council's Development Standards Committee for one month by the Standards Commission at a Hearing held in Forfar. The suspension was imposed because Councillor Duff was found to have contravened the requirement to both act fairly and to be seen to be acting fairly when discussing quasi-judicial matters such as planning applications.

Suzanne Vestri, Standards Commission Member and Chair of the Hearing Panel, said: "The Panel found that Cllr Duff was disrespectful and dismissive of a member of the public when a planning application that the individual opposed was being discussed at a council committee meeting. In doing so, the Panel found that Cllr Duff failed to comply with the requirement in the Code to refrain from demonstrating bias, or to do anything that could be reasonably perceived as demonstrating bias, when making decisions on quasi-judicial matters."

The Panel considered that while the Respondent's decision on the planning matter may have been made solely on the merits of the application, it would be reasonable for a member of the public watching the meeting to conclude that his view on the individual (or the individual's conduct) may have inhibited his ability to approach the matter with an open mind.

For the reasons outlined above, the Panel was satisfied that Cllr Duff's conduct amounted to a breach of the Code. In reaching its decision on sanction, the Hearing Panel noted that Cllr Duff had co-operated fully with the investigative and Hearing processes, and further noted his contribution to public life and to his community. The Panel accepted that Cllr Duff had been trying to carry out his scrutiny role, albeit in a manner that the Panel had found breached the Code. Nevertheless, while the Panel had no reason to doubt that the application outcome had not necessarily been affected by Cllr Duff's conduct, it considered there would have been an impact on the member of the public in question, given it would have been reasonable for him to perceive that he was not being treated fairly.

Ms Vestri noted: "The Panel emphasised that the requirement for councillors to act fairly and without bias and to be seen to be acting fairly and without bias when determining planning applications, is a fundamental requirement of the Code. A failure to comply with this provision can erode public confidence in elected members, damage the reputation of the Council itself, and potentially leave the Council open to legal challenge."

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.