



25 May 2023

MEDIA RELEASE

HIGHLAND COUNCILLOR FOUND NOT TO BE IN BREACH OF CODE OF CONDUCT

Highland Councillor, Hugh Morrison, was found not to have breached the Councillors' Code at a Hearing held in Inverness. The allegation was that Cllr Morrison participated in the consideration of a planning application for a windfarm at a meeting of the council's North Planning Applications Committee in April 2022, despite having previously expressed support for the application.

Ashleigh Dunn, Standards Commission Member and Chair of the Hearing Panel, said: "The Panel did not find that Cllr Morrison failed to ensure he was acting fairly, or that he had failed to avoid any suspicion of pre-judging, bias or a lack of fairness in relation to the planning application. As such, there would have been no requirement for him to have declared an interest and withdrawn from the meeting. The Panel concluded, therefore, that Cllr Morrison had not breached the Code."

The Panel noted that there was no dispute that Cllr Morrison did not declare an interest and participated in the consideration of the planning application at the meeting on 26 April 2022.

The Panel noted that Cllr Morrison had met with the applicant company, but accepted that this had been well before both the planning committee meeting and lodging of the specific application in question. Additionally, the meetings with the company were information-giving meetings open to any interested party. The Panel noted that councillors are entitled to attend such meetings, provided they do not express support for or against any application that is due to be considered in advance of any planning committee meeting in which they are due to participate. In this case, there was no evidence or suggestion that Cllr Morrison expressed support for or against the application at the meetings he attended with the company.

The Panel was further of the view that while the minutes of the local community council meeting in May 2018 recorded: that it was noted that Cllr Morrison was in attendance; that he was to speak to the applicant company that was to reapply for planning permission for the Sallachy Wind Farm; and that the proposed windfarm at the site would benefit the community, there was no evidence that the Respondent had made any remark to that effect. The Panel further noted the community council meeting in question had been held well before the second application had been submitted.

Having reviewed a webcast of the meeting on 26 April 2022, the Panel was satisfied that the application for a windfarm at Sallachy submitted in 2021, that was being considered at the meeting on 26 April 2022 was different to the first application (which had been considered and rejected by the Scottish Ministers in 2015), in that the later project was reduced in scope, in that it concerned fewer turbines and covered a smaller area of the site.

While the Panel considered that the Respondent's letter to the Scottish Government could be said to demonstrate that he was broadly supportive of the project to develop a windfarm, the Panel did not consider that it either demonstrated he had completely closed his mind or was not prepared to consider the merits of the specific and different application before the planning committee at its meeting in April 2022.

The Panel was therefore satisfied that the Respondent had not failed to ensure he was acting fairly, or failed to avoid any suspicion of pre-judging, bias or a lack of fairness in relation to the application, that would have required him to declare an interest and withdraw from consideration of the matter.

Ms Dunn noted: "The Panel nevertheless wished to emphasise 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, <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.