



13 May 2024

MEDIA RELEASE

SCOTTISH BORDERS COUNCILLOR FOUND TO HAVE BREACHED CODE OF CONDUCT

Having been found to have breached the Councillors' Code of Conduct, Scottish Borders Councillor, Mark Rowley, was suspended from attending full Council and Council Executive meetings for one month, by the Standards Commission at a Hearing held online. This was for failing to declare his employment, as a Strategy Manager, with South of Scotland Enterprise at three council meetings held between February and August 2022, when matters concerning, or that could impact upon the work of South of Scotland Enterprise, were being discussed.

Ashleigh Dunn, Standards Commission Member and Chair of the Hearing Panel, said: "The Panel found that Cllr Rowley failed to declare an interest in relation to agenda items relating to matters in which the South of Scotland Enterprise was involved and, instead, took part in the discussion and decision-making."

The Panel acknowledged that Cllr Rowley had recorded promptly his employment on his Register of Interests and, as such, was satisfied there was no attempt to conceal it. The Panel nevertheless considered that, having applied the objective test, as required by the Code, Cllr Rowley should have reached the view that his connection, being his paid employment with a local enterprise agency, would reasonably be regarded as being so significant to the agenda items in question as to be likely to affect his potential discussion and decision-making on those matters.

The Panel agreed, therefore, that Cllr Rowley should have declared an interest, withdrawn from the meetings and taken no part in the discussion and decision-making on the specific matters in question.

The Panel further found that on one occasion, having declared an interest in relation to an item being discussed, Cllr Rowley emailed a fellow elected member and suggested that they could comment on a particular point. While the Panel accepted it may not have been the Respondent's intention to influence anyone remaining in the meeting, it found that by suggesting that a fellow councillor could "comment on the challenges" arising from the item, the Respondent had continued to participate, in breach of the Code.

In reaching its decision on sanction, the Hearing Panel noted that Cllr Rowley had co-operated with the investigative and Hearing processes, and had a previously unblemished record as a councillor. The Panel accepted Cllr Rowley had registered his employment and, as such, there was no suggestion he had tried to hide or conceal his interest. The Panel agreed, nevertheless, that it was necessary to impose a suspension in order to reflect the seriousness of the breach, to promote adherence to the Code and to maintain and improve the public's confidence that councillors will comply with the Code and will be held accountable if they fail to do so.

Ms Dunn noted: “The Panel emphasised that the requirement for councillors to declare interests is a fundamental requirement of the Code as it gives the public confidence that decisions are being made in the public interest, and not the personal interest of any councillor or their friends, family or employer. A failure to comply with the Code’s requirements in this regard can erode confidence in the Council and leave its decisions open to legal challenge.”

A full written decision of the Hearing will be issued and published on the Standards Commission’s website within 14 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.