



1 MAY 2023

MEDIA RELEASE

ANGUS COUNCILLOR CLEARED OF BREACH OF CODE OF CONDUCT

At a Hearing held on 1 May 2023, Angus Councillor Beth Whiteside was found by the Standards Commission to have breached the Councillors' Code of Conduct, on the face of it, in respect of a post she published on Facebook about another elected member. The Hearing Panel further found, however, that Cllr Whiteside was entitled to enhanced protection of freedom of expression, as a politician commenting on a matter of public interest. The Panel was of the view that a restriction on this right could not be justified in the circumstances of the case and, therefore, that a formal finding of breach could not be made.

Suzie Vestri, Member of the Standards Commission and Chair of the Panel, said:

“The Panel found that following a meeting of the Council's Licensing Board at which she was present, Cllr Whiteside posted on Facebook a comment incorrectly stating that, at the meeting, another elected member had referred to a very serious assault on a female by her male ex-partner (being a licence holder who was the subject of a letter of complaint) as ‘just another domestic’.”

At the Hearing, held online, the Commission's Hearing Panel heard that it was not in dispute that not only had the other elected member (who is no longer a councillor) not made the remark as presented, he had also acknowledged the seriousness of the incident in question earlier in the meeting and had expressed sympathy for the victim. The Panel noted that later in the meeting, after being challenged by Cllr Whiteside about what she thought he had said, the other elected member had again reiterated the seriousness of the incident, had clarified that he was not trying to demean the incident and had noted that incidents of domestic violence were “always of concern”.

The Panel accepted, on balance, that the Respondent had not deliberately misquoted the other elected member. The Panel was of the view, however, that Cllr Whiteside should have taken much more care in ensuring that she was reporting the other elected member's position correctly, particularly given the emotive nature of the subject and the likelihood that it could provoke a strong reaction from anyone viewing the post.

The Panel was satisfied that, by failing to take such care and, as a consequence, by misrepresenting the other elected member's position, Cllr Whiteside's conduct in posting the comment amounted, on the face of it, to a contravention of the requirement under the Code for councillors to treat everyone with courtesy and respect.

The Panel accepted, nevertheless, that Cllr Whiteside was entitled to the enhanced right to freedom of expression under Article 10 of the European Convention on Human Rights afforded to politicians commenting on matters of public interest (being how she had

interpreted another politician's attitude towards domestic violence). The Panel found that Cllr Whiteside's post and comments were not sufficiently offensive, personally abusive or gratuitous as to justify the restriction on that enhanced right to freedom of expression, that a finding of a breach of the Code and imposition of a sanction would entail. As such, the Panel concluded overall that a breach of the Code could not be found.

Ms Vestri stated that:

"The Panel emphasised that the requirement for councillors to behave in a respectful and courteous manner towards fellow councillors and members of the public is a fundamental requirement of the Code. The Panel further emphasised the importance of councillors taking care not to misrepresent anyone on social media, given the potential impact that doing so could have on others.

The Panel further found that Cllr Whiteside had not disclosed confidential information about the identity of the licence holder, as alleged.

A full written decision of the Hearing will be issued and published on the Standards Commission's website within five working days.

Angus Council is closed on 1 May 2023. All enquiries about this press release should, therefore, be directed to the Standards Commission:

enquiries@standardscommission.org.uk

0131 348 6664.

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.