



17 January 2024

MEDIA RELEASE

ABERDEEN CITY COUNCILLOR FOUND TO HAVE BREACHED COUNCILLORS' CODE

At a Hearing held online on 17 January 2024, the Standards Commission decided to suspend Aberdeen City Councillor M Tauqeer Malik for one month. This was after he was found to have behaved disrespectfully towards another elected member in relation to comments he made to a media outlet, published in an online article in October 2022.

Paul Walker, Standards Commission Convener and Chair of the Hearing Panel, said: "In this case, the Panel considered Cllr Malik's conduct amounted to an unfounded personal attack on another elected member."

The Standards Commission's Hearing Panel heard that it was not in dispute that Cllr Malik had accused the Complainer, another elected member, of having "showed prejudice" by refusing to sign his nomination to a UK wide pension forum. The Respondent proceeded to state in the article that the City Council Pension Committee should lead the way when it comes to equality and diversity "rather than allow prejudice and discrimination against councillors like me who represent ethnic minorities."

The Panel considered that the clear implication from the article was that the Complainer had been prejudiced and had discriminated against Cllr Malik on the grounds of ethnicity. The Panel was not satisfied that there had been any compelling evidence to support Cllr Malik's belief or assumption that this had been the case. While the Panel accepted that nominating Cllr Malik to the Forum may have promoted equality, it did not accept that it followed that a failure to do so must be due to prejudice. The Panel accepted Cllr Malik had made the comments in good faith but did not consider it was reasonable for him to have formed this belief from the circumstances and factors available to him at the time.

The Panel agreed that making a statement to the effect that a decision made by a fellow councillor had been motivated by racial prejudice, without having a reasonable factual basis for such a claim, was entirely disrespectful, given the likelihood that it would damage the Complainer's reputation and standing among the electorate.

As such, the Panel concluded that Cllr Malik had contravened the requirement under the Code for councillors to treat everyone (including fellow councillors) with courtesy and respect.

The Panel accepted that being the subject of such a serious and unfounded accusation would have been distressing for the Complainer. While the Panel noted that Cllr Malik had

indicated it had not been his intention to treat the Complainer disrespectfully, it noted that he had not apologised for his actions or demonstrated any insight into the likely impact his comment would have had.

The Panel nevertheless noted, in mitigation, that Cllr Malik had co-operated fully with the investigative and Hearing processes. The Panel noted that the conduct was a one-off incident and there was no evidence of repeated behaviour. There was also no evidence of dishonesty or concealment, or of any previous contraventions of the Code by Cllr Malik. The Panel also accepted the Respondent's longstanding contribution to the council and public life.

In the circumstances, therefore, the Panel concluded that a suspension of one month was the appropriate sanction.

Mr Walker, stated: "The Code of Conduct does not prevent councillors from being able to express their views and opinions. The Standards Commission considers, however, that they should do so without making serious, unfounded allegations about other elected members, particularly if any such allegations have the potential to have a significantly detrimental impact on the reputation of their colleagues."

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.