



10 April 2024

MEDIA RELEASE

INVERCLYDE COUNCILLOR FOUND TO HAVE BREACHED CODE OF CONDUCT

Inverclyde Councillor, Innes Nelson, was suspended for one month by the Standards Commission at a Hearing held in Greenock. This was for failing to declare an interest in a planning application for a development at the former IBM Site in Spango Valley, Greenock, which was considered by Inverclyde Council's Planning Board at a meeting in March 2022.

Ashleigh Dunn, Standards Commission Member and Chair of the Hearing Panel, said: "The Panel found that Cllr Nelson failed to declare an interest in the planning application and, instead, took part in the discussion and decision-making, despite the site that was the subject of the planning application being located near his property."

The Panel noted that it was not in dispute that, at the Planning Board meeting in question, Cllr Nelson proposed that planning permission be granted subject to the conditions recommended by officers, as outlined in the Council's report (which restricted the number of houses to be erected on the site). He then voted in favour of granting the application, subject to the recommended conditions.

The Panel acknowledged that, while it was the nearest property to the proposed development, Cllr Nelson's farmhouse was still some distance from it. The Panel further acknowledged that Cllr Nelson had supported the recommendation made by officers to grant the application at the meeting, albeit in an amended form with conditions on the number of properties to be built.

The Panel nevertheless considered that, having applied the objective test, as required by the Code, Cllr Nelson should have reached the view that his connection to the planning application would reasonably be regarded as being so significant that it would be considered as being likely to affect his potential discussion and decision-making on the agenda item under consideration. While the Panel noted that it did not have sufficient evidence before it to confirm whether the outcome of the decision on the matter would have had an impact, either positive or negative, on Cllr Nelson's property, it nevertheless considered that given the proximity and the fact that it was an adjacent property separated only by the A78, a person with knowledge of these facts would reasonably consider that Cllr Nelson's connection to the site of the development proposal would be sufficiently significant as to be likely to affect his discussion or decision-making.

The Panel agreed, therefore, that Cllr Nelson should have declared an interest, withdrawn from the meeting and taken no part in the discussion and decision-making on the matter.

In reaching its decision on sanction, the Hearing Panel noted that Cllr Nelson had co-operated fully with the investigative and Hearing processes, and had a previously unblemished record as a councillor. The Panel accepted that there was no evidence or suggestion that Cllr Nelson had tried to conceal his interest. The Panel was not satisfied that it had evidence before it that would lead it to conclude that Cllr Nelson's interest had affected his discussion or decision-making as a member of the Planning Board, or that he had acted in anything other than good faith, when taking part in the decision-making. The Panel agreed, however, 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 or family. 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 10 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.