

# The City of Edinburgh Council

10am, Thursday, 14 December 2023

## Standards Commission for Scotland – Decision of Hearing Panel – former Councillor McLellan

Executive/routine  
Wards

### 1. Recommendations

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- 1.1 To note the decision of the Standards Commission for Scotland regarding former Councillor McLellan.

**Andrew Kerr**

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## Standards Commission for Scotland – Decision of Hearing Panel – former Councillor McLellan

### 2. Executive Summary

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- 2.1 The Standards Commission had considered a complaint into former Council McLellan. It found that although former Councillor McLellan had breached the provisions in the Councillors' Code of Conduct, the restriction on Article 10 right to freedom of expression, within the European Convention on Human Rights, could not be justified and as a result no breach of the Code could be found.

### 3. Background

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- 3.1 The Standards Commission for Scotland considered a complaint against former Councillor McLellan, which alleged that he had contravened the Councillors' Code of Conduct, in particular paragraphs 3.2, 3.3 and 3.6.

### 4. Main report

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- 4.1 A hearing was held on 9 October 2023. The Hearing Panel considered all the evidence and found that although former Councillor McLellan had breached the provisions in the Councillors' Code of Conduct, the restriction to Article 10 right to freedom of expression of the European Convention on Human Rights could not be justified and as a result no breach of the Code could be found.
- 4.2 Section 18(3) of the Ethical Standards in Public Life etc. (Scotland) Act 2000 requires that the decision of the hearing panel is reported to the Council to consider its content within three months. This consideration cannot be delegated to a committee or an officer.

### 5. Next Steps

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- 5.1 No further action is necessary.

## **6. Financial impact**

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6.1 There is no financial impact as a result of this report.

## **7. Equality and Poverty Impact**

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7.1 Not applicable.

## **8. Climate and Nature Emergency Implications**

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8.1 Not applicable.

## **9. Risk, policy, compliance, governance and community impact**

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9.1 This report is required under the Ethical Standards in Public Life etc. (Scotland) Act 2000.

## **10. Background reading/external references**

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10.1 [Councillors' Code of Conduct – Standards Commission website](#)

10.2 [Written Decision – Standards Commission website](#)

## **11. Appendices**

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11.1 None