

WEST DUNBARTONSHIRE COUNCIL

Report by the Chief Executive

Council: 25 April 2007

Subject: Hearing of the Standards Commission for Scotland into an Alleged Breach of the Councillors' Code of Conduct by Councillor James Bollan

1. Purpose

1.1 To provide the Council with information on the decision made by the Standards Commission into a complaint made against Councillor James Bollan.

2. Background

2.1 A complaint dated 20 April 2006 was submitted to the Standards Commission for Scotland by the Council's former Chief Executive, Mr Tim Huntingford. The complaint alleged that Councillor Bollan had been in breach of the key principle of Respect set out in section 2, paragraphs 3.2 and 3.4 on Relationship with Council Employees and paragraph 2 of Annex C on the Protocol for Relations between Councillors and Employees.

3. Main Issues

3.1 The Standards Commission met to consider the complaint on 12 and 13 February 2007. The Standards Commission made the following findings:-

- i) The Councillor's Code applied to Councillor Bollan.
- ii) Councillor Bollan's language and demeanour towards a Council Employee were discourteous, derogatory, disrespectful, threatening and intimidating.
- iii) Councillor Bollan contravened the Councillor's Code of Conduct as set out in section 2 (Respect), paragraphs 3.2 and 3.4 (Relationship with Council Employees) and paragraph 2 of Annex C (Protocol for Relations between Councillors and Employees).

3.2 The Standards Commission has determined to suspend, for six months, Councillor Bollan's entitlement to attend all meetings of the Council, its Committees and Sub-Committees. The date of suspension commenced on 26 February 2007.

- 3.3 It should be noted that in terms of the relevant legislation, a period of suspension which would normally continue beyond an ordinary election of the Council will end on the day of the election.
- 3.4 Section 18 of the Ethical Standards in Public Life etc (Scotland) Act 2000 requires the Council to consider the findings of the Standards Commission. A copy of the decision from the Standards Commission is attached to this report.
4. **Personnel Issues**
- 4.1 There are no personnel issues.
5. **Financial Implications**
- 5.1 There are no financial implications.
6. **Risk Analysis**
- 6.1 The Council is under a statutory duty to consider the findings of the Standards Commission.
7. **Recommendation**
- 7.1 The Council is requested to consider the findings of the Standards Commission.

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David McMillan
Chief Executive
Date: 4 April 2007

Person to Contact: Stephen Brown, Head of Legal and Administrative Services
Tel (01389) 737800
e-mail stephen.brown@west-dunbarton.gov.uk

Background Papers: Report by Chief Investigating Officer regarding alleged contravention of the Councillors Code of Conduct by Councillor James Bollan

Wards Affected: All Wards