

# Former councillors censured by Standards Commission

Two former councillors who both resigned last May, Cllr Maureen Child and Karen Doran, who were both Labour councillors, were referred to the Standards Commission last year.

At an online hearing on Wednesday the panel found that both were in breach of the Councillor's Code of Conduct and both had failed to act fairly.

There is little that can be done about councillors who have since resigned, but the panel chair, Patricia Stewart, was clear that they should both be "censured".

The only other option is

**disqualification which was not appropriate in this case, but in any event the panel chair said that the “respondents’ conduct did not come close to warranting a disqualification”.**

The Councillors’ Code of Conduct applied to the two longstanding councillors who were elected members at the time in question, and they were found to be in breach of the strict rules whereby councillors should declare interests, both financial and non-financial, in any matter on which they are taking part in discussion and making decisions. The rider to that is that any councillor should then not take part in any decision if, using the objective test, it seems wrong to do so.

The objective test set out in the code is “whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your discussion or decision making in your role as a councillor”.

The panel noted there was no dispute that at a Transport and Environment Committee meeting in November 2021, both respondents took part in the discussion and vote on an Experimental Traffic Regulation Order (ETRO) to close Brunstane Road.

Despite the councillors disclosing a non-financial interest in the matter, they both then went on to take part in the meeting and in the decision. The result was that the council had to hold a further meeting a few weeks later to take the same decision, without Cllr Child or Doran taking any part in that meeting.

Cllr Maureen Child was a founder and member of the local residents' society, and was also a local resident which she had declared.

Cllr Karen Doran had declared a non-financial interest as a local resident.

The Chair commented that the councillors had received advice from the committee clerk the previous day which they then ignored, that having declared such interests they should have recused themselves from making the decision. The chair did note that the two councillors had not been given clear advice **during** the meeting that they should withdraw, but that it was in any case a matter for each councillor to decide upon.

The chair said: "The panel noted that the requirement for councillors to withdraw from the room and not take part in the discussion and decision-making on any matter in which they have declared an interest, is a fundamental requirement of the code, as it gives the public confidence that decisions have been made in the public interest and not personal interest of any councillor or their friends or family."

The investigating officer, Ian Bruce was unequivocal. He referred to a written statement provided by Karen Doran from which he deduced that her immediate neighbours were angry about the decision. In the statement Ms Doran said: "At no time did I lobby residents on the issue of Brunstane Road. I live near to the roads, but the closure does not affect my street although it could be argued the closure has a detrimental effect on my street."

But Mr Bruce said that even if the former councillor voted against a decision which would affect her and her neighbours, he believed that she should not have taken part. He said: "A councillor with a clear interest in the outcome of a vote should not participate in it."

And the council's monitoring officer, the Chief Executive,

Andrew Kerr, OBE, had also disclosed his view that the two councillors should not have been involved in the agenda item. While the CEO of the council had responded to the draft decision in December saying he had no further comment to make, the panel noted there was no response at that time from either of the former councillors.

The council has been asked for comment.

(Censure is a formal recording of the Standards Commission's severe and public disapproval of the Respondent.)



Cllr Karen Doran at the “opening” of the first cycle storage by the Meadows in August 2020 when she was Vice-Convener of Transport and Environment PHOTO ©2021 The Edinburgh Reporter



Councillor Maureen Child on the left with Peter Robertson (15) and Katie McNeill (15) and Cllr Max Mitchell on the right at the City Chambers in September 2019