Decision of the Hearing Panel of the Standards Commission for Scotland following the Hearing held at the City Chambers, George Square, Glasgow on 26 October 2022.

Panel Members: Mr Michael McCormick, Chair of the Hearing Panel
Mrs Tricia Stewart
Mr Paul Walker

The Hearing arose in respect of a Report referred by Mr Ian Bruce, the Acting Ethical Standards Commissioner (the Acting ESC), further to complaint reference LA/G/3563, concerning an alleged contravention of the Councillors' Code of Conduct (the Code) by former Glasgow City Councillor Martin McElroy (the Respondent).

Referral

Following an investigation into a complaint received about the conduct of the Respondent, the Acting ESC referred a report to the Standards Commission for Scotland on 28 June 2022, in accordance with the Ethical Standards in Public Life etc. (Scotland) Act 2000. The Standards Commission decided to hold a Hearing on 13 September 2022 to consider the complaint, but this was postponed following the death of Her Majesty the Queen.

The Acting ESC advised that he had considered whether the Respondent had failed to comply with the 2018 version of the Code, in place at the time of the events in question and, in particular, whether he had contravened paragraphs 3.2, 3.7 and 3.18, which were as follows:

Relationship with other councillors and members of the public
3.2: You must respect your colleagues and members of the public and treat them with courtesy at all times when acting as a councillor.

Conduct at Meetings
3.7: You must respect the Chair, your colleagues, Council employees and any members of the public present during meetings of the Council, its Committees or Sub-Committees or of any Public Bodies where you have been appointed by, and represent the Council. You must comply with rulings from the chair in the conduct of the business of these meetings.

Use of Council Facilities
3.18: The Council will normally provide facilities to assist councillors in carrying out their duties as councillors or as holders of a particular office within the Council. This may involve access to secretarial assistance, stationery and equipment such as telephones, fax machines and computers. Such facilities must only be used in carrying out Council duties in accordance with your relevant Council's information technology, communications and member support policies, or for incidental personal use as authorised by your Council and not related in any way to party political or campaigning activities. Where the Council recognises party political groups, assistance to such groups is appropriate in relation to Council matters but must not extend to political parties more generally and you should be aware of and ensure the Council complies with the statutory rules governing local authority publicity.

Preliminary Matters

The Respondent was not present at the Hearing, having instead chosen to submit written submissions.

Evidence Considered at the Hearing

Submissions made by the Acting ESC

The Acting ESC advised that the complaint concerned both the Respondent's conduct at a meeting of Glasgow City Council on 1 April 2021 and also a post he published on a Facebook account on 3 April 2021. The Acting ESC advised that the meeting had been held, and the Facebook post published, in the period preceding the Scottish Parliament Election on 6 May 2021, for which the Respondent was standing as a candidate.

The Acting ESC advised that it was not in dispute that, before the meeting in question, the Council's then Monitoring Officer had sent all elected members and council officers a copy of the Council's Pre-Election Period Guidance. The Acting ESC referred the Panel to the Guidance, the key point of which was, that during the pre-election period, particular care was to be taken to make sure that any Council communication was politically neutral, and that no council facilities or resources should be used in any way in support of a political party or election candidate, or for political purposes.

The Acting ESC further referred the Panel to the Local Government Act 1986 (the 1986 Act) which sets out the restrictions on communication activity undertaken by local authorities. The 1986 Act prohibits councils from publishing any material which, in whole or in part, appears to be designed to affect public support for a political party, and also introduces a Code of Recommended Practice on Local Government Publicity. The Acting ESC noted that although the provisions in the 1986 Act apply at all times, the accompanying Code of Recommended Practice makes it clear that there is particular sensitivity in pre-election periods.

The Acting ESC advised that it was not in dispute that the Respondent had attended the Council meeting on 1 April 2021 via the online Microsoft Teams platform. The Acting ESC stated, that when proposing an amendment to a Motion seeking urgent action in respect of concerns about the cleansing issues, roads and 'streetscene crisis' that the city was experiencing, the Respondent displayed a background showing a collage of photos of overflowing bins, rubbish bags and litter, over which the words 'SNP CUTS HURT GLASGOW' were imposed.

The Acting ESC noted that, when the Respondent was speaking, another councillor intervened and stated that the background being displayed was "highly inappropriate", and questioned whether its use was a breach of the Council's Standing Orders. The Acting ESC noted that the Lord Provost, as the meeting Chair, then indicated that he was seeking advice from the Council's legal team and asked the Respondent to remove or blur the background in the meantime. The Acting ESC advised that the Respondent had immediately blurred the background and had apologised for any offence that its use may have caused. The Acting ESC confirmed that the initial background was in place for just under two minutes.

The Acting ESC advised that the Respondent was permitted to continue talking to his proposed amendment and proceeded to explain that he considered that the Scottish Government's budgetary decisions were responsible for the issues that had arisen in Glasgow in respect of street cleansing. The Acting ESC noted that when another councillor interrupted and criticised the Respondent's choice of words, the Chair again intervened and noted that he had already reminded all present that they were obliged to ensure that their language was appropriate given the meeting was taking place during the pre-election period. The Acting ESC noted that the Respondent again apologised and confirmed that he would endeavour to ensure his language was not directly political. The Acting ESC noted that, after the Respondent finished speaking to his amendment, the Chair again reiterated his warning to participants about their use of language and backgrounds.

The Acting ESC advised that the recording showed that the Chair reminded all elected members at beginning of the meeting, before the Respondent's contribution, of the requirement to comply with the pre-election Guidance.

The Acting ESC advised that the Council's Monitoring Officer ensured that the background was subsequently removed from the recording of the meeting that could be accessed from the Council's website. The Acting

ESC confirmed, however, that his understanding was that the meeting was simultaneously livestreamed on the Council's website, meaning that anyone viewing, either the livestream or in person, would have been able to see the background used by the Respondent.

The Acting ESC advised that, on 3 April 2021, the Respondent posted on his Facebook account what appeared to be a photograph of the webcast of the Council meeting, with the background in view, with comments to the effect that councillors from another political party had described the background as 'offensive' during the meeting. The Acting ESC noted that the Respondent stated, in the post, that he had used the background to highlight the cleansing issues in the city.

The Acting ESC advised that the Council had confirmed that the Respondent had been provided with a council issued laptop, but that the Respondent was unable to recall whether he had joined the meeting using that laptop or whether he had instead used a personal device. The Acting ESC advised that the Respondent confirmed that he would not have been able to use the Council-issued laptop to publish the post on Facebook as the settings on council devices prevented users from accessing their social media accounts.

The Acting ESC advised that he had concluded that as the Respondent had attended the Council meeting in his capacity as an elected member, the Code applied to his conduct in that forum. The Acting ESC further advised that the Respondent's Facebook page had been entitled "Cllr Martin McElroy". The Acting ESC contended that as the Respondent had identified himself as a councillor and was commenting on what happened at the Council meeting, it would be reasonable to perceive him as acting as a councillor when publishing the post in question. The Acting ESC advised that, as such, he had also concluded that the Code applied to the Respondent when publishing the Facebook post.

The Acting ESC noted that the Respondent, in his written submissions, had suggested that the use of the background should be considered as 'business as usual', rather than as an attempt to engage in campaigning activity. The Acting ESC noted that the Respondent had indicated that the use of the background should not be viewed differently to his comments on the motion and the wording he proposed in his amendment. The Acting ESC noted that the Respondent had pointed out that the Council's legal team had not raised any issue with the wording of the motion, which had made reference to the 'SNP Government in Edinburgh'. The Respondent had further noted that the background had not encouraged viewers to vote in any particular way.

The Acting ESC noted, however, that it was common for parties to create election campaign leaflets or posters that were critical of opposition parties, without necessarily including words encouraging a vote for their own party. The Acting ESC argued that as the meeting was being livestreamed and was open to anyone to watch, the Respondent's use of the background should not be seen as being any different to him having displayed it as a poster or banner, or having printed and distributed its contents, as a leaflet, to those present or viewing the meeting. The Acting ESC further contended that it would have been reasonable for anyone viewing the background, with knowledge of the forthcoming election, to conclude its use was designed to effect support for the Respondent or his party, at expense of the other party. The Acting ESC argued, therefore, that the use of the background amounted to campaign publicity, in breach of the pre-election Guidance.

The Acting ESC noted that a contravention of the Introduction Section of the Code would not, in itself, amount to a breach of the Code, but argued that it nevertheless provided helpful guidance as it stated that councillors were personally responsible for ensuring that they observed the law, the Code, the Standards Commission's Guidance and the rules, standing orders and regulations of their council. The Acting ESC noted that this would include any pre-election guidance and legislation, such as the 1986 Act.

The Acting ESC noted that the Code requires councillors to behave with courtesy and respect towards their fellow elected members, even in circumstances where they might disagree with a colleague's views. The

Acting ESC contended that, in failing to comply with the pre-election Guidance, despite being reminded both in advance and at the meeting of the need to do so to ensure the Council did not fall foul of the 1986 Act, the Respondent failed to show appropriate respect for the meeting itself and those present, including the other elected members and the Chair. The Acting ESC advised that this was because the Respondent's use of the background had led to another councillor present to voice concerns and had caused the Chair to intervene and to stop the meeting while he sought legal advice and until it was removed. The Acting ESC noted this was despite the Chair having previously reminded all present of the requirement to comply with the pre-election Guidance.

The Acting ESC further contended that the Respondent's actions, in subsequently posting on Facebook the photograph of the background and in making reference to colleagues having found it offensive, were also disrespectful to those who had been present at the meeting. This was because the Respondent was aware that his use of the background had caused offence and indeed had apologised to colleagues at the meeting for doing so.

The Acting ESC argued, therefore, that on the face of it, the Respondent had breached both paragraphs 3.2 and 3.7 of the 2018 version of the Code.

The Acting ESC noted, however, that before a finding of breach could be made, the Panel would be required to consider the Respondent's rights to freedom of expression under Article 10 of the European Convention on Human Rights (ECHR). The Acting ESC argued that the Respondent would enjoy enhanced protection to freedom of expression as his background and Facebook post concerned a matter of public concern, being the situation regarding street cleansing and refuse collection in Glasgow. The Acting ESC advised that his view was that the Respondent's conduct, in displaying the background and in then posting a picture of it on Facebook, was not so egregious or gratuitous, in the circumstances, as to justify a restriction on his enhanced right to freedom of expression, that a finding of a breach of the Code and imposition of a sanction would entail.

In response to questions from the Panel, the Acting ESC accepted that the right to freedom of expression was qualified and that restrictions could be placed on it including in circumstances where such conditions were necessary in a democratic society, for example, to ensure free and fair elections. While the Acting ESC noted that individual councillors were not subject to the 1986 Act, he accepted that ensuring the Council's compliance with its provisions could potentially be viewed as necessary in a democratic society given the provisions of the 1986 Act were aimed at helping to ensure free and fair elections. The Acting ESC also accepted that the Council had been obliged to edit the recording of the meeting so the background could not be viewed and that it had done so to ensure compliance with the 1986 Act.

The Acting ESC noted that paragraph 3.18 of the Code stated that elected members were not to use council facilities for party-political or campaigning activities and that it further required them to 'be aware of and ensure the Council complies with the statutory rules governing local authority publicity'. The Acting ESC advised that while the Respondent had been able to confirm he had used his home WiFi to take part the meeting, he had been unable to recall whether he had used a council issued device when doing so and when displaying the background. The Acting ESC advised that he had not been provided with any evidence to support a contention that the Respondent used his council issued device to create the background, join the meeting or to access or publish the post on Facebook. The Acting ESC advised that, as such, he had been unable to conclude, on the balance of probabilities, that the Respondent had misused council facilities, in breach of paragraph 3.18. In response to questions from the Panel, the ESC conceded, however, that as the webcast software, its provision and associated technology are council facilities and that, by publicising the background in the knowledge that the meeting would be webcast, the Respondent could potentially have contravened paragraph 3.18 of the Code.

In response to Panel questions about points the Respondent had raised in his written submissions, the Acting ESC confirmed that it was unusual for council officers to make complaints and that the vast majority of complaints he received about councillors were from members of the public or other elected members. The Acting ESC further confirmed that there was no obligation on a council officer, including the Monitoring Officer, to make a complaint even if they were of the view that an elected member had contravened the Code.

Written Submissions from the Respondent

The Respondent advised that it was not uncommon for councillors to use non-standard, customised backgrounds in remote meetings, some of which were of a political nature. The Respondent noted that use of these background had never previously been the subject of any intervention by council officers or the meeting Chair.

The Respondent stated that he had only used the background to emphasise the point he was making in his amendment to the motion. The Respondent noted that the background contained no profanities and argued that no offense or disrespect had been caused or arisen from its use. The Respondent noted that the Acting ESC had not received any complaints about its use from the Monitoring Officer or any members of the public. The Respondent argued that the Monitoring Officer would have been obliged to make a complaint had she considered that his actions amounted to a breach of the Code.

The Respondent highlighted that he had complied immediately with the Chair's request to remove the background, even though he did not consider there was any need to do so. The Respondent advised that the apology he proffered to colleagues was based on the fact that the meeting had been disrupted.

The Respondent noted that, in her email of 16 March 2021, the Monitoring Officer had stated, "…so long as there is no overt campaigning, it could be argued that Full Council is a political environment, all our political groups are represented and it falls in to the business as usual category. This is consistent with the last Full Council meeting held during a pre-election period. All Groups were careful about the nature of the motions etc that they submitted and, whilst exchanges were robust, members were careful not to stray into campaigning."

The Respondent contended that the use of the background did not amount to campaigning. This was because it reflected the sentiment of the original motion tabled with the meeting agenda, which had been deemed to be acceptable. The Respondent stated that the background was not designed to support or detract from a political party, but instead was intended to express his sincerely held views on behalf of his constituents. The Respondent advised that he had subsequently published the post on Facebook in response to the large number of constituents who had asked him for his views on the motion and situation in the city in respect of refuse collection and street cleaning.

The Respondent advised that he did not consider that he had used Council IT equipment or resources to display the background.

DECISION

The Hearing Panel considered the submissions made both in writing and orally at the Hearing. It concluded that:

1. The Councillors' Code of Conduct applied to the Respondent, former Councillor McElroy.

2. The Respondent had breached paragraphs 3.2, 3.7 and 3.18 of the Code

Reasons for Decision

The Panel considered the submissions made both verbally and in writing, and viewed an unedited version of the Council meeting of 1 April 2021.

In reaching its decision as to whether there had been a breach of the Code, the Panel took the following three-stage approach, as outlined in the Standards Commission's Advice Note on the Application of Article 10 of the ECHR:

- First, it would consider whether the facts found led it to conclude, on the balance of probabilities, that the Respondent had failed to comply with the Code.
- Secondly, if so, it would then consider whether such a finding in itself was, on the face of it, a breach of the Respondent's right to freedom of expression under Article 10.
- Thirdly, if so, the Hearing Panel would proceed to consider whether the restriction involved by the finding was justified by Article 10(2), which allows restrictions that are necessary in a democratic society.

Stage 1: Whether the Respondent's conduct amounted, on the face of it, to a breach of paragraphs 3.2, 3.7 and 3.18 of the Code

The Panel noted the terms of the council's pre-election Guidance, and in particular that it highlights the heightened sensitivity around local authority publicity and communications during the pre-election period. In addition, the Panel also noted the terms of the 1986 Act and its associated Code of Recommended Practice, which further details the requirement for councils to refrain from publishing any material which appeared to be designed to affect support for a political party.

The Panel noted that it was not in dispute that:

- The 1986 Act prohibits local authorities from publishing any material (including any communication) to the public at large, or a section of the public, which, could be perceived as seeking to influence public opinion or promoting a particular candidate or political party.
- Officers had issued pre-election Guidance to all elected members before the meeting, reminding them that council facilities and resources could not be used in support of a party or election candidate. The Guidance noted that councillors should not have a background which was party political in nature or related to a political campaign.
- The Chair had reminded all attendees of the requirement to comply with the Guidance at the start of the meeting on 1 April 2021.
- A webcast of the meeting was to be made public.

The Panel noted that the Respondent's position was that the background mirrored the approved wording of his amendment, to a motion tabled by another party, that made several references to alleged failures by the Council Administration in respect of its waste disposal strategy. The Respondent noted that other councillors had, in the past, used non-standard backgrounds, including ones that were of a political nature. The Respondent contended that his use of the background was no different to the wording of the amendment or motion and, therefore, should also be categorised as 'business as usual', rather than being viewed as 'campaigning'.

The Panel had no reason to doubt the Respondent's position that other councillors had used non-standard backgrounds previously. The Panel noted, however, that there was no suggestion that they had done so during the pre-election period, in breach of the pre-election Guidance.

The Panel accepted the Respondent's position that the background did not contain any profanities or personal insults. The Panel considered, however, that despite the background not encouraging support or voting for any particular candidate or party, it clearly nevertheless blamed another named party for the cleansing issues in the city.

The Panel was of the view that the background could be distinguished from the wording of both the motion and amendment being considered. This was because the reference in the motion to the SNP was in the context of decisions it had taken while forming the 'minority administration' of the local authority and, as such, could be considered as business as usual. The Panel noted that the wording of the Respondent's amendment was the 'Council believes that this deteriorating situation is the direct consequence of a decade of cuts to Glasgow's budget by the Scottish Government'. The Panel noted, therefore, that the amendment referred to the impact on national policies or decisions on the Respondent's local authority and again considered this would be perceived as business as usual. The Panel considered, however that the Respondent's background and its inclusion of the words 'SNP cuts hurt Glasgow' represented campaigning. This was because the Panel agreed with the Acting ESC that it would be reasonable for anyone viewing the background, with knowledge of the forthcoming election and the Respondent's candidacy for the Scottish Parliament, to conclude its use was designed to effect support for the Respondent or his party, at expense of the other party. The Panel further agreed with the Acting ESC that it would have been reasonable to view the Respondent's conduct as electioneering, with the clear intention of influencing the vote, had he printed off and distributed a similar image as, for example, a leaflet. As such, the Panel was of the view that the use of the background, during the election period, amounted to campaigning, in breach of the pre-election Guidance. In any event, the Panel noted that the complaint referred to it, and the matter under consideration, concerned the Respondent's use of the background at the meeting and not the wording of his amendment or the comments he made on it.

The Panel noted that council officers later removed the background from the webcast. The Panel noted that the reason the background was later removed was to prevent the Council from falling foul of the requirement not to publish material that could be perceived as seeking to influence public opinion in respect of a political party.

The Panel noted, however, that the Respondent had displayed the background for nearly two minutes, knowing that the meeting was being broadcasted live, before another elected member complained and the Chair asked for it to be removed. While the Panel acknowledged that the Respondent immediately complied and apologised for any offence caused, it nevertheless concluded that the Respondent's actions in displaying the background at the meeting were disrespectful to his fellow councillors, the meeting Chair and Council officers. This was because he had been advised beforehand by council officers and reminded by the Chair at the start of the meeting of the requirement for all elected members to comply with the pre-election Guidance. The Panel considered that by displaying the background, the Respondent showed a disregard and a lack of courtesy and respect towards his fellow elected members who were complying with the terms of the pre-election Guidance and who, in response to the background, raised objections at the meeting.

The Panel was satisfied that the Code also applied to the Respondent when he posted the background on Facebook, as his page was entitled "Cllr Martin McElroy" and the post referenced the council meeting.

The Panel considered that Respondent's conduct in displaying the background on Facebook was disrespectful to his fellow councillors, the Chair and Council officers, for the same reasons as outlined previously. In addition, the Panel noted that the Respondent posted the background despite having apologised and removed it during the meeting following the Chair's intervention. While the Panel noted that the Respondent had advised that the apology he proffered to colleagues was based on the fact that the meeting had been disrupted, the Panel noted from the recording that he specifically apologised for any offence he may have caused.

As such, the Panel was satisfied that, on the face of it, the Respondent's conduct amounted a breach of paragraphs 3.2 and 3.7 of the Councillors' Code.

The Panel noted that while paragraph 3.18 of the version of the Code in place at the time recognised that council facilities could be used to provide assistance to party political groups in relation to Council matters, it nevertheless noted that this "must not extend to political parties more generally", and that elected members were required to ensure the Council complied "with the statutory rules governing local authority publicity". The Panel considered that regardless of whether the Respondent had used a Council issued laptop to attend the meeting or publish the post on Facebook, it was evident that Council facilities, including officers' services, software and webcasting, had been used at the meeting. The Panel concluded, therefore, that the Respondent had used council facilities for party-political or campaigning activities during the pre-election period and had failed to ensure that the Council complied with the statutory rules governing local authority publicity.

As such, the Panel was satisfied that, on the face of it, the Respondent's conduct also amounted a breach of paragraph 3.18 of the Councillors' Code.

The Panel confirmed that it was open to anyone to make a complaint to the ESC, and that there was no obligation on the Monitoring Officer, or any other council employee, to do so even in circumstances where they consider that there may have been a breach of the Code.

Stage 2: Whether a finding of a contravention of the Code would be a breach of the Respondent's right to freedom of expression under Article 10 of the ECHR

The Panel noted that enhanced protection of freedom of expression under Article 10 of the ECHR can apply to all levels of politics, including at local government level. The Panel further noted that the Courts have held that political expression is a broad concept and that there is little distinction between political discussion and discussion of matters of public concern. In this case, the Panel was satisfied that the Respondent was expressing a view on a matter of public concern, namely the debate surrounding street cleaning and refuse collection in Glasgow. In the circumstances, the Panel considered that the Respondent would attract the enhanced protection of freedom of expression afforded to politicians, including local politicians, under Article 10, both at the meeting and when publishing his Facebook post.

Stage 3: Whether any restriction on the Respondent's right to freedom of expression involved by a finding of a contravention of the Code would be justified by Article 10(2) of the ECHR

The Panel noted, nevertheless, that the right to freedom of expression is not absolute. Article 10(2) states that restrictions can be imposed to ensure that the Council is not brought into disrepute, to allow good administration and ensure public confidence in the Council or democracy itself is not undermined. This is provided that any restriction is for relevant and sufficient reasons, and is proportionate to the legitimate aim being pursued.

The Panel considered that the need to ensure that the Council complied with the 1986 Act could be a relevant and sufficient reason to interfere a councillors' freedom of expression.

In this case, the Panel considered that the restriction on conduct during meetings held in the pre-election period was proportionate to the legitimate aim being pursued, which was to help the Council comply with the 1986 Act, with the overall aim of ensuring free and fair elections. The Panel further noted that this approach had previously been confirmed by the Courts, who had held that it may be considered necessary,

in the period preceding or during an election, to place certain restrictions, of a type which would not usually be acceptable, on freedom of expression[1].

The Panel further considered that the interference with the Respondent's freedom of expression that a finding of a breach of the Code and the subsequent imposition of a sanction would entail, was necessary given the need to ensure that councils meet their obligations under the 1986 Act. The Panel was of the view that such an interference was the least restrictive measure available to it given that adherence to the Code would not have prevented the Respondent, during the pre-election period from campaigning for the election outwith the context of a council meeting, and given he had still been free to discuss 'business as usual' within that context.

The Panel concluded, therefore, that it was satisfied that a finding of breach in terms of the Respondent's conduct at the meeting, and the subsequent application of a sanction, would not contravene Article 10 as it was lawful, legitimate and necessary.

The Panel noted, however, that the requirement to ensure that the Council complied with the 1986 Act did not apply to the Respondent's use of Facebook. This was because he was using Facebook as an individual councillor outwith the context of a council meeting and was entitled to use it as a platform for campaigning activities. As such, the Panel was not able to conclude that a restriction of the Respondent's freedom of expression in relation to the Facebook post was justified and that a breach of paragraphs 3.2 and 3.7 in respect of the Facebook post could not be found.

The Panel concluded therefore that the Respondent had breached paragraphs 3.2, 3.7 and 3.18 in respect of the Council meeting on 1 April 2021.

SANCTION

The decision of the Hearing Panel was to censure the Respondent, former Councillor McElroy.

The sanction was made under the terms of section 19(1)(a) of the Ethical Standards in Public Life etc. (Scotland) Act 2000.

Reasons for Sanction

In reaching its decision on sanction, the Hearing Panel noted that the Respondent had co-operated fully with the investigative and Hearing processes. The Panel had no reason to doubt the Respondent's position that he had been trying to express his views on behalf of his constituents and had not considered that using the background would breach the pre-election guidelines.

The Panel emphasised, however, that the requirement for councillors to treat each other with courtesy and respect and to refrain from using council facilities for party-political or campaigning purposes are fundamental requirements of the Code, the latter having particular importance during the pre-election period. The Panel noted that a failure to comply with these provisions and with the pre-election guidance has the potential to damage the reputation of a Council and could result in a failure to comply with legislative requirements.

The Panel noted that the Respondent was no longer a councillor and, as such, the option to suspend him was not available. The Panel was of the view that the Respondent's conduct did not come close to warranting the most severe sanction, which was disqualification. This was because there was no evidence of serious aggravating factors such as dishonesty, concealment or repeated behaviour over a long period of time. The

[1] Bowman v United Kingdom [1998] ECHR 4

Panel further noted that the impact of the Respondent's conduct was somewhat limited given that background was removed by officers before the webcast of the meeting was published.

Date: 1 November 2022

Mr Michael McCormick
Chair of the Hearing Panel