



Northern Ireland

Local Government Commissioner for Standards

Local Government Act (NI) 2014

In the matter of Councillor Marc Collins (Mid and East Antrim Borough Council)
Ref: C00449

Decision of the Northern Ireland Local Government Commissioner for Standards on Stages 1, 2 and 3 of the Adjudication Hearing process by Mrs Katrin Shaw, Acting Commissioner.

By virtue of section 55(1)(a) of the Local Government Act (NI) 2014, the Commissioner may investigate a written allegation made by any person that a Councillor (or former Councillor) has failed, or may have failed, to comply with the Northern Ireland Local Government Code of Conduct for Councillors (“the Code”). The Commissioner may also investigate, under Section 55(1)(b) of the 2014 Act, other cases in which she considers that a Councillor has failed, or may have failed, to comply with the Code and which have come to her attention as a result of an investigation under Section 55(1)(a).

A complaint was made to the Northern Ireland Local Government Commissioner for Standards in relation to the alleged conduct of Councillor Marc Collins (“Councillor Collins/the Respondent”). The complaint related to a retweet by the Respondent on 19 November 2019, promoting banners erected in the Shankill area of Belfast which contained allegations against several members of the Finucane family. During the course of the investigation, a related tweet on 18 November 2019 by the Respondent was provided by John Finucane which claimed Mr Finucane ‘*supports and promotes the IRA*’ and ‘*isn’t innocent by any means.*’

The Investigation

The Commissioner’s Director of Investigation (now Acting Deputy Commissioner) commenced an investigation pursuant to section 55(1)(a) of the 2014 Act on 5 December 2019. Her investigation was extended in accordance with Section 55(1)(a) in relation to the related tweet which was provided by Mr Finucane during the investigation.

Following her investigation, the Acting Deputy Commissioner submitted the Investigation Report to the Commissioner in accordance with section 55 and 56 of the 2014 Act. She concluded that evidence suggested potential breaches of the following paragraphs of the Northern Ireland Local Government Code of Conduct and that the Commissioner should make an adjudication on the matters which were the subject of the investigation.

Paragraph 4.2:

‘You must not conduct yourself in a manner which could reasonably be regarded as bringing your position as a councillor, or your council, into disrepute.’

Paragraph 4.6:

‘You must comply with any request of the Commissioner in connection with an investigation conducted in accordance with the Commissioner’s statutory powers.’

Paragraph

4.13(a):

'You must:

(a) Show respect and consideration for others'.

Paragraph 4.13(b):

'You must not ... use bullying behaviour or harass any person.'

Paragraph 4.16(c):

'You must not use, or attempt to use your position improperly to... create a disadvantage for any other person.'

The Acting Deputy Commissioner also considered that the following Principles of the Code are relevant to the complaint:

'Principle of 'Respect':

'It is acknowledged that the exchange of ideas and opinions on policies may be robust but this should be kept in context and not extend to individuals being subjected to unreasonable and excessive personal attack. You should keep in mind that rude and offensive behaviour may lower the public's regard for, and confidence in, councillors and councils. You should therefore show respect and consideration for others at all times'.

Principle of 'Promoting Good Relations':

'You should act in a way that is conducive to promoting good relations by providing a positive example for the wider community to follow and that seeks to promote a culture of respect, equity and trust and embrace diversity in all its forms'.

Having considered the contents of the Investigation report, the Acting Commissioner determined to hold an Adjudication Hearing in relation to the Respondent's conduct in order to determine whether or not he had failed to comply with the Code, and, if she found that he had done so, what Sanction should be imposed.

It should be noted that the organisation and functions of the Director of Investigations/Acting Deputy Commissioner and the Adjudication functions of the (Acting) Commissioner are entirely separate and operate independently of one another at all times.

The Adjudication Procedures permit the Commissioner to determine whether or not there has been a breach of the Code without an Adjudication Hearing in certain circumstances. Paragraph 25 to 27 of those procedures state as follows:

'Determination of Adjudication without an Adjudication Hearing

25. The Commissioner has the discretion to adjudicate to determine whether there has been a breach without an Adjudication Hearing if she considers that she requires no further evidence and any one of the following circumstances apply:

- a. If no reply is received in response to the notification provided to the Respondent within the specified time or any extension of time allowed by the Commissioner; or*
- b. If the Respondent states that he or she does not intend to attend or wish to be represented at the Adjudication Hearing; or*
- c. The Respondent does not dispute the contents of the investigation report.*

26. If the Commissioner decides not to hold an Adjudication Hearing to determine whether there has been a breach she will send to the Respondent a list of the facts, together with any other supporting evidence, that she will take into account in reaching her decision. The Respondent will have 15 working days to submit any further written representations before the Commissioner makes her adjudication.

27. In circumstances where the Commissioner has made a determination as to breach without holding an Adjudication Hearing, she will, except in exceptional circumstances, hold an Adjudication Hearing to make a determination as to sanction. The procedures to be followed in regard to an Adjudication Hearing to determine sanction will, after the completion of any necessary preliminaries (such as an explanation of the order of proceedings and any opening remarks the Commissioner wishes to make) be those set out at paragraphs 67 to 68 below.'

The Acting Commissioner's Decision to adjudicate in the matter was notified in writing to the Respondent by email and recorded delivery post on 14 December 2021, and he was invited to complete a Response Form outlining his response to the Acting Deputy Commissioner's Investigation Report and to return it to the Acting Commissioner by 11 January 2022. No Response Form was received from the Respondent. The Respondent was also similarly notified on 14 December 2021 of the Acting Commissioner's decision to hold a Pre-hearing review of the matter on 18 January 2022. He did not attend this review, although he had informed the Acting Commissioner's office by e-mail on 17 January 2022 that he would be unable to attend on 18 January 2022.

At the Acting Commissioner's direction, the Respondent was notified by e-mail on 18 January 2022 of the opportunity to attend a further review on 8 February 2022, and that the time for the return of his Response Form had been extended to 4 February 2022. No Response Form was received. The Respondent did not attend the review on 8 February 2022, nor did he request that the review should be rescheduled to enable him to attend.

As no response was received from the Respondent to the notification of the decision of the Acting Commissioner to hold an Adjudication Hearing, the Acting Commissioner decided on 8 February 2022 that she required no further evidence and that it was appropriate to use the expedited procedure in accordance with Paragraph 25(a) of the Adjudication Procedures. She also determined that, in the event that she was to find the Respondent in breach of the Code, the Adjudication Hearing on Sanction would be held on 16 March 2022.

On 11 February 2022 the Respondent was notified by way of e-mail and recorded delivery post of the Acting Commissioner's decision to use the expedited procedure and to determine whether or not there had been a breach of the Code by him without a public hearing as to the facts. He was provided with a Statement of Facts and the other supporting evidence that the Acting Commissioner would take into account in reaching her decision in accordance with Paragraph 26 of the Adjudication Procedures. He was given the opportunity to comment and provide submissions on these facts to the Acting Commissioner to consider in advance of her deciding whether he had breached the Code. He was also invited to provide submissions on the application of Article 10 of the European Convention on Human Rights which encompasses the right to freedom of expression. The Respondent was requested to respond by 4 March 2022 but did not do so.

Stage 1 - Findings of Fact

The following facts have been obtained from the Investigation Report.

1. On 22 November 2019 the Local Government Ethical Standards (LGES) Directorate received a complaint from a member of the public in accordance with Section 55(1)(a) of the Local Government Act (Northern Ireland) 2014 (the 2014 Act). The complaint alleged that Councillor Marc Collins, a member of Mid and East Antrim Borough Council (MEABC) had, or may have, failed to comply with the Northern Ireland Local Government Code of Conduct for Councillors (the Code).
2. Councillor Collins, by way of letter sent by email on 22 November 2019, was informed that the complaint had been received and would be assessed to determine whether or not it would be accepted for investigation.
3. It was decided on 5 December 2019 that the complaint should be investigated and both Councillor Collins and the complainant were informed of this decision by letter dated 5 December 2019.
4. The complaint concerned a retweet from Councillor Collins' Twitter handle '@marccollinsDUP' on 19 November 2019. The original tweet promoted a banner erected in the Shankill area of Belfast. The banner referenced in the tweet made allegations against several members of the Finucane family, including John Finucane who was Sinn Féin's Westminster election candidate for North Belfast at that time.
5. In accordance with Section 55(1)(b) of the 2014 Act the investigation was subsequently broadened to include a tweet posted by Councillor Collins on 18 November 2019 which referenced John Finucane.
6. Councillor Collins has served as a councillor on MEABC since 4 May 2019.
7. Councillor Collins signed the 'Declarations of Acceptance of Office' on 4 May 2019 in which he agreed to observe the Local Government Code of Conduct for Councillors.
8. Councillor Collins attended training on the Code of Conduct on 16 and 17 May 2019.
9. On 18 November 2019 pm Councillor Collins, in response to the account @mcdaid, tweeted that John Finucane *'supports and promotes the IRA'* and that *'he isn't innocent by any means'*.
10. On 19 November 2019 Councillor Collins retweeted @theblackdub's tweet which stated:
"Well done to the Shankill loyalists who erected the banner today. It has SF foaming at their collective mouths. They don't like the truth."
11. The banner displayed photos of members of the Finucane Family under the title "*The Real Finucane Family*". The tagline underneath the title read "*Human Rights Abusers steeped in the blood of our innocents*".
12. The banner also displayed the following text under each member of the Finucane Family:
 - *John Sr:- Section leader in F company, 1st Battalion, Belfast Brigade of the IRA, killed on "active service" in a hijacked car, Falls Road, June 1972*
 - *"Dermod:- Provisional IRA GHQ Staff, sentenced to 18 years imprisonment for*

possession of a weapon with intent to endanger life. Maze escapee who murdered a prison officer with a chisel.”

- *“Seamus:- Belfast brigade Staff of the Provisional IRA, fiancé of IRA terrorist Mairead Farrell of the Gibraltar 3, arrested with Bobby Sands in October 1976 following a bomb attack on a Balmoral furniture factory.”*
- *Pat:- “Pat Finucane was first and foremost an IRA volunteer, and he exploited his position ruthlessly to wage war on the State.”*
- *Sean O’Callaghan former head of the IRA southern Command*
- *John Jr:- Sinn Fein IRA’s Golden Boy, handpicked by the Provisional Army Council, refused to condemn the Shankill Bomb and instead has Shankill Bomber, Sean Kelly, canvassing for him in North Belfast.’*

13. Councillor Collins’ twitter account at the relevant time identified him as a Councillor. It specifically referred to Councillor Collins as ‘*Cllr Marc Collins*’ with a Twitter handle ‘*@MarcCollinsDUP*’, and part of his Twitter bio included reference to him as ‘*DUP Councillor for Knockagh DEA*’.
14. Councillor Collins provided his comments on the complaint on 16 December 2019 which related to the tweet on 19 November 2019. He stated that this tweet was ‘*a retweet, therefore, this content did not originate from [his] account and [he] did not write it [him]self*’. Councillor Collins also stated that ‘*a retweet does not necessarily indicate support. I have retweeted a number of different posts, pictures, articles, statements, etc. which are of interest to me. This does not mean I support everything which I retweet, it means that it is either of current significance or personal interest to me. At the time of this retweet the story of these banners was current and was appearing in the news, hence they were significant and of interest to me in the political world, but as I have already said this does not mean that I support the content.*’
15. Councillor Collins further denied that he had subsequently deleted his Twitter account to avoid public scrutiny and accountability. He stated the ‘*temporary de-activation of [his] account (not deleting) is down to the sheer amount of vile and personal abuse I was receiving from nameless accounts on the platform... De-activating [his] account for a while seemed like the only option for [him].*’
16. The Acting Deputy Commissioner wrote to Councillor Collins, via email, on 17 September 2020 and 29 September 2020 in an attempt to schedule an interview on 30 September 2020. In that letter, she also explained to Councillor Collins that she had broadened the scope of the investigation as per Section 55(1)(b) of the 2014 Act to include the 18 November 2019 tweet. The Respondent did not respond to either email, or to a voicemail left on 28 September 2020.
17. The Acting Deputy Commissioner’s office again wrote to Councillor Collins, via email, on 14 July 2021 to invite him to a rescheduled interview. A follow up email was sent to Councillor Collins on 22 July 2021, requesting that he confirm whether he would attend but no response was received.
18. The following paragraph was included in the 17 September 2020 and 14 July letters: ‘*Section 4.6 of the Northern Ireland Local Government Code of Conduct requires you to “comply with any request of the Commissioner in connection with an investigation conducted in accordance with the Commissioner’s statutory powers”. Therefore a failure to comply with such a request could, in itself, amount to a breach of the Code of Conduct*’.
19. The Acting Deputy Commissioner set out her findings in a Draft Investigation Report

and this was sent, by e-mail, on 1 October 2021 to Councillor Collins for his comment. Despite follow up phone calls to Councillor Collins on 18 and 27 October 2021, Councillor Collins did not respond or provide comment on the Draft Report.

20. In a Witness Statement dated 17 September 2020 John Finucane stated (inter alia):
- a. *(In relation to the tweet of 19 November 2019) "I understand the reference to the banner to relate to a number of banners that were erected during my candidacy as an MP in November 2019. I am unsure if I was made aware of that particular tweet or not. At the time of the banners being erected and the corresponding social media activity there was a level of toxicity in North Belfast that I have never experienced before. I was still Mayor of Belfast at the time and had concerns for my own and my family's personal safety.";* and
 - b. *I would emphasise that the situation at the time had an impact on my entire family, my mother, my sister, my kids, my brothers - right across the Board. It was a very worrying escalation when the banners were erected. I understand politics can be dirty but this was on a different level and the banners were central to that.*
 - c. *(In relation to the tweet of 18 November 2019) 'There was a lot of volume of social media at the time which was not always necessarily identifiable... [t]his particular tweet, however, from Councillor Collins was interpreted by me very differently given that he was an elected representative. I had received few threats throughout my time as mayor. However, during my candidacy as an MP a campaign was run against me similar to that which had resulted in the death of my father; specifically trying to associate him with the people he represented and as an IRA member. Councillor Collins' tweet stood out in this regard as it was directly and unequivocally making these associations. Such was the mood and level of toxicity I spoke to my older two children in relation to personal safety and to explain what was going on.';* and
 - d. *'[a]s an elected representative you are under more responsibility to act responsibly and you are held to a higher standard. I consider what Councillor Collins tweeted to be a very deliberate thing in an already aggravated situation. Councillor Collins has attempted to identify me with the alleged actions of others'.*
21. The banners in question attracted broad condemnation in the media across the political landscape, including the most senior political figure in Northern Ireland, the Secretary of State, who referred to the banners as *'utterly offensive'*. These articles also highlighted Councillor Collins' retweet in support of the banner. Nigel Dodds, then deputy leader of Councillor Collins' own party, the DUP, also condemned the banners, stating *'the banners have nothing to do with our campaign'* and *'anything that is personally abusive or offensive, inaccurate and smearing of any candidate in any political party is to be condemned'*.

Stage 2 - The Acting Commissioner's decision on whether there had been a breach of the Code

Article 10 of the European Convention on Human Rights ('the ECHR') and case law.

The Acting Commissioner has considered Article 10 ECHR throughout her deliberations at Stage 2 of the Adjudication. Article 10, which is not an absolute right, states as follows:

10.1 *'Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers....'*

10.2 *'The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are*

prescribed by law and are necessary in a democratic society...in the interests of ...public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others....'

The Acting Commissioner has also considered the following caselaw during her deliberations at Stage 2:

Sanders v Kingston [2005] EWHC 1145 ('Sanders') which sets out a three stage test as follows:

- (i) Did the Respondent's conduct breach Paragraphs of the Code of Conduct?
- (ii) Would the finding, in itself, comprise of a prima facie breach of Article 10?
- (iii) If so, was the restriction one which was justified by reason of the requirements of Article 10(2)?

Ken Livingstone v The Adjudication Panel for England [2006] EWHC 2533 (Admin) ('Livingstone')

R (on the application of Woolas) v The Parliamentary Election Court and Watkins and The Speaker of the House of Commons [2010] EWHC 3169 (Admin) ('Woolas')

R (on the application of Calver) v Adjudication Panel for Wales [2012] EWHC 1172 (Admin) ('Calver')

Heesom v Public Services Ombudsman for Wales [2014] EWGC 1504 (Admin) ('Heesom')

Re Jolene Bunting's Application [2019] NIQB 36 ('Bunting')

Lee Brown v the Public Prosecution Service for Northern Ireland [2022] NICA 5 ('Brown')

Applying the three-stage test set out in *Sanders*, the Acting Commissioner, having established the facts and considered all of the available evidence before her, found as follows:

- (i) **Did the Respondent's conduct breach the Code of Conduct?**

Paragraph 4.13(a):

'You must show respect and consideration for others'.

Paragraph 4.2

'You must not conduct yourself in a way which could reasonably be regarded as bringing your position as a councillor, or your council, into disrepute.'

1. In relation to the 19 November 2019 retweet, whilst the Respondent stated that 'a retweet does not necessarily indicate support' for the original tweet, the Acting Commissioner found that there was no evidence that he made any effort to distance himself from the original tweet.
2. The Acting Commissioner considered the Commissioner's Guidance on Social Media and the Code of Conduct which states (at page 36, paragraph 4):

'Think about the comments you 'like' or 're-tweet'. You are responsible for what you share so don't share something inappropriate. You could be perceived as endorsing the original opinion, comment or information...'

3. Furthermore, given that the Respondent created and published the tweet the day before (18 November 2019) in which he said Mr Finucane *'supports and promotes the IRA'* and *'isn't innocent by any means'*, the Acting Commissioner was satisfied that the content of the tweet on 18 November 2019 and the retweet on 19 November 2019 could be considered in the round. As such, the Acting Commissioner considered that in the absence of any further explanation from the Respondent, his retweet of @TheBlackDub's tweet *'Well done to the Shankill loyalists who erected the banner today. It has SF foaming at their collective mouths. They don't like the truth'* amounted to an endorsement of this tweet and the banners which had been erected.

4. Dealing first with the requirement for councillors to show respect and consideration to others, the Acting Commissioner considered the Principle of Respect which states that:

'the exchange of ideas and opinions on policies may be robust but that this should be kept in context and not extend to individuals being subjected to unreasonable and excessive personal attack. You should keep in mind that rude and offensive behaviour may lower the public's regard for, and confidence in, councillors and councils. You should therefore show respect and consideration for others at all times.'

5. The Acting Commissioner considered that on the balance of probabilities, the Respondent's twitter activity failed to show respect for Mr Finucane and his family in breach of paragraph 4.13(a) of the Code. In view of this, the Acting Commissioner also considered that on the balance of probabilities, the Respondent failed to comply with the Respect Principle which underpins the Code.

6. In considering whether the Respondent's conduct also amounts to a breach of the 'disrepute' provision in the Code, the Acting Commissioner considered the *Livingstone* case which set out the distinction between an elected representative bringing themselves personally into disrepute, as opposed to bringing his or her office or their Council into disrepute.

7. The Acting Commissioner considered the Commissioner's Guidance on the Code of Conduct that elected representatives are subject to a higher level of expectation and scrutiny. In particular, paragraphs 4.5.3 & 4.5.4 state:

'As a councillor, your actions and behaviour are subject to a higher level of expectation and scrutiny than those of other members of the public. Therefore, your actions – in either your public life or your private life – have the potential to adversely impact on your position as a councillor or your council.'

.....

'When considering whether conduct is such that it could reasonably be regarded as bringing your position, or your council into disrepute, the commissioner will consider:

- *Whether that conduct is likely to diminish the trust and confidence the public places in your position as a councillor, or your council, or is likely to result in damage to the reputation of either; and*
- *Whether a member of the public – who knew all the relevant facts – would reasonably consider that conduct as having brought your position as a Councillor, or your council, into disrepute.'*

8. The Acting Commissioner found that as well as bringing himself personally into disrepute, the Respondent's conduct was such that it brought his office as a councillor into disrepute in breach of paragraph 4.2. In reaching her decision, the Acting Commissioner noted the fact that the banner at the heart of the Respondent's tweet of 18 November 2019 was widely condemned on a cross party basis by political figures and the Secretary of State for

Northern Ireland; this condemnation was reported widely in the media; the Respondent's status as a councillor and his endorsement of the banner was also reported on in the media.

9. Whilst the cross-party political and media criticism of the offending banner is relevant, it is not of itself determinative of the Acting Commissioner's decision. However, taking everything into account, she considered that the Respondent had contributed to the toxic discourse during the election campaign which made Mr Finucane feel that his own and his family's personal safety was in jeopardy. The Acting Commissioner was satisfied on the balance of probabilities that a member of the public knowing these facts would consider that the Respondent had brought his office as a councillor into disrepute.
10. Given that neither the media reporting on the Respondent's tweets nor the tweets themselves associated the Respondent's views or his endorsement of the banner with the position of the Mid and East Antrim Council but focussed on his role as a councillor, the Acting Commissioner did not consider that the Respondent had also brought his Council into disrepute.
11. Although at paragraph 3 above the Acting Commissioner states that she has taken the Respondent's tweet and retweet of 18 and 19 November 2019 in the round, she is also satisfied that, if taken and analysed separately on the basis set out at paragraphs 4 to 10 above, both the tweet and retweet would on the balance of probabilities evidence the same breaches of paragraphs 4.13(a) and 4.2 of the Code.

(ii) Would the finding of breach, in itself, comprise of a prima facie breach of Article 10?

Judicial interpretation of Article 10 has provided a number of principles relevant to its application in this case. These include:

- Enhanced protection of freedom applies to all level of politics, including local politics;
- Political expression is a broad concept;
- In a political context, a degree of the immoderate, offensive, shocking, disturbing, exaggerated, provocative (and other behaviours), that would not be acceptable outside that context, is tolerated;
- The right to freedom of expression is not absolute;
- Any restriction on freedom of expression needs to respond to a pressing social need, to be for relevant and sufficient reasons, and to be proportionate to the legitimate aim being pursued.

Whilst the Acting Commissioner found that that the Respondent had breached Paragraphs 4.13(a) and 4.2 of the Code, in applying the second stage of the *Sanders* test and taking into account the judicial interpretation noted above, she concluded that both findings did comprise a prima facie breach of Article 10 of the ECHR, in that each finding could be deemed to restrict the Respondent's right to freedom of expression.

(iii) If so, was the restriction one which was justified by reason of the requirements of Article 10(2)?

The Acting Commissioner considered the right to freedom of expression set out in Article 10 and the caselaw referred to above very carefully. Enhanced protection of freedom of expression applies to 'political debate'. Article 10(2) has the effect of permitting language and debate on questions of public interest that might, in a non-political context, be regarded as

inappropriate or unacceptable. However, whilst political speech is a 'broad concept, gratuitous personal comments do not fall within it' (see *Heesom*).

The Respondent has not provided any legitimate basis for either his tweet of 18 November 2019 alleging that Mr Finucane "*supports and promotes*" the IRA or his retweets of 19 November 2019 which endorsed multiple statements including the allegation that he was "*handpicked by the Provisional Army Council*".

The Acting Commissioner noted the guidance in *Sanders*...that '*...simply indulging in offensive behaviour was not to be regarded as expressing a political opinion, which attracts the enhanced level of protection.*' She decided that the tweet and retweet did not amount to a political opinion or the importation of information because, individually and together, they amounted to a personal attack on John Finucane and his family. Furthermore, both the tweet and retweet amounted to what Maguire J in *Bunting* referenced as '*...simply abusive and...[disclosing] no true contribution to political discourse.*'

The Acting Commissioner was satisfied that neither the tweet nor retweet represented the promotion of a broader political discourse, and she was also satisfied that they left John Finucane with concerns for his own and his family's personal safety. It was notable, although not of itself determinative of this issue, that there was widespread political and media condemnation of the offending banner.

The Acting Commissioner noted that the tweet and retweet were made at the time of a general election and in the context of an already toxic atmosphere in North Belfast. This speaks to the context in which the right of freedom of expression may be restricted in a manner prescribed by law and one which is necessary in a democratic society for the protection of the rights and interests of others. As noted in the *Bunting* case the question is '*...whether the restriction responds to a pressing social need and is proportionate to the legitimate aim being pursued.*'

In these circumstances, the personal effect both on John Finucane, whose father had been murdered, and on his family, highlight what was identified by Keegan LCJ in the *Brown* case when she stated that '*...[t]he context of each case is clearly the most important factor.*'

Taking all of this into account the Acting Commissioner concluded that any interference with the Respondent's freedom of expression for the protection of the rights and interests of others was a necessary and legitimate aim as envisaged in Article 10(2).

Paragraph 4.13(b):

'You must not use bullying behaviour or harass any person'

The Acting Commissioner considered the Commissioner's Guidance which defines bullying and harassment as '*unwanted behaviour that makes someone feel intimidated or offended.*' and that it makes clear that although all the facts of the case will be taken into account, '*allegations of bullying and harassment will be considered from the perspective of the alleged victim. The most significant factor is therefore whether the alleged victim was reasonably justified in believing [he] was being bullied or harassed; whether or not a councillor intended to bully or harass that person is not relevant*' and informs councillors if their criticism '*...is a personal attack on a councillor..., or is of a highly offensive nature, this is likely to be considered bullying and harassment and therefore a breach of the Code.*'

Whilst the Acting Commissioner was clear that the Respondent's conduct failed to show respect and consideration for Mr Finucane and was serious misconduct which brought his office as a Councillor into disrepute, she did not consider the threshold for finding bullying behaviour had been met in this instance. She considered the test set out in *Heesom* that

bullying “does not require any lengthy course, but does require some intention on the perpetrator’s behalf to undermine the individual who is the object of the conduct and (i) some effect on the individual, in terms of intimidation, upset or detriment to his or her confidence, capability or health”. She also considered the fact that Mr Finucane interpreted the tweet he was aware of at the time of the events (the 18 November tweet) very differently to others because the Respondent was an elected representative. The Acting Commissioner had no doubt that that the Respondent’s twitter activity played a part in the creation of a toxic atmosphere during the Westminster election campaign and contributed to the reasons why Mr Finucane felt that his own and his family’s personal safety was in jeopardy. However, she determined that the circumstances of this case were such that the Respondent’s tweets were not mainly responsible for the situation which Mr Finucane faced and the impact on his family. The situation as a whole, instigated by the erection of the banners, had also contributed to this. The Acting Commissioner did not find that the threshold for bullying behaviour in breach of Paragraph 4.16(c) had been met.

Paragraph 4.16 (c):

‘You must not use, or attempt to use your position improperly to... create a disadvantage for any other person.’

The Acting Commissioner noted that as the Respondent did not engage with the Commissioner’s investigation or this adjudication process, he has not explained his justification for making the tweets. However, she decided that whilst the tweets were intended to attack Mr Finucane and his family and the Respondent’s standing as a councillor was clearly identifiable in the tweets, there was no evidence that he specifically *used his position as a councillor* when making the tweets. The Acting Commissioner therefore decided that the Respondent had not breached Paragraph 4.16(c) of the Code.

Paragraph 4.6 ‘You must comply with any request of the Commissioner in connection with an investigation conducted in accordance with the Commissioner’s statutory powers’.

The Acting Commissioner took into account the Commissioner’s Guidance on the Code which says that:

‘Your failure to co-operate with any request made by the LGES Directorate in relation to an investigation is likely to result in a breach of the Code. You can expect the LGES Directorate to take account of unavoidable or urgent circumstances such as illness, or holiday bookings that you have made. However you must still co-operate fully with the investigation.’

On the basis of the findings of facts, the Acting Commissioner found that the Respondent failed to cooperate with the Commissioner’s investigations in breach of paragraph 4.6. Whilst Councillor Collins initially responded to the enquiries of the Commissioner’s staff, he failed to attend for interview despite four requests and did not respond to the Draft Report.

Stage 3 - Sanction Hearings

Having found that Councillor Collins breached paragraphs 4.2, 4.13a and 4.6 of the Code in accordance with Stage 3 of the Adjudication process, the Acting Commissioner made arrangements for an Adjudication Hearing to take place solely to determine sanction.

Following the issuing of the Acting Commissioner’s Decision of Stages 1 & 2 on 9 March 2022, a hearing was arranged to take place on 16 March 2022. Having been notified of the Decision and of the Hearing date, the Respondent wrote to the Acting Commissioner’s office on 14 March 2022.

"I am writing to you in reference to complaint C00449 which is due to be heard on 15th March 2022 (sic) at 9:30am.

First of all I would like to apologise for my lack of engagement with NILGCFS regarding this case. I had informed [the Acting Commissioner's office] via email on 17th January 2022 that I had become overwhelmed with the amount of correspondence received and had, for the most part, struggled in gaining access to the secure system where mail was delivered to.

I understand that not engaging with the investigation can in itself be viewed as a breach of the code, however as stated above I found myself overwhelmed with the investigation and other personal issues which were, and still are, ongoing.

I have never tried to refute that the tweet and retweet were posted by myself, however I do refute the incinuation (sic) that by retweeting a picture of the banners in question, this automatically infers support for them. At the time I would have regarded it an unwritten rule that retweets are not necessarily endorsements however in hindsight I now recognise that a disclaimer probably should have been placed in my Twitter bio indicating this.

As I stated in my original correspondence to your office, these banners were a current affair and of significant public interest. At no point did I intend any harm on Mr Finucane or his family however, in my opinion, for him to claim that one retweet from me caused him concern for his and his family's safety is pretty disingenuous.

Mr Finucane has put him and his family in the spotlight on numerous occasions (sic) recently including in 2018 when he gave the oration at the Ardoyne Easter Commemoration, a commemoration which traditionally remembers and celebrates the IRA, where to finish his speech he proclaimed "up the rebels".

Mr Finucane also came under heavy criticism, and rightly so, for having convicted IRA man and Shankill bomber Sean Kelly canvassing for him in North Belfast, another action which clearly gives merit to my separate tweet that claims he supports and promotes the IRA.

I'm afraid I may not be able to attend the sanctions hearing on 15th March (sic) due to work commitments, which is why I wanted to send you this letter in advance as it hopefully gives some more light on the situation."

The Acting Commissioner's office responded by email saying as 'he had been advised earlier this morning, the Sanctions Hearing is scheduled to take place on Wednesday 16th March (not 15th March).

Please can you advise the Acting Commissioner whether you are able to attend the hearing on Wednesday 16th March?

If you are not able to attend, please confirm whether you are content for the hearing to proceed in your absence on 16th March, or whether it is your wish to attend the hearing and are requesting that an alternative hearing date be set?"

As no response was received, the Acting Commissioner decided to reconvene the hearing. At 16.10 on 15 March 2022 the Respondent was informed by email "As we have not received any further response to our email the Acting Commissioner has taken the decision to adjourn the Hearing due to take place tomorrow to a date to be determined in mid-May". Councillor Collins responded at 09.35 on 16 March 2022 saying "my apologies, I thought I had replied. Please keep me informed of any new date".

Councillor Collins was notified of the fresh hearing date of 13 May 2022 by email on 16 March 2022 at 10.38.

The Acting Commissioner invited both the Respondent and the Acting Deputy Commissioner to make submissions on sanction, including on the application of Article 10 of the European Convention of Human Rights, by 5pm on 6 May 2022.

The Acting Commissioner's office emailed Councillor Collins on 9 and 10 May 2022 reminding him of the hearing on 13 May 2022 and asking him to confirm his position on making submissions because none had been received. An officer in the Acting Commissioner's office again contacted Councillor Collins by email on 12 May 2022, at 12.35 who said "*I had attempted to phone you earlier today in respect of the Sanctions Hearing which is taking place tomorrow, in order to confirm your attendance and your intention regarding the making of a submission regarding the Sanctions determination by [the Acting Commissioner].*"

In accordance with hearing procedures, [the Acting Commissioner] is permitted to proceed in your absence.

I am available to be contacted by telephone should you wish to clarify any of aspects of this email."

The Respondent responded by email at 12.42 on 12 May 2022 "*Apologies I have not been receiving calls or emails as I was (and still am) on holiday in the USA.*" At 13.27 he was asked by email whether he wished to make a submission and be heard at the hearing. The Respondent replied at 01:56 on 13 May 2022 requesting "*a deferral on the matter due to my inability to attend*".

The Acting Commissioner's office notified the Respondent by email on 13 May 2022 at 10:38 that the Acting Commissioner had "*with some reluctance, decided to adjourn ...[the] hearing.*"

On 17 May at 15.17 the Respondent was informed by email that:

"As you were informed the Acting Commissioner decided, with some reluctance, to adjourn Friday's hearing.

*In order to give you an opportunity to attend, the Acting Commissioner has set a fresh date for the hearing at **10am on Friday 24 June 2022.***

Please note that this date has been set on a peremptory basis. This means that it is unlikely that the hearing date will change if you cannot attend on 24 June.

The Acting Commissioner encourages you to attend the Sanctions Hearing on 24 June

*The Acting Commissioner invites you to make written submissions on the issue of Sanction 7 days before the hearing, **by 4pm on Friday 17 June 2022***

Please acknowledge receipt of this email."

On 21 June 2022 at 15:13 the Respondent was reminded by email of the hearing date of 24 June 2022 and that the hearing date had been set on a peremptory basis. He was asked to confirm whether he intended to make submissions in relation to sanction. No response was

received from Councillor Collins and he did not attend the remote Sanctions Hearing on 24 June 2022.

The Acting Commissioner considered that the Respondent had had ample notice of the hearing date and sufficient opportunity to contact the Acting Commissioner's office if he wished to do so. In addition, the Acting Commissioner noted that the Respondent had been afforded a number of opportunities to attend the hearing, but had failed to do so. The Acting Commissioner therefore decided that it was appropriate to proceed with the hearing in the Respondent's absence on 24 June 2022, and that, in all the circumstances, it was not unfair to him to do so.

Submissions on Sanction by the Acting Deputy Commissioner

1. In written submissions and at the hearing on 24 June 2022, the Acting Deputy Commissioner referred to the purpose of sanction and the Commissioner's Sanctions Guidelines. She referred to the sanctions available to the Commissioner in ascending order of severity and she drew attention to mitigating and aggravating factors in this case and the fact that the list of factors at page 9 of the Sanctions Guidelines are not exhaustive and that other factors may be taken into account by the Acting Commissioner in reaching her determination. The question of sanction is a matter for the Acting Commissioner in the exercise of her discretion.

2. Mitigating factors

Councillor Collins had no prior history of breaching the Code, which provided some evidence of a previous record of good service in compliance with the Code. Also he was a relatively new councillor at the time, although this could in addition be considered as an aggravating factor.

3. Aggravating factors

An important factor in this case is the protection of the public interest in terms of public confidence in the institution of local government through those democratically elected to represent constituents. The legitimate aim being pursued by the Code is to provide for and secure the high standards required from elected councillors. In turn, the purpose of sanction is preservation of confidence in local government representation.

In terms of aggravating factors, which are listed in the Sanctions Guidelines, the Acting Deputy Commissioner said there were several aggravating factors which were applicable to this case, and, in addition, there were a few further factors which were not on the non-exhaustive list, but which were relevant to the facts and the circumstances of this case as follows:

1. Councillor Collins had brought the role of the councillor into disrepute. Whilst the Sanctions Guidelines refer specifically to the Council having been brought into disrepute, she submitted that bringing the role of councillor into disrepute is also an aggravating factor. She said that 'disrepute' is a breach of special character insofar as it is specifically mentioned within the suspension categories of sanction.
2. The Respondent's pattern of behaviour of repeatedly failing to cooperate with the investigation, pursuant to Code paragraph 4.6. She said that the Respondent's sole communication at the outset of the investigation in many ways was unhelpful and served more to mislead than assist the investigation. The Respondent was invited for interview on four separate occasions and did not attend, neither did he respond to the draft report.
3. Paragraph 6, page 2, of the Sanctions Guidelines states that:

"The Acting Commissioner will take account of the actual consequences that have followed as a result of the Respondent's conduct, and will also consider what the potential consequences might have been even if these did not occur."

The Acting Deputy Commissioner said that although the Acting Commissioner has not heard directly from the Complainant, Ms. O'Reilly or Mr. Finucane, the subject of the impugned social media material, a witness statement provided by Mr Finucane outlined the impact of Councillor Collins' conduct. Mr. Finucane described speaking with his two older children in relation to his personal safety and whilst Councillor Collins' actions were not the sole cause of the toxic environment described by Mr. Finucane, his actions were certainly contributory.

4. In terms of the categories of sanction which are available, the options available in ascending order of severity were as follows.

No action - the Acting Deputy Commissioner suggested that no action was not a suitable outcome to these proceedings given the very deliberate nature of the conduct which had given rise to the breach of the Code. This was not an inadvertent failure. This was conduct that was a result of the Councillor's own action in tweeting his serious and inflammatory allegations against Mr. Finucane.

Censure – in setting out the aggravating factors in this case the Acting Commissioner drew attention to the seriousness of the conduct and the finding that Councillor Collins brought himself in his role as councillor into disrepute. Councillor Collins had refused to engage with the investigation, and therefore had refused to accept that his behaviour was inappropriate.

Partial suspension – partial suspension would result in a councillor's conduct being restricted to a particular activity or section of council business, and from business which he could be easily extracted. Rather, the conduct in this case involved a failure to show respect and consideration for others via the use of social media leading to the disrepute of the Office of Councillor, and that was conduct that went into every aspect of business of the Council, and was not one therefore that he could be easily extracted from as it went to the very heart of public representation and the role of a councillor at every level and on every matter.

Suspension - the disrepute provisions are an aggravating factor in itself and identified in the Sanctions Guidelines within the suspension category. Suspension may be adequate in addressing the public interest, insofar as it upholds public confidence in the standards regime and local democracy. It would reflect the severity of the matter and convey that the matter should not be repeated because the likelihood of further failure to comply with the Code is something that needs to be taken into account.

The Acting Deputy Commissioner referred the Sanctions Guidelines which acknowledge that a democratically elected councillor has been elected to undertake certain tasks, and their ability to serve the public and perform those tasks should only be restricted where such a restriction is justified in the particular circumstances of the case.

The Acting Deputy Commissioner relied on the case of *Sanders* where the Court decided on a partial suspension of one year for a breach of the English Code. The Court recognised the statements made by Councillor Sanders constituted conduct which was a kind that would either attract a suspension or partial suspension. While the conduct at issue here might not have attracted the same level of media attention as Councillor Sanders, both Councillor Sanders and Councillor Collins made highly disrespectful comments about an extremely sensitive issue for the respective impacted families. Councillor Sanders was

issued a partial suspension. However, Councillor Sanders' comments were in the context of him having been engaged as a leader of the Council, and so a partial suspension sanction was appropriate. This important contextual point was not present in this case with Councillor Collins. He was not engaged to provide any comment through any position he had within the Council, and so the Acting Deputy Commissioner suggested that a partial suspension was not an appropriate sanction and suggested that a full suspension would be an appropriate sanction. Although the Court in *Sanders* issued a 12 month partial suspension, a full suspension was inherently more restrictive than partial suspension, and therefore a 12 month suspension for the breach of the Code would be unduly restrictive in the context of Article 10 in this case. In considering an appropriate suspension sanction the Acting Commissioner's attention was drawn to other cases recently adjudicated by the Adjudication Panel for Wales:

Councillor Perry Morgan (Ref: [APW/005/2021-022/CT](#)) received a 10 month suspension for making disparaging remarks about a fellow councillor and failed to engage with the Ombudsman's investigation.

Councillor William Roy Owen (Ref: [APW-006-2021-022-CT](#)) was suspended for 9 months because he had persisted in a course of conduct of exaggerated, unsubstantiated and malicious complaints, and had failed to cooperate with the Ombudsman's investigation.

The Acting Deputy Commissioner suggested that a period of suspension in relation to the breaches of paragraphs 4.2, 4.13 and 4.6 of the Code would be appropriate. She drew the Acting Commissioner's attention to the delays caused by Councillor Collins' refusal to engage with the investigation and the associated costs, including but not limited to obtaining a process server, and she also recommended a period of suspension to reflect the disregard that Councillor Collins has shown to the process, and therefore the Code itself.

Disqualification- is the most severe of the options available. The Acting Deputy Commissioner had not identified that Councillor Collins' conduct fell within any of the circumstances listed A to H in the Sanctions Guidelines for which disqualification may be an appropriate outcome. She referred to the Adjudication Panel for Wales' recent decision in the matter of former *Councillor Phillip Baguley* [APW/002/2020-021/CT](#). Former Councillor Baguley was disqualified for 15 months for three Facebook post which were so egregious, inflammatory and violent that they offended against all notions of peace, safety, decency and democracy within society.

The Acting Deputy Commissioner submitted her view that Councillor Collins' case fell within the suspension category in that his comments were certainly egregious, but possibly not to the extent of those made by Councillor Baguley, who was disqualified.

Decision on Sanction

The Acting Commissioner considered very carefully the Sanctions Guidelines, relevant case law, the submissions made by the Acting Deputy Commissioner and the content of the Respondent's letter dated 14 March 2022. In making her decision she paid careful regard to the seriousness of the breaches of the Code and the mitigating and aggravating circumstances of this case.

The Acting Commissioner referred to the aims of the ethical standards framework and sanctions regime, namely that the principal purpose was to preserve public confidence in local government representatives and their standards of conduct, to prevent the Respondent from any future failures, and to discourage similar conduct on the part of others. She took into account the following Mitigating and Aggravating Factors.

Mitigating Factors:

1. Councillor Collins had no previous record of breaching the Code and otherwise he had a record of good service and compliance with the Code since he took up office in 2019.
2. The matters raised in Councillor Collins' letter of 14 March 2022, including his comment that at no point did he intend to harm Mr Finucane or his family, and his apology in that letter for not engaging with the investigation and adjudication process.

Aggravating factors:

1. The serious nature of the breaches of the Code found, including a finding that the Respondent had brought his role as a councillor into disrepute (in breach of paragraph 4.2 of the Code); his failure to show respect and consideration for others (in breach of paragraph 4.13(a) of the Code), and his failure to engage with the investigation and adjudication process (in breach of paragraph 4.6)
2. The Respondent's failure to engage in the process to date had resulted in unnecessary costs to the public purse. Whilst the Acting Commissioner gave Councillor Collins some credit for the apology in his letter of 14 March 2022, and noted his comment that he found himself overwhelmed with the investigation and other personal issues, she also noted that the Respondent still did not engage in the adjudication process after this time. The Acting Commissioner had adjourned the sanctions hearing on two occasions to give him an opportunity to engage and attend but he did not do so. As an elected councillor, he holds a position which carries with it a duty to abide by the Code and a responsibility to protect the public interest and preserve confidence in local government. The Acting Commissioner therefore considered that Councillor Collins' prolonged and ongoing failure to engage in the investigation and adjudication process was a serious aggravating factor.
3. The Respondent's conduct which led to the breaches of the Code were made at the time of a general election and in the context of an already toxic atmosphere in North Belfast. The Acting Commissioner considered that it was a serious aggravating factor that Councillor Collins's tweets contributed towards that toxic atmosphere and resulted in Mr Finucane being personally affected by the events; he felt his own and his family's safety were in jeopardy.
4. The lack of insight or acknowledgement of the potentially serious ramifications his conduct could have had on Mr Finucane or his family. Whilst in the letter of 14 March 2022 the Respondent said he did not intend to harm Mr Finucane or his family, his further comments including that he considered it '*disingenuous for Mr Finucane to claim that his retweet caused him concern for himself and his family*' demonstrated this lack of insight or appreciation of the serious ramifications his conduct could have had.

In considering the options available:

The Acting Commissioner said that in view of the seriousness of the breaches found, **no action** was not an appropriate sanction, the breaches of the Code were not an inadvertent failure on Councillor Collins' part.

She also did not consider a **censure** was an appropriate response in view of the seriousness of the conduct, the finding of disrepute, and the failure to engage in the investigation and adjudication process.

Before determining if partial suspension or suspension was the appropriate sanction in this case, the Acting Commissioner considered carefully whether the Respondent's conduct, in the context of the facts found and the Sanctions' Guidelines, was sufficiently serious to warrant **disqualification**. The Acting Commissioner noted that the Deputy Commissioner had not considered that the matter was sufficiently serious to warrant disqualification and that this was the most severe sanction that could be imposed. The Acting Commissioner agreed with this. The Acting Commissioner noted in particular that she had determined that the Respondent's actions had not brought his Council into disrepute and that, despite the serious nature of his conduct, there was no evidence that he was unfit to hold public office.

The Sanctions Guidelines indicate that **partial suspension** may be appropriate where the conduct in question is not sufficiently serious as to warrant disqualification but is of a nature that:

- (a) it is necessary to uphold public confidence in the standards required of local democracy;
- (b) there is a need to reflect the severity of the matter; and
- (c) there is a need to make it understood that the conduct should not be repeated.

The Acting Commissioner noted that partial suspension was more likely to be appropriate where the conduct related to a particular activity or Council business from which the relevant Councillor could be easily removed. Therefore, in relation to the option of partial suspension, given that the breaches related to Councillor Collins' general conduct on social media, the Acting Commissioner did not consider partial suspension from a particular activity or from a part of his role in the Council to be appropriate in the circumstances.

In her consideration of **suspension**, the Acting Commissioner took into account that the Respondent may be denied payment of allowances during any period of suspension. She also took into account the Sanctions Guidelines which state that the sanction of suspension is to be considered where the conduct is not sufficiently serious to warrant disqualification but the conduct is of a nature that:

- (a) it is necessary to uphold public confidence in the standards regime and on local democracy;
- (b) there is a need to reflect the severity of the matter; and
- (c) there is a need to make it understood that the conduct should not be repeated.

The Acting Commissioner considered the applicability of the objectives identified in paragraph 3 of the Sanctions Guidelines and that the following objectives were relevant to the consideration of sanction in this case:

- (i) the public interest in good administration;
- (ii) upholding and improving the standard of conduct expected of councillors; and
- (iii) the fostering of public confidence in the ethical standards regime introduced by the 2014 Act.

Therefore, any sanction imposed must be justified in the wider public interest and should be designed to discourage or prevent the particular Respondent from any future failures to comply with the Code or to discourage similar conduct by other Councillors.

The Acting Commissioner was also entitled to take into account not only the actual consequences that have followed as a result of the Respondent's conduct but also what the potential consequences might have been, even if they did not in fact occur.

The seriousness of the disrepute breach and the potential ramifications the Respondent's conduct could have had for Mr Finucane and his family were such that the Acting

Commissioner determined that, although disqualification from office was a sanction which was available to her because it is prescribed within the law for the protection of the rights and reputation of others in democratic society, a period of suspension was the minimum necessary in response to the seriousness of the breaches in this case.

The Acting Commissioner had paid careful regard to the Respondent's rights under Article 10 of the ECHR, relevant case law and the fact that such a sanction could be deemed to restrict the Respondent's right to freedom of expression. She also took into account that the purpose of a sanction was not to punish the Respondent. However, the purpose of, and the legitimate aim being furthered by the Code, was to provide for and secure the high standards required from elected Councillors thereby seeking to protect the rights of others. In relation to Article 10, the Acting Commissioner was satisfied that in construing the Code in the present case, any restriction upon the Respondent's freedom of expression in the context of the facts which she had established, was a necessary and proportionate restriction and did not inhibit the Respondent's right under Article 10 'to hold opinion'.

In addition to the Sanctions Guidelines and in line with judicial guidance (*Heesom*) the Acting Commissioner considered previous cases of a similar nature including:

A case concerning *Alderman Ruth Patterson* ([C00129 decided on 8 March 2019](#)) where the NI Commissioner for Standards imposed a suspension of 6 months in respect of similar breaches of the Code as in this case (noting that in this case the Alderman had co-operated with the investigation).

The Adjudication Panel for Wales's decision concerning *Cllr Perry Morgan* (Ref: [APW/005/2021-022/CT](#)) who was suspended for 10 months in response to disparaging remarks he made about a fellow councillor; he also failed to engage with the Ombudsman's investigation.

Adjudication Panel for Wales's decision concerning *Cllr William Owen* (Ref: [APW-006-2021-022-CT](#)) who was suspended for 9 months in relation to a persistent course of conduct making malicious and unsubstantiated complaints and failing to engage in the investigation.

The Acting Commissioner also noted that the Respondent's Article 10 right was not absolute and that any restriction such as the imposition of a sanction of suspension must be proportionate and justified.

Length of Suspension

Taking into account the Sanctions Guidelines and relevant case law, the facts and circumstances of the case, the Submissions of the Acting Deputy Commissioner, the content of the Respondent's letter dated 14 March 2022, and balancing the public interest against the Respondent's personal interest and his Article 10 rights, the Acting Commissioner considered that suspension in this instance was not disproportionate.

Having regard to previous decisions and the seriousness of the breaches, the Acting Commissioner considered that a period of suspension of **8 months** was a necessary and proportionate response to the actions of the Respondent and the breaches found.

The Acting Commissioner said that an 8 month suspension was necessary to uphold public confidence in local democracy, reflected the severity of the matter, was aimed at preventing the Respondent from any future failures and was intended to discourage similar conduct on the part of others. It was the Acting Commissioner's view that a period of 8 months' suspension was an appropriate and proportionate interference because what the Respondent said on social media went beyond the acceptable bounds of proper political debate and was unnecessary and personally abusive.

Councillor Collins' suspension will run for a period of 8 months from the date of this written Decision.

Leave to Appeal

The Respondent may seek permission of the High Court to appeal against a decision made by the Commissioner, which must be made within 21 days of the date that the Respondent receives written notice of the Commissioner's full written decision.

Other Matters

The Acting Commissioner trusts that this Decision conveys to all councillors the importance of understanding the purpose of the Code of Conduct and of adhering to its provisions, as well as the importance of engaging in any investigation and adjudication process of an alleged breach of the Code.

A handwritten signature in black ink, appearing to read 'K. Shaw'.

Katrin Shaw
Acting NI Local Government Commissioner for Standards
29 June 2021