



Northern Ireland

Local Government Commissioner for Standards

LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 2014

In the matter of Councillor Gary Hynds

(Lisburn & Castlereagh City Council)

Case Reference: 202400829

Decision of the Adjudication Commissioner – Ian A. Gordon

Legal Assessor - Michael Wilson, Solicitor

By virtue of section 55(1)(a) of the Local Government Act (Northern Ireland) 2014 (the 2014 Act) the Northern Ireland Local Government Commissioner for Standards (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).

BACKGROUND

1. On 28 June 2024 the Commissioner received a written allegation from a senior council officer of Lisburn & Castlereagh City Council (the Council) that Councillor Gary Hynds (the Councillor) a member of the Council had, or may have, failed to comply with the Code.
2. It was alleged that at the conclusion of a full council meeting on 25 June 2024, a senior council officer was '*the victim of a common assault*' by the Councillor. In particular, it was alleged that the Councillor '*threatened*' the officer and pulled back on his shoulder, causing his chair to spin. This caused the officer to feel '*alarm*' and to fear both for his '*personal safety*' and that of council staff and councillors. It was further alleged that the officer believed he could smell alcohol from the Councillor.

3. The 2014 Act gives the Commissioner the authority to investigate and, where appropriate, to adjudicate on written allegations that a councillor has, or may have, failed to comply with the Code.
4. The Commissioner delegated the authority to investigate allegations to the Deputy Commissioner and, subsequent to his investigation in this matter, he prepared an Investigation Report dated 20 June 2025. The Investigation Report included the Deputy Commissioner's findings of fact giving rise to the referral, and set out his reasoning why those facts, together with the supporting evidence, might be regarded as a failure to comply with the Code.
5. I have had no role in the assessment of an allegation of a breach of the Code, and I was not involved in the investigation or the subsequent decision by the Deputy Commissioner to refer a matter for consideration for Adjudication.
6. On 25 June 2025 the Councillor was informed that I had been appointed by the Commissioner to deal with this matter and that an Adjudication would be held in accordance with the Commissioner's Procedures for Adjudication.
7. An Adjudication is an inquisitorial process comprising up to three Stages; Stage 1 – the Finding of Facts; Stage 2 – the Determination of Breach; and, if required, Stage 3 – Sanction.
8. In order to facilitate the efficient management of the Adjudication process, a total of three Adjudication Reviews were held on the following dates, in the presence of the Councillor, the Deputy Commissioner and their respective legal representatives:-
 - 12 August 2025
 - 17 September 2025
 - 15 October 2025
9. At the initial Review on 12 August 2025, the parties were informed that I intended to deal with Stage 1 of the Adjudication process by way of an in-person oral Hearing, necessitating the attendance of witnesses who provided statements to the Deputy Commissioner during the investigation process. This was because it was clear to me from the contents of the Investigation Report that there appeared to be a substantial dispute as to what had occurred in the course of the Council meeting on 25 June 2024.
10. Due to the number of witnesses involved, it was necessary to schedule the Stage 1 Hearing over the course of two days (with the potential to require additional listing dates) from 28 – 29 October 2025.
11. In advance of the Stage 1 Hearing, and in order to assist my determination as to the findings of fact, I visited the Council Chamber on 27 October 2025 in order to have an

understanding as to where councillors and Council staff were sitting during the Council meeting of 25 June 2024 as well as viewing the entrance/exit points in the Chamber, given the varying and conflicting accounts provided by witnesses in their statements to the Deputy Commissioner. I was accompanied during this visit by my legal advisors; the Deputy Commissioner and members of his team, and the Councillor and his legal representatives were also present. I am grateful to the Council's officials for facilitating this visit which was of great assistance to the Adjudication process. In particular, it was very helpful to all concerned that the Council undertook to arrange the seating and layout of the Chamber as it was during the Council meeting of 25 June 2024.

12. The Stage 1 public Hearing to determine the Findings of Fact commenced on 28 October 2025. The Deputy Commissioner was represented by Christopher Sherrard BL while the Councillor was represented by Peter Canavan BL, instructed by Donnelly & Wall Solicitors.

THE ALLEGATIONS OF BREACH OF THE CODE

In his Investigation Report, the Deputy Commissioner states that the Councillor may have failed to comply with the following paragraphs of the Code:

Paragraph 4.14 *'You must work responsibly and with respect, with others and with employees of councils. The "Protocol for Relations between Councillors and Employees in Northern Ireland District Councils", which is included as Appendix 3 in the Code of Conduct for Local Government Employees, is available on the Local Government Staff Commission's website'*

Paragraph 4.13 *'You must (a) show respect and consideration for others; (b) you must not use bullying behaviour or harass any person...'*

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."*

The Councillor may also have failed to comply with a number of the Principles of Conduct on which the Code is based; namely, those of 'Promoting Good Relations,' 'Respect' and 'Good Working Relationships'.

Hearing – 28 October 2025

1. It was my intention to consider the facts in this matter and to hear direct evidence from witnesses to enable me to make a determination in relation to the facts. I am grateful to those witnesses for making themselves available to attend the Hearing.
2. The commencement of the Hearing was delayed to facilitate discussions between the legal representatives acting on behalf of the Deputy Commissioner and the Councillor, who were attempting to narrow the issues in dispute.
3. The further time granted to the parties resulted in an agreed set of facts being proposed for my consideration (in the form of a Scoping Document) together with an acceptance by the Councillor that he has breached those provisions of the Code which I have previously set out above, save that the Councillor only admitted to a breach of paragraph 4.13(a) - *'You must show respect and consideration for others'* but not paragraph 4.13(b) - *'You must not use bullying behaviour or harass any person...'*. In addition, the parties were content, if I was satisfied to do so, that the Hearing could proceed to deal with all stages of the Adjudication.
4. While I am grateful to the parties for their collaborative approach taken in relation to the Adjudication process, which has undoubtedly saved time and expense to the public purse in this matter, I remain the sole decision-maker and must set out my findings in sufficient detail.

STAGE 1 – MY FINDINGS OF FACT

Having considered the contents of the Investigation Report, the Councillor Response Form and the agreed Scoping Document, I have determined the following facts which I consider are most relevant to the alleged breaches of the Code:

1. The Councillor was elected to the Council on 18 May 2023.
2. In accordance with section 7 of the Local Government Act (Northern Ireland) 1972, he signed a Declaration dated 23 May 2023 affirming that he had read and would observe the Code.
3. The Councillor's training record details that the Councillor received training on the Code on 24 May 2023.
4. The Councillor attended a meeting of the Council on 25 June 2024.
5. The meeting was a public all-Council meeting which was also live-streamed on the Council website.
6. At this meeting, the Councillor was present and, on a number of occasions, sought to raise concerns he held in respect of a report that was listed on the agenda under 'Confidential Business.'

7. The Mayor did not permit the Councillor to address this matter during open Council given that it was listed within 'Confidential Business' which is appropriately addressed in committee.
8. The Councillor continued to interrupt the Mayor and did not comply with the Mayor's requests to resume his seat and raise the matter at the appropriate juncture of the meeting.
9. The Chief Executive of the Council also addressed the Councillor, at the Mayor's invitation, advising the Councillor that if his concerns related to a matter within 'Confidential Business' then he should wait until the Council was considering that matter in question and make his proposal at that stage.
10. Another councillor made the same point to the Councillor.
11. Following further exchanges between the Councillor and the Chief Executive, *which involved the Councillor shouting at the Chief Executive*, the Chief Executive drew the Council's attention to Standing Order 25.3 and outlined that an option exists for any Member to make a proposal that a Member not be heard any further.
12. As the Mayor was closing the meeting, the Councillor rose from his seat, walked past the table where the Directors were located and walked behind the table where the Mayor, Deputy Mayor and Chief Executive were seated.
13. The direction in which the Councillor chose to exit the Chamber was not the Councillor's normal exit upon leaving the Chamber.
14. The Councillor leaned down to speak to the Chief Executive and made comments which caused the Chief Executive alarm and/or distress.
15. The Councillor also caused the Chief Executive's chair to spin around during this encounter.
16. The Chief Executive stood up in response to the remarks made by the Councillor and there was a verbal exchange between the two individuals.
17. The Councillor then left the Chamber .
18. The PSNI investigated complaints received from both the Councillor and the Chief Executive however no charges were ultimately brought against either party.
19. The incident attracted media attention.

STAGE 2 – DETERMINATION ON BREACH

The evidential test for consideration of the 'Finding of Facts' is whether or not it has been established, on the 'balance of probabilities', that there has been a failure to comply with the Code. I have applied this test to my determination of Breach.

Having established the facts and considered all of the available evidence, including the content of the Investigation Report, the Councillor Response Form and the agreed Scoping Document, I would make the following comments:

1. Whilst the Councillor has helpfully accepted that he has breached a number of the provisions of the Code in relation to his conduct at a Council meeting on 25 June 2024, it is important that I bring my own judgment to bear on the question of Breach.

2. The Code applied to the Councillor. The Councillor signed a Declaration on 23 May 2023 affirming that he had read and would observe the Code. In addition, the Councillor received training on the Code the following day, on 24 May 2023.
3. The Code makes it clear that it is a Councillor's responsibility to ensure that they are familiar with the Code and that they comply with it.
4. The Code states that the public has the right to expect high standards of behaviour from Councillors who are obliged to ensure that their conduct complies with the Code.
5. The Code details the principles and rules of conduct that Councillors are required to observe when acting as a Councillor and in conducting council business, and states that a Councillor's behaviour will be judged against these standards of conduct.
6. In reaching my determination on the Councillor's failure to comply with the Code, I have also taken into account the Commissioner's Guidance on the Code¹.

REASONS FOR DETERMINATION

Breach 1 – Paragraph 4.14

This paragraph of the Code places a positive obligation on councillors to work responsibly and with respect, with others and with employees of councils.

The relevant Guidance on the Code is informative here:-

Paragraph 4.6.12 states:-

'The effective and efficient running of local government relies heavily on mutual respect and courtesy between councillors and council officers, and between councillors and those who work on their behalf or on behalf of a council. You must therefore work with others in a manner that will maintain good working relationships.'

It is clear from a review of the considerable witness evidence contained within the Investigation Report that the Councillor failed to act with respect and courtesy with regards to others, both in relation to his exchanges with the Mayor during the Council meeting (which was held in public as well as being live-streamed) and particularly in relation to his interaction with the Council officer.

While I appreciate that the Councillor may have acted with good intentions in terms of wanting to bring a degree of transparency to matters which he believed ought to be dealt

¹ Available at <https://www.nipso.org.uk/nlgcs/publications>

with in a public forum rather than within confidential business, the manner in which he tried to do so was entirely unacceptable. I accept the evidence contained within various witness testimony that he was disruptive during the Council meeting, that he disregarded the advice and guidance provided by the Mayor, the Chief Executive and a fellow councillor as to the appropriate manner in which he ought to address his concerns and that he acted in an aggressive manner, all of which was played out publicly.

Paragraph 4.14 of the Code also references the *Protocol for Relations between Councillors and Employees in Northern Ireland District Councils* which also applies to the Councillor in his dealings with his fellow councillors and Council officers. Pursuant to paragraph 4.6.13 of the Guidance on the Code, it therefore follows that an allegation of a breach of paragraph 4.14 of the Code will also consider whether a councillor has acted in accordance with the protocol.

Paragraph 5.1 of the Protocol states as follows:-

'Councillors' engagement with Employees must be equitable, reasonable, courteous and respectful and ensure that the impartiality of Employees is not compromised. Councillors must abide by their Code and their council's standing orders.'

It is clear that the Councillor has breached this provision of the Code as well as the Protocol, particularly in his exchanges with the senior Council officer, which were disrespectful and discourteous. Furthermore, his behaviour at the closing of the Council meeting was a blatant breach of his requirement to treat others with respect and maintain good working relationships. I note that during interview with the LGES team, the Councillor denied that he said anything to the senior Council officer, yet he later accepted during the Adjudication process that he did in fact make intimidating comments towards this individual and furthermore, that he did cause this person's chair to move during this confrontation, despite denying this at interview. There was also overwhelming evidence from other councillors and Council staff that the Councillor had acted entirely inappropriately and that they were shocked by his behaviour.

I note that the Councillor accepts that he breached this provision of the Code and that he failed to work with respect.

I am therefore satisfied that the Councillor has breached paragraph 4.14 of the Code.

Breach 2 – Paragraphs 4.13(a) & (b)

Respect and consideration – Paragraph 4.13(a)

The consideration of breach of this provision of the Code somewhat overlaps with paragraph 4.14 outlined above, given that part (a) of this section relates to a councillor's obligation to show respect and consideration for others, which includes colleagues and Council officers. Paragraph 4.6.3 of the Code sets out the Commissioner's expectation that councillors will *'show respect, consideration and courtesy to [council] officers.'*

In relation to the Councillor's exchanges with both the Mayor and the Chief Executive, I have already determined that the Councillor acted with discourtesy and disrespect towards these individuals.

I have also taken into account paragraph 4.6.5 of the Commissioner's Guidance which states as follows:- *'... you should bear in mind that rude and offensive conduct diminishes the public's opinion of, and trust and confidence in, its elected representatives.'*

I note that member(s) of the public were in attendance at the Council meeting on 25 June 2024 which was also live streamed up to the conclusion of the meeting. The incident also attracted media attention and while members of the public may not have witnessed the conduct of the Councillor at the conclusion of the meeting, the exchanges between the Councillor, the Mayor and the Chief Executive, both within the meeting and thereafter, were in nonetheless in a public forum, and were capable of diminishing the public's opinion of and trust and confidence in the Councillor as an elected representative.

I am therefore satisfied that the Councillor failed to show respect and consideration for others, in breach of his obligation under paragraph 4.13(a) of the Code.

Bullying & harassment – Paragraph 4.13(b)

In relation to paragraph 4.13(b) of the Code, which provides that a councillor should *'not use bullying behaviour or harass any person,'* the Guidance defines bullying behaviour as *'unwanted behaviour that makes someone feel intimidated or offended.'*² The Code further provides that consideration of an allegation 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/she was being bullied or harassed; whether or not a councillor intended to bully or harass that person is not relevant.'*³ The behaviour *'may involve a single incident or be part of a pattern of behaviour.'*⁴

The allegation which gives rise to the present adjudication states that the senior Council officer felt *"threatened"* and that the Councillor caused him *"a state of alarm and fear both for my personal safety and that of our staff and councillors."*

Only one witness statement specifically references the comments that were made by the Councillor to the Chief Executive however this witness admits that they cannot recall the exact words that were said by the Councillor and their account does not entirely support what is recited in the allegation. In any event I note that the Councillor now accepts that he made comments of an 'intimidatory' nature and I also note the impact of his conduct not only upon the senior Council official who feared for the safety of his colleagues and himself but also

² Paragraph 4.6.6 of the Commissioner's Guidance on the Code ("the Guidance")

³ Paragraph 4.6.8 of the Guidance

⁴ Ibid at 2 above

other councillors and Council employees given that the various witness statements provided to the LGES team demonstrate that a number were left shaken by the altercation.

While I have found that the Councillor acted aggressively towards the Chief Executive, I am not satisfied that his conduct, viewed as a whole, would enable me to conclude that this also amounted to bullying and/or harassment and, accordingly, I make no finding of breach in relation to this provision.

Breach 3 – Paragraph 4.2

Paragraph 4.5.3 of the Commissioner's Guidance provides as follows:-

'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. Dishonest and deceitful behaviour or conduct that results in a criminal conviction, such as a conviction for fraud or assault, even where such conduct occurs in your private life, could reasonably be regarded as bringing your position as councillor, or your council, into disrepute.'

The Chief Executive officer reported an allegation of assault to the PSNI on 26 June 2024 with the Councillor filing a counter allegation of assault against the Chief Executive. I understand that the PSNI opened an investigation and that statements were obtained from two Council officers and a councillor which appears to support the narrative contained in the majority of the witness statements collated by the LGES team that the Councillor approached the Chief Executive, leant down to his face and said something to him that caused him distress. The Councillor himself admits that what he said was 'intimidatory' although he did not confirm what he in fact said to the Chief Executive.

In any event, no party was arrested and consequently no charges were brought against the Councillor. While there is no resulting conviction in this instance, I regard the Councillor's conduct, both during and at the conclusion of the Council meeting, to have been aggressive, disrespectful and discourteous. In my determination as to whether there has been a breach of this particular provision of the Code, I have considered paragraph 4.5.4 of the Guidance which states:-

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

- whether that conduct is likely to diminish the trust and confidence the public places in your position as 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 councillor, or your council, into disrepute.*

Having considered all the facts of this incident, I am satisfied that the Councillor's conduct was likely to diminish the trust and confidence the public placed in his position as a Councillor. I am of the view that a member of the public, knowing all of the relevant facts, would reasonably consider that the Councillor's conduct was such that it brought his position as a Councillor into disrepute.

I do not, however, find that the Councillor's actions brought the Council into disrepute. In my view, the business of the meeting was being managed within the scope of the Council's Standing Orders, and there is no basis upon which I could conclude that the Council had been brought into disrepute as a consequence of the Councillor's behaviour.

I further find that the Councillor has breached the following Principles of Conduct:-

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 their councils. You should therefore show respect and consideration for others at all times.

Good Working Relationships: You should work responsibly with other councillors for the benefit of the whole community. You must treat other councillors and with courtesy and respect. You must abide by your council's standing orders and should promote an effective working environment within your council. The relationship between councillors and council employees must at all times be professional, courteous and based on mutual respect. You must show respect and consideration for council employees at all times, and ensure that your actions do not compromise their impartiality.

SANCTION

The agreed approach put forward for my consideration by the parties on the day of the intended Stage 1 Hearing allowed me to deal with the Adjudication process in its entirety and to determine all stages of the process, including the matter of appropriate Sanction (Stage 3).

I am grateful to both the Councillor and the Deputy Commissioner in coming to an agreed position in relation to the Adjudication process which has enabled the efficient conclusion of this matter, without the need to take evidence from various witnesses and resulting overall in a considerable saving to the public purse. In consideration of the Councillor's recognition that he has breached the Code, I invited the parties to address me on the matter of sanction and in particular, the applicable aggravating and mitigating factors.

Deputy Commissioner's Submissions on Sanction

Mr Sherrard BL on behalf of the Deputy Commissioner submitted the following **mitigating** factors in respect of the Councillor:-

1. The Councillor has no previous history of non-compliance with the Code;
2. The Councillor is not a long-serving Councillor, having only been elected in 2023;
3. The Councillor has cooperated with both the investigation and adjudication processes;
4. There has been compliance with the Code since the events giving rise to the Adjudication;
5. There has been a recognition by the Councillor that there has been a failure to follow the Code, albeit of a somewhat belated nature;
6. There has been cooperation in rectifying the effects of his failure to comply with the Code and it has been agreed that an apology to the affected person will in due course be provided;
7. The Councillor genuinely and sincerely believed the matters he was attempting to raise at the Council meeting were of significant public interest albeit he ought to have known or have taken advice in regards to the manner in which he pursued these.

In respect of applicable **aggravating** factors, Mr Sherrard proposed the following for my consideration:-

1. The reckless nature of the Councillor's conduct may have brought both the Councillor and the Council into disrepute;
2. There is more than one breach of the Code albeit they all arise from the one event;
3. Critical public comment in media sources concerning the actions and words of the Councillor;
4. The importance of high-ranking members of the Council staff being able to conduct their roles without fear or favour was jeopardised as a result of the Councillor's actions.

In considering sanction, Mr Sherrard referenced the Sanction Guidelines ("the Guidelines") and submitted as follows:-

No Action – This is the lowest option and can be a suitable outcome if the nature of the conduct which had given rise to the breach of the Code was not an inadvertent or innocent failure to comply with the Code. Mr Sherrard stated that the conduct was not inadvertent and was not innocent and therefore no action would not be an appropriate disposal.

Censure – The Councillor's conduct was not a minor failure as is envisaged within paragraph 8 of the Guidelines and therefore that would not be an appropriate measure.

Partial Suspension – This is a sanction that is designed to meet circumstances in which a councillor's conduct was such that it was limited to a particular activity or section of Council business from which the councillor could be easily extracted, which is not applicable in this case.

Suspension – This is an option which is available to the Commissioner and one which would be appropriate in the relevant circumstances. The Commissioner will be familiar with paragraph 16(a) that a suspension for not less than one month would be the lowest form of suspension that would be applicable in the case.

Disqualification - This is the most severe sanction available and it is submitted that the factors listed within the Guidance would mitigate against such a course being taken in the present case.

Mr Sherrard drew attention to two previous Adjudication decisions in relation to my consideration as to the appropriate sanction:-

1. Councillor Mark Collins – This was a decision made on 29 June 2022 involving breaches of paragraphs 4.13(a) and 4.2 of the Code in which the Acting Commissioner imposed a suspension of eight months in respect of breaches of the Code where it was determined that the Councillor's social media, specifically Twitter activity, went beyond the acceptable bounds of proper political debate and discourse; it was unnecessary and personally abusive. Councillor Collins did not comply with the investigation process and the breaches included misuse of his position.
2. Councillor Colin Kennedy – This dates from 30 June 2021 where there were breaches of 4.2, 4.13(a) and 4.13(b), in which a sanction of six weeks' suspension was imposed where a Councillor threatened another Councillor within the car park to the Council and it was a councillor-to-councillor type scenario. There was mitigation in terms of no previous breach of the Code and it being a one-off occurrence. It was considered bullying behaviour as opposed to intimidatory behaviour, which it is accepted the behaviour in the instant case is. There were serious personal safety issues to the fore in that case, which again the Commissioner will take the view as appropriate in relation to the present case as to how that should be applied.

Mr Sherrard stated that while the Deputy Commissioner is of the view that a suspension is an appropriate disposal of this matter, he recognised that there is a wide latitude in terms of my discretion as to what the appropriate disposal should be.

Councillor's Submissions on Sanction

Mr Canavan BL on behalf of the Councillor directed me to Appendix A of the Sanctions Guidelines which sets out the factors I may take into account in determining the appropriate Sanction and highlighted the following **mitigating** factors:-

1. Previous record of good service and compliance with the Code.
2. Short length of service or inexperience in a particular role – Councillor Hynds was approximately one year in office at the time of the incident.
3. Recognition by the Councillor that there has been a failure to follow the Code; co-operation in rectifying the effects of that failure and that there would be an apology to the affected person(s).
4. There has been cooperation with the investigation and Adjudication Hearing.
5. There is substantiated evidence of compliance with the Code since the events giving rise to the adjudication.
6. There are actions which may have involved a failure to comply with the Code, but which had some beneficial effect for the public interest.
7. Heat of the moment – debate in Council Chamber.

Mr Canavan stated that he would further adopt and agree the mitigating factors outlined by Mr Sherrard.

In terms of the **aggravating** factors, Mr Canavan was of the view that none of those listed in Appendix A of the Guidelines were present in this case. He submitted that an aggravating factor by very definition is an element which makes the breach worse or more serious. An understanding of the breach itself in terms of the agreed facts gives the Commissioner ample understanding of the factors that are at play, however, the Councillor is of the view that they are not aggravating in nature.

Mr Canavan highlighted the different factual matrices of the two Adjudication cases quoted by Mr Sherrard and emphasised that in this matter, there is an undertaking that an apology will be forthcoming; there is no intention that any of these acts will happen again in respect of this and there is a full understanding. He also requested that I consider that the Councillor held a genuine and sincere belief that his actions on the night in question were in the public interest.

MY DECISION ON SANCTION

It is important to emphasise the importance of preserving public confidence in local government representatives. The legitimate purpose of the Code is to outline and to secure high standards of conduct by elected councillors. It follows that the purpose of a sanction is also to preserve confidence in local government representation and must not operate to punish the Councillor.

I am also aware that any Sanction must be justified in the wider public interest and should be designed to discourage or prevent the Councillor from any future failures to comply with the Code and to discourage similar conduct by other councillors.

I am grateful to the submissions of Mr Sherrard and Mr Canavan on behalf of the Deputy Commissioner and the Councillor in terms of outlining the potential applicable mitigating and aggravating factors in this matter.

In determining Sanction I have also considered the Sanction Guidelines. In this case, I have had regard to the following **Mitigating** factors:

- The Councillor has cooperated fully with the Investigation conducted by the Deputy Commissioner.
- He has also engaged fully with the Adjudication, including attending all Adjudication Reviews (which facilitate the efficient management of the Adjudication) and today's Hearing.
- The Councillor is not a long-serving Councillor, having only been elected in 2023.
- He has no previous history of non-compliance with the Code.
- There is no evidence of any further incidents of non-compliance with the Code since the allegation giving rise to the Adjudication was made.
- He held a genuine belief that his actions would have some beneficial effect for the public interest.
- The Councillor has acknowledged that he has breached the Code albeit somewhat belatedly in the Adjudication process.
- His agreement to a proposed findings of fact which has negated the need to hold an in-person hearing albeit only on the day the hearing was scheduled to take place and after witnesses were already in attendance at the Hearing.
- The Councillor has provided an undertaking to submit a formal written apology to the Council officer in question.

I do not accept Mr Canavan's contention that there were no aggravating factors in this case, and I have noted the following **Aggravating** factors:-

- There were multiple Breaches of the Code which were not inadvertent.
- During the investigation, and despite clear evidence to the contrary, the Councillor denied that he said anything to the Chief Executive when he approached him at the end of the Council meeting (a denial that he repeated to the PSNI) but later admitted to having made intimidatory comments towards him.
- He sought unfairly to blame other people in relation to his conduct and his exchanges with the affected individuals.
- The Councillor failed to heed the advice and guidance of Council officers and other councillors regarding the manner in which he tried to address matters listed on the meeting agenda.

The available Sanctions are referred to in paragraph 42 of the Adjudication Procedures and are set out in further detail at paragraphs 7 -22 of the Sanctions Guidelines:

1. **No action** - this is not an appropriate Sanction in this case given the conduct which has given rise to the Commissioner's determination on breach of the Code and considering the public interest.
2. **Censure** - would only be appropriate where the breach of the Code was relatively minor in nature. I do not consider that the breach in this instance was minor nor would censure represent an appropriate Sanction given the importance of preventing any future failures to comply with the Code and to discourage similar conduct by other councillors as well as the need to improve standards of conduct and to uphold the public interest.
3. **Partial Suspension** - Suspending the Councillor from a particular aspect of Council work would not uphold the public interest given that the Breaches of the Code in this matter did not relate to any *particular* aspect of Council business but rather the Councillor's conduct arose in the course of a full Council meeting.
4. **Suspension** - The Sanctions Guidelines provide that suspension is to be considered where the conduct is not sufficiently serious to warrant disqualification, but the conduct is of a nature that it is necessary to uphold public confidence in the standards regime and/or local democracy; there is a need to reflect the severity of the matter; and there is a need to make it understood that the conduct should not be repeated.
5. **Disqualification** - is the most severe option open to me and the factors which may lead to disqualification are listed in the Sanction Guidelines at paragraph 18. I am satisfied that, having considered those Guidelines, the conduct in this case does not merit disqualification.

Decision

In coming to my decision on sanction, I have also had regard to the previous Adjudication Decisions referenced by Counsel (*Collins* and *Kennedy*). While both of these matters involved a consideration of a number of similar breaches of the Code and are instructive in terms of outlining the Commissioner's view on upholding standards of behaviour, it is important that each case is considered on its own facts and that any sanction meets the objectives of the Guidelines and is justified in the particular circumstances of the case.

Taking into account, all of the mitigating and aggravating factors, and the breaches of the Code, I consider a suspension of one month to be appropriate and proportionate in this matter. The period of suspension takes effect from the date of this Decision and will end at 11.59pm on 5 December 2025.

In considering the proportionality of this Sanction, I consider that it is the least severe Sanction required in the circumstances of this case to meet the objectives of the Sanctions' regime. Whilst the period of suspension may have some impact on the Councillor's entitlement to allowances, I consider that this will be limited and is not unreasonable (I note that in any event the loss of allowances is a matter for the individual Council).

I would note that, but for the Councillor's engagement in the Investigation and Adjudication processes and his acceptance that he has breached the Code together with the intended apology to the affected individual, the matter would have merited a materially greater period of suspension.

LEAVE TO APPEAL

Pursuant to section 59 (14) of the Local Government Act (Northern Ireland) 2014, the Councillor may seek the permission of the High Court to appeal against a decision made by the Adjudication Commissioner, which must be made within 21 days of the date that he receives written notice of the Adjudication Commissioner's decision.

5 November 2025

Ian A. Gordon

Adjudication Commissioner