Update on Sid Perrie v the Standards Commission â?? new fundraiser launched

Description

It is over six month since I last wrote about the Sid Perrie case and that was in a post about Flamingo Land seeking a judicial review of the Scottish Governmentâ??s decision to refuse their planning application at Balloch. (Progress on the judicial review has gone very quiet and it is still not scheduled on the Court of Sessionâ??s list of forthcoming hearings (see here)). At the end of that post (see here). I reported that Sid had with legal assistance from PBW Law, successfully lodged an appeal against the Standards Commission (SCS) decision to suspend him from the LLTNPA Board while he was off sick for six months for sending six emails (see here) and had launched a fundraiser on Gofundme.

Unfortunately, due to continued health problems, Sid was unable to administer the fundraiser and as a result donations were returned without explanation. My apologies for not explaining this to Parkswatch readers who contributed earlier.

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The Sheriff Court recognised Sid was not fit enough to attend court and adjourned the initial appeal hearing date and then two further hearings before setting a date at the end of October. In the intervening period Fiona Higgins, the Glasgow City Councillor who like Sid had been referred to the SCS for trying to challenge staff, won a judicial review in the Outer Court of Session against the SCSâ?? attempt to prevent her presenting evidence in her defence (see here). Lord Sandison, who made the judgement, decided that in rejecting certain evidence the SCS had acted outwith their powers. He also made a withering comment on the SCSâ?? guidance document on the â??Relevancy of Evidenceâ?? stating that it *â??is couched in such discursive terms that, when read as a whole (as it must be) one or other of its passages could be found to justify almost any decision on relevancy which the Commission chose to take.â?•*

All this appeared very relevant to those who had been helping Sid with his appeal. However the SCS appealed that decision to the Inner Court of Session in September (see here) on the basis that it required legal clarity about what evidence in people subject to complaints could present in their defence and was concerned about its ability to conduct â??fair, proportionate and efficient hearingsâ?•. Until the Court of Session decides on this issue, a number of cases where there have been disputes with the SCS about what evidence they will consider are potentially in legal limbo.

In Sidâ??s case, just before the scheduled hearing at the end of October, the Sheriff agreed to consider evidence of whether he, like Fiona Higgins, had been denied the opportunity to present evidence in his defence and, if so, whether to delay the appeal until after the Inner Court of Session has made their judgement.

Sid now needs legal representation to help put that case and also to represent him at his appeal when that goes ahead, whether that is before or after the decision of the Inner Court of Session. .He therefore launched a new fundraiser last week (see here). The link provides a good summary of the issues at stake (I was not involved in writing it!).

Robin McAlpine, wrote a scathing blog about how the SCS operates to mark the opening of the fundraiser (see here) and Martin Williams has written about it in the Herald (see here). That publickty has really helped and so far Â£1400 has been raised in a week towards a target of Â£6k.

What I can write about this case has been limited since the Appeal was lodged. I have, however, been conducting further research into the evolution of the Codes of Conduct for councillors and board members. I intend to write soon about this, including how they have been turned into tools to silence elected representatives and board members who try to challenge staff. Meantime, I hope those Parkswatch readers who donated to the last fundraiser will do so again and others will consider doing so. At stake, I believe, are some fundamental issues about democracy and the right to challenge those with power.

Category

1. Loch Lomond and Trossachs

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