



The Scottish Parliament
Pàrlamaid na h-Alba

Michael W Russell MSP
Argyll and Bute

Statement in support of Cllr Michael Breslin

I have made it clear to Cllr Breslin that I would prefer to give evidence on his behalf in an open hearing and to be questioned on it. I am sorry that the Standards Commission has not yet facilitated that opportunity as it is important that there is public scrutiny of the way in which Cllr Breslin has been treated by Argyll & Bute Council and public scrutiny of what I increasingly regard as a defective process of public imposition of standards on elected members.

Accordingly I would ask it to be noted that in providing this brief written statement I am not withdrawing my request to give oral evidence. I am also prepared to attest to my belief in the veracity of this statement and the information within it by means of oath should be required.

I have known Cllr Breslin for some years, first of all in his capacity as Principal of Argyll College during some of the period when I was Cabinet Secretary for Education & Lifelong Learning, and then as a local authority Councillor in Argyll & Bute where I am the constituency MSP. Cllr Breslin was until 2013 a member of the SNP and I knew him in that capacity as well. His wife is also a former primary teacher and knows my wife who is a primary Head Teacher in the area. We have on occasion socialized together.

I think highly of Michael Breslin's intelligence, integrity and commitment to his community. He is an assiduous and hardworking ward Councillor and there is a strong degree of respect for him within Cowal and further afield. He can be forceful when arguing a case but I never found him to be anything other than courteous and polite. His ability in debates and his skills in the key tasks of local representation - that is working for individuals and communities on practical problems and speaking up for them when they need to be heard - are considerable and his electors are fortunate to have him on their side. He is as a result regarded as an excellent local representative who gets things done and one who is not afraid to challenge authority in the interests of justice and fair play.

That reputation is in contrast to that of some other Councillors in Argyll & Bute - mostly members of the administration - who are known only for reluctance to speak up or speak out and who never contradict Council officials or their political leaders.

Cllr Breslin has been the subject of a previous complaint to the Standards Commissioner which was not upheld. That complaint from a number of senior administration Councillors included the present Leader of the Council. That complaint and this one, in my opinion, were politically motivated and in part, I am sure, stem from a degree of resentment regarding the respect in which Cllr Breslin is held and the contrast many people make between him and other Councillors particularly in his own ward. It is significant in my view that the ward represented by Cllr Breslin is also represented by the present Leader of the Council. I am also of the view that Cllr Breslin's professional background makes it more difficult for officials to fob him off, intimidate or overawe him.

Those facts provide the context for the present series of complaints and I am deeply concerned - as I have been in other cases - that consideration of such a context seems to be explicitly excluded by the Standards Commissioner which I believe weakens the ability of the Commission to achieve just (and justifiable) outcomes.



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On a general note although I have been copied in to much of Cllr Breslin's correspondence on the three matters at issue and I have seen no evidence of deliberate disrespect to council officials, nor have I read any in his blog or heard him in public show such disrespect or articulate criticism beyond acceptable norms which could be experienced in any public discourse.

However he has been trenchant and firm in his democratic advocacy of his constituents' rights and has shown an admirable tenacity in defending the interests of the area he represents and, I might add, the interests of the Council as a whole.

Nothing therefore in Cllr Breslin's actions goes beyond - in my view after a lifetime spent in politics, some at a senior level - robust articulation of responsible positions and his words and opinions must therefore be protected as a legitimate exercise of freedom of speech.

Turning to the three issues contained in the complaint I would comment as follows;

1. On the matter of payment for care staff Cllr Breslin's frustration with the equivocation of the Council as a contracting body is understandable particularly given the evidence Cllr Breslin has amassed. Rather than complaining of his actions senior Council officials should have been grateful for the rigour which he brought to the issue and should have quickly investigated the allegations he made. The fact that they did not do so is the matter that should concern the Commission and other external bodies, not what Cllr Breslin said or did. He was not only entitled to question that lack of action, which he did in a responsible way, it was his duty to do so.
2. On the matter of Rothesay Harbour I was deeply involved in the case with Cllr Breslin and I can bear witness to the honesty and integrity of his approach. His concerns were solely based on the manifest injustice being perpetrated (concerns I completely echoed and still do) and the fact that such injustice was taken place partially in his name as he was a member of the Harbour Board until it was abolished (an administrative change which appears to be not unconnected to the unwelcome questions posed by Cllr Breslin over a long period of time). The implications to the contrary made in the background by some senior administration Councillors are baseless and Cllr Breslin would be entitled to have gone to law to defend his reputation had they been made in public and reported. It is therefore extraordinary that they appear to have been considered seriously by the Council and used as grounds for complaint to the Commission and that should be a matter for investigation after this complaint is dismissed. The treatment of the individual at the heart of this case was shameful and persistent and the fact it was allowed to continue for so long speaks volumes about the failure of the Council to meet its obligations efficiently, effectively and impartially. Other Councillors involved in this matter are also willing to give evidence in support of Cllr Breslin and will attest to the way in which the duties of Councillors as members of the Harbour Board were never adequately explained nor adequately supported.



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3. On the matter of the proposed buyout of Castle Toward Michael Breslin's work with the South Cowal Community was exemplary. I was a party to almost all the actions he undertook and the duplicity of some of those involved on the side of the Council was almost beyond belief, an observation that would be confirmed by many of those in the South Cowal Community. The performance of the Council in this matter attracted criticism the length and breadth of Scotland, tarnished its reputation even further and was very destructive in terms of local confidence in the democratic process. It is to Cllr Breslin's credit that on no occasion did he follow my lead of directly and strongly criticizing officials in public and in print. Personally I believe that the restrictions on Councillors so doing is anti-democratic but he was aware of how keen some people were to find an excuse to report him to the Commission and he was scrupulous on seeking to avoid such confrontation. The final part of this saga involved cynical manipulation of standing orders at a Council meeting, an action which demonstrated a disgraceful contempt for the Community and which caused huge anger in Cowal and beyond.

In conclusion I would wish to state that I have enormous respect for the fortitude which Cllr Breslin has shown during the present lengthy process of investigation. The maxim 'justice delayed is justice denied' applies to his case. Moreover he has been required to spend considerable sums of money defending himself from unjust accusations.

I have contributed to his crowd funding campaign, have taken his case to Government in my role as his local constituency MSP, have met with Ministers with Cllr Breslin and am quite prepared to speak for him at any hearing including an appeal to the Sheriff Principal should that be required. My view is that Cllr Breslin has been singled out in order to dissuade other Councillors in the area from showing initiative, opposing actions by officials they regard as wrong or damaging and speaking up for local people when the Council regards the rights and wishes of individuals as being of less importance than the corporate interests of the local authority.

The Standards Commission process was never designed for, and should never be used for, such anti-democratic purposes and I urge all those involved to dismiss the complaints against him.

Michael W. Russell MSP
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