

Decision of the Standards Commission for Scotland

On receipt of a report from the Ethical Standards Commissioner (ESC), the Standards Commission has three options available, in terms of Section 16 of The Ethical Standards in Public Life etc. (Scotland) Act 2000 (the 2000 Act). These are: (a) to direct the ESC to carry out further investigations; (b) to hold a hearing; or (c) to do neither.

In this case, the Standards Commission determined to **do neither**.

Background

The Standards Commission is a statutory body established under the 2000 Act. The 2000 Act created an ethical standards framework, under which councillors and members of devolved public bodies in Scotland are required to comply with Codes of Conduct. Under the framework, complaints about breaches of these Codes are investigated by the ESC and adjudicated upon by the Standards Commission.

Report to the Standards Commission

Following his investigation into a complaint received on 2 November 2022 (reference LA/G/3818) concerning an alleged contravention of the Councillors' Code of Conduct dated December 2021 (the Code) by an elected member of Glasgow City Council (the Respondent), the ESC referred a report to the Standards Commission on 11 October 2023.

The complaint alleged that the Respondent misused publicly funded resources to pursue political party activities by delivering two leaflets to the Complainer's home at the same time.

In his investigation report, the ESC advised that:

- He had found that the Respondent, or someone assisting him, had delivered the two leaflets in question to the Complainer's home. The ESC found, however, that the first leaflet provided constituents with information about where and when they could go to speak to the Respondent, in his capacity as a ward councillor. The ESC concluded it was appropriate for council resources to be used to provide information to residents about where they could go for help with council services or business.
- The second leaflet was one that promoted the Respondent's political party. The ESC advised that he had found no evidence that any council resources were used to produce, print or deliver the leaflet.

As such, the ESC concluded that there was no evidence of a breach of the Code.

Reasons for Decision

Having considered the terms of his report, the Standards Commission did not consider that it was necessary or appropriate to direct the ESC to undertake any further investigation into the matter.

In making a decision about whether to hold a Hearing, the Standards Commission took into account both public interest and proportionality considerations, in accordance with its policy on Section 16 of the 2000 Act. A copy of the policy can be found at: <https://www.standardscommissionscotland.org.uk/cases>.

In assessing the public interest, the Standards Commission noted that a breach of the provisions in the Code that required councillors to refrain from using council resources improperly or for party political activities had the potential to bring the role of a councillor and the Council itself into disrepute.

The Standards Commission further noted that holding a Hearing (with the associated publicity) could promote the provisions of the Code, if it was found that the Respondent's conduct amounted to a breach of

the Code. There could, therefore, be some limited public interest in holding a Hearing. Regardless of this, the Standards Commission was, however, also required to consider whether it would be proportionate to do so.

In considering proportionality, the Standards Commission noted that the ESC had not found any evidence that council resources were used to produce, print or deliver the party-political leaflet. The ESC had, therefore, concluded that there was no evidence of a breach of the Code. Having reviewed the information before it, the Standards Commission found no reason to depart from that conclusion.

The Standards Commission considered, therefore, that it was not proportionate for it to hold a Hearing. It determined to take no action on the referral.

Date: 16 October 2023



**Lorna Johnston
Executive Director**