

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 22 November 2022 (reference LA/G/3829) 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 1 March 2024.

The complaint concerned an incident that took place at a Community Centre in Glasgow in November 2022, where an advocacy group was holding an event to launch a report on the Scottish Government's work to address the country's drug death crisis.

In his investigation report, the ESC advised that:

1. The Complainer, who had not been in attendance, contended that the Respondent had behaved in a disrespectful and discourteous manner by arguing with the advocacy group's Chief Executive and by refusing to leave the event when asked. The ESC advised, however, that having reviewed the publicly available footage of the interaction between the Chief Executive and Respondent at the event, and having interviewed several witnesses who were present, he was satisfied that the Respondent did not push himself forward inappropriately or insist on speaking. There was no evidence, from the video footage or the evidence from the witnesses, that the Respondent said anything discourteous, inflammatory, or profane. In contrast, the evidence indicated the Respondent had tried to reason with the Chief Executive and complied when asked to leave. The ESC advised that he had concluded, therefore, that the conduct complained of did not occur.
2. The Complainer further alleged that, after being asked to leave the event, the Respondent threatened to influence Scottish Government bodies to withdraw funding from the advocacy group. The ESC advised, however, that having weighed up the evidence provided by all parties, he had found that the Respondent expressed a view that the Chief Executive's conduct at the event would undermine support for the advocacy's group's campaign. The ESC noted that this was not the same as threatening to withdraw funding. As such, the ESC did not consider the Respondent had breached the Code in relation to the second issue of complaint.

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>.

The Standards Commission 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. The Standards Commission noted, however, that the option to take no action had been included in the 2000 Act to ensure that neither the ethical standards framework, nor the Standards Commission, was brought into disrepute by spending public funds on administrative or legal processes in cases that did not, on balance, warrant such action.

In considering proportionality, the Standards Commission noted that the ESC, in his report, had reached the conclusion that neither issue of complaint had been factually established and that there was no evidence of a breach of the Code by the Respondent. Having reviewed the extent of the ESC's investigation and his reasoning, the Standards Commission found no reason to depart from this conclusion.

In the circumstances and for the reasons outlined above, the Standards Commission concluded that it was neither proportionate, nor in the public interest, for it to hold a Hearing. The Standards Commission determined, therefore, to take no action on the referral.

Date: 4 March 2024



**Lorna Johnston
Executive Director**