

Decision of the Hearing Panel of the Standards Commission for Scotland following the Hearing held online on Thursday 5 June 2025.

Panel Members: Mrs Morag Ferguson, Chair of the Hearing Panel
Ms Suzanne Vestri
Mr Malcolm Bell

The Hearing arose in respect of a report referred by Mr Ian Bruce, the Ethical Standards Commissioner (the ESC), further to complaint reference LA/Fa/3910, concerning an alleged contravention of the Councillors' Code of Conduct (the Code) by Councillor William Buchanan (the Respondent).

The ESC was represented at the Hearing by Mrs Sarah Pollock, Hearings and Investigations Officer. The Respondent represented himself.

REFERRAL

Following an investigation into a complaint received on 15 June 2023 about the conduct of the Respondent, the ESC referred a report to the Standards Commission on 3 March 2025, in accordance with the Ethical Standards in Public Life etc. (Scotland) Act 2000.

The ESC advised that he had considered whether the Respondent had failed to comply with the Code, and, in particular, whether he had contravened paragraphs 3.1, 3.3, 3.7, 3.8 and 3.9 which are as follows:

Respect and Courtesy

3.1: I will treat everyone with courtesy and respect. This includes in person, in writing, at meetings, when I am online and when I am using social media.

3.3: I will not engage in any conduct that could amount to bullying or harassment (which includes sexual harassment). I accept that such conduct is completely unacceptable and will be considered to be a breach of this Code.

3.7: I will not become involved in operational management of my council's services as I acknowledge and understand that is the responsibility of its employees.

3.8: I will not undermine any individual employee or group of employees, or raise concerns about their performance, conduct or capability in public.

3.9: I will not take, or seek to take, unfair advantage of my position in my dealings with employees or bring any undue influence to bear on employees to take a certain action. I will not ask or direct employees to do something which I know, or should reasonably know, could compromise them or prevent them from undertaking their duties properly and appropriately.

Preliminary Matters

The Hearing Panel noted that the ESC had concluded that a finding the Respondent had breached the Code could not be made. The Panel advised that the Standards Commission had decided it was nevertheless both proportionate and in the public interest to hold a Hearing. The Standards Commission had explained that this was because it considered that holding a Hearing (and the associated publicity) could promote the provisions of the Codes of Conduct and the ethical standards framework. It further considered that the alleged breach was not insignificant or of a technical, minor nature.

SUBMISSIONS MADE AT THE HEARING

Submissions made by the ESC's Representative

The ESC's representative advised that the Respondent was first elected as a councillor in 1996. The ESC's representative noted the complaint concerned an email the Respondent sent on 9 June 2023. The ESC's representative advised that there was no dispute that the Respondent was acting as a councillor when

sending the email, that he had used his council email account and that it concerned council related matters. The ESC's representative contended, therefore, that the Code applied to his conduct.

The ESC's representative advised that further emails had been exchanged by some of the various parties described below, in the relevant period, which was between 31 May and 2 June 2023. The ESC's representative advised, however, that in her submissions she would only refer to those that may be considered helpful in terms of providing context in respect of the Respondent's email of 9 June 2023.

The ESC's representative explained that it was not in dispute that the following was correct and / or had occurred:

- The Respondent is the Convener of the Council's Planning Review Committee. The ESC's representative advised that the Committee considered an appeal against the Council's decision to refuse permission for a planning application at a meeting on 18 March 2022. The Committee granted planning permission, subject to conditions and a legal agreement between the applicant and the Council, in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997, being put in place. The ESC's representative explained that the Committee's interim decision notice was issued on 29 August 2022, with the issuing of the final decision notice being delegated to Council officers once the planning conditions were satisfied and the legal agreement was concluded.
- The Complainer was a senior planning officer at the Council and was involved in the work required to progress matters so that the final decision notice could be issued.
- On 31 May 2023, another councillor (Councillor A) on the Committee sent an email to the Complainer, Respondent, the Complainer's manager and a further councillor (who was also a member of the Committee). Councillor A copied in two other council officers, one of whom worked in the Council's Legal Services Team. In his email, Councillor A noted that he had been reviewing a 'weekly list' and noted, to his surprise, that the planning application was still live, despite the Committee having made its decision more than a year before. Councillor A concluded his email by advising that he had included the Complainer in the list of recipients as he was the case officer responsible for the matter.
- On 1 June 2023, the Complainer responded to all recipients of Cllr A's email. The Complainer also copied in the Complainer's service co-ordinator and another manager. The Complainer explained that the application had "been caught" by the introduction of Scotland's fourth National Planning Framework (NPF4). The Complainer stated that while a draft decision letter was in place, it could be subject to legal challenge as it did not include consideration of policies introduced under the new framework.
- Councillor A replied to the Complainer by email on 1 June 2023, copying in the same individuals. Councillor A acknowledged that the introduction of the NPF4 had caused difficulties. Cllr A stated that while he did not consider the Complainer had been disrespectful, he was concerned that the process meant, essentially, that decisions being made by councillors were not being implemented.
- On 2 June 2023, the Respondent forwarded Councillor A's email of 31 May 2023 to the Complainer's manager, his service co-ordinator, the manager of the Council's Legal Services and Councillor A, and stated: "I would ask for an immediate investigation into this situation and the concerns expressed [] regarding [the Complainer's] part in the handling" of the application.
- The Respondent then sent an email on 9 June 2023 to the same recipients as his email of 2 June 2023, forwarding the exchange of 31 May to 1 June 2023, as detailed above. The Respondent's email was entitled "Local Review Board decisions private and confidential" and referred to the Complainer's email of 1 June 2023. The Respondent stated that he could "hardly contain" his anger at the email from the Complainer. The Respondent noted that the planning application had been "the focus of frustration and desperation from the applicant" who had tried "over this period in time" to get the legal agreement signed. The Respondent noted that despite "numerous correspondence from the agent" and the Complainer's service co-ordinator having to contact the Complainer on three occasions, it had still not been finalised. The Respondent stated that he was "looking for a meeting with officials and [Councillor A] to make a formal complaint and get advice on the suspension of an officer pending the outcome of an investigation". The Respondent then stated he was "also considering contacting the police on the

matter” and would copy the email to his solicitor “should he be required”. The Respondent concluded his email by stating he considered the situation to be “scandalous” and that he was awaiting the advice of the Council’s Legal Services Manager.

The ESC’s representative advised that, as a result of the Respondent’s interventions, the Complainer’s Line Manager conducted a review into the matter and the progress of the application. The ESC’s representative advised that the outcome of this investigation had not been disclosed to the ESC.

The ESC’s representative advised that the Complainer’s Line Manager shared the Respondent’s email of 9 June 2023 with the Complainer. The Complainer considered the email was disrespectful towards him and, as a result, made an internal complaint. The ESC’s representative advised that the Council had investigated his concerns but had not upheld the complaint on the basis that, as the Respondent had marked the email “private and confidential”, it was evident he had not intended for it to be disclosed to the Complainer.

The ESC’s representative advised that the ESC considered that, in his email of 9 June 2023, the Respondent had questioned the Complainer’s capability and willingness to progress the matter and had sought advice about whether he could be suspended pending an investigation.

The ESC’s representative noted that the Respondent had explained, during the investigation, that his email was not intended as a formal complaint about the Complainer. The Respondent contended he had mentioned referring the matter to the police and copying in his own solicitor as a precaution, because he had received threats and abuse from members of the public. The Respondent had subsequently confirmed that he had not referred the matter to either the police or his solicitor.

The ESC’s representative advised that the Complainer’s position was that the Respondent’s email was both thoroughly unprofessional and unreasonable, given he had not been responsible for any undue delays in respect of the application.

The ESC’s representative advised that the ESC was of the view that, when considered in isolation, the Respondent’s email of 9 June 2023 could be perceived as being derogatory towards the Complainer. This was because, while no offensive language had been used, the Respondent had expressed his frustration and made it clear he blamed the Complainer for the delay. The ESC’s representative noted that the ESC considered the Respondent should have realised it would be likely his email would be shared with the Complainer. The ESC’s representative advised it was evident the Respondent had been frustrated by the apparent delay in concluding the planning matter but contended, nevertheless, that he should have ensured he raised any concerns with the Complainer’s Line Manager in an appropriate manner. The ESC’s representative further contended that any mention of a suspension was “premature” and suggested the Respondent’s email could have been more measured in tone.

The ESC’s representative advised that as the ESC considered the email could have been “more measured in tone and content”, he had concluded it was disrespectful towards the Complainer. The ESC was of the view, therefore, that the Respondent had breached paragraph 3.1 of the Code.

The ESC’s representative advised that the Complainer considered the threat to refer the matter to the police and his own solicitor was personally intimidating, given it was apparent the email concerned his [the Complainer’s] conduct.

The ESC’s representative noted, however, that the Respondent had explained he did not intend to be intimidating or threatening and that the mention of referring the matter to the police or his own solicitor should be considered in the broader context of how the application had been progressed, and the abusive behaviour to which the Respondent had been subjected by members of the public. The Respondent had

explained he was only indicating he intended to seek protection and legal advice about this and was not trying to target the Complainer as an individual.

The ESC's representative contended that it was clear the Respondent had not been making any personal threats and had not intended to cause any fear or be intimidatory. The ESC's representative noted that the Respondent had only sent the email to other elected members and council managers and contended it concerned only how the Complainer, as a professional, had handled the matter. The ESC's representative noted that the Respondent had not referred to any of the Complainer's personal characteristics or any private matters and, further, that he had not intended it been seen by him. The ESC's representative noted the Respondent had expressed dismay that his email had been shared with the Complainer.

The ESC's representative argued that it would be "unreasonable" to characterise the raising of concerns about any officer's performance, through appropriate channels, as bullying or harassment. The ESC's representative advised that the ESC had concluded, therefore, that the Respondent had not breached paragraph 3.3 of the Code.

Turning to the question of whether the Respondent was becoming involved in operational management, being employment procedures in respect of an individual council officer, the ESC's representative noted that the Respondent only asked for a meeting, in respect of the possible suspension. The ESC's representative argued that an "ordinary reading" of that was that the Respondent was simply seeking to make a formal complaint through the appropriate channels.

The ESC's representative argued that the Code was not intended to prevent councillors from raising legitimate concerns. The ESC's representative noted that while the Respondent was asking for advice on the possibility of a suspension, he had not directed that any action be taken in this regard. The ESC's representative contended the Respondent had only sought advice and that it would be "inappropriate" to consider his action as an attempt to influence decision-making on an operational matter. As such, the ESC did not consider the Respondent had breached paragraph 3.7 of the Code.

The ESC's representative noted that the ESC had also considered paragraph 3.8 of the Code, which requires councillors to refrain from raising concerns about the performance, conduct or capability of an individual council officer in public. The ESC's representative noted the Respondent had marked his email as "private and confidential" and had not disclosed it to anyone other than the internal council recipients. As such, the ESC did not consider the contents had been made public and, accordingly, the Respondent had not breached of paragraph 3.8 of the Code.

Turning to paragraph 3.9 of the Code, the ESC's representative argued that the Respondent had simply asked for a meeting and had not demanded or instructed that any immediate action be taken in respect of his concerns about the Complainer. The ESC's representative contended, therefore, that the Respondent did not take, or seek to take, unfair advantage of his position or bring any undue influence to bear on employees to take a certain action. The ESC's representative advised, therefore, that the ESC had concluded the Respondent had not breached paragraph 3.9 of the Code.

The ESC's representative noted that if the Panel concluded the Respondent had, on the face of it, breached any of the provisions in the Code, as outlined above, it would be required to consider the Respondent's right to freedom of expression under Article 10 of the European Convention on Human Rights (ECHR).

The ESC's representative argued that, in this case, the Respondent would attract enhanced protection in respect of his Article 10 rights as he had sent his email in his capacity as the Convener of the Council's Planning Review Committee and it concerned an apparent delay in concluding a planning application, being a matter of public interest.

The ESC's representative accepted that the right to freedom of expression was not absolute, and that restrictions may be imposed to:

- protect the rights and reputations of others; and
- protect the mutual bond of trust between councillors and officers that allows officers to perform their duties without undue influence.

The ESC's representative acknowledged that the Courts have held that there is little scope for restrictions on political speech or on debate on questions of public interest and also that, in a political context, a degree of the immoderate, offensive, shocking, disturbing, exaggerated, provocative, controversial, colourful, emotive, non-rational and aggressive, which would not be acceptable outside that context, is tolerated.

In this case, the ESC's representative accepted the Respondent's remarks, contained in his email of 9 June 2023, could have had an adverse effect on the Complainer and his reputation. The ESC's representative noted, however, that the Respondent had not used profanities and argued that his email was "not egregious, shocking or excessively insulting". The ESC's representative noted that the Respondent had not made his email public and had only sent it to a limited number of individuals. The ESC's representative argued that the Respondent could not have anticipated his email would be shared with the Complainer "in entirety".

The ESC's representative advised the ESC accepted that the Respondent's email had been "robust" and "forceful", but contended it was not directive and did not contain any threat or call for immediate action. The ESC's representative noted that the Respondent had a legitimate role and democratic duty to ensure the work required to progress any agreed planning applications was completed.

The ESC's representative contended that the Respondent was seeking to have legitimate concerns addressed. The ESC noted that the Respondent had not raised any queries about the Complainer's character and had not been "abusive or derogatory". The ESC's representative advised the Respondent's email represented "robust discourse that must be tolerated". The ESC's representative argued that, as such, a restriction on the Respondent's right to freedom of expression, that a finding of breach and imposition of a sanction would entail, could not be justified.

Panel Questions for the ESC's Representative

The Panel asked whether it would ever be appropriate for a councillor to suggest an officer at the Complainer's level be suspended (whether this be premature or not), or even to insist on having a conversation about this possibility. In response, the ESC's representative advised it would be reasonable and appropriate for a councillor to seek advice on this and to raise concerns with the officer's line managers.

The Panel asked whether it was reasonable for the Complainer to have understood the Respondent's references about reporting the matter to the police or his solicitor were about the Complainer's conduct, given that was the subject of the rest of the email and given the email contained no mention whatsoever of any abuse being directed to members or safety concerns in this regard. In response, the ESC's representative accepted that, without knowledge of the context, this would be a reasonable interpretation on the part of the Complainer and accepted that receipt of the email would have been unsettling for the Complainer. The ESC's representative advised however, that the ESC's investigation had established what the Respondent had meant when referring the police and his solicitor. The Panel pointed out that this explanation or context had only been provided after the event. In response, the ESC's representative accepted the Respondent would have had no knowledge of it at the time the email was disclosed to him and, therefore, it would be reasonable for him to have felt concerned.

The Panel asked whether it was evident from the Respondent's use of the word 'scandalous' and his remarks about the potential suspension, that he was blaming the Complainer personally for the delay and, therefore, that he was referring to the Complainer's conduct. The ESC's representative argued, in response, that it was apparent from all the emails that had been exchanged that the Respondent was expressing frustration with

the wider delay in respect of the application. The ESC's representative accepted the Respondent only referred to the conduct of the Complainer in the email and that this was despite the Complainer having already given reasons for the delay, which included that he was awaiting advice from his Line Manager. The ESC's representative suggested, however, that the Respondent's apparent conclusion that delays were attributable to the Complainer was due to the Complainer's role and to him being responsible for progressing the matter.

The Panel noted that an individual should always be given the right to defend themselves if accusations about their conduct were made. As such, it asked the ESC's representative whether it was reasonable for the Respondent to assume his email, or the accusations it contained, would not be shared with the Complainer. The ESC's representative agreed it would be reasonable to assume the accusations would be shared, particularly if it was likely they would result in an investigation. The ESC's representative argued, however, that it would also be reasonable to assume the "wider context" would be also shared. The Panel pointed out that the wider context, being the Respondent's contention that the references to the police and his solicitor were unrelated to the Complainer's conduct were not available at the time. It questioned whether the ESC's representative was suggesting that, despite the serious concerns about his conduct being raised and the reference to referring the matter to the police, the Complainer should only have been given a 'sanitised' version of the Respondent's email. In response, the ESC's representative suggested that, at the very least, the Respondent could have expected his email would be discussed with the Complainer, rather than simply being forwarded, so any wider context could be provided.

The Panel asked whether the fact that the Respondent stated, in the email that he was seeking a meeting to "get advice on the suspension of an officer pending the outcome of an investigation" could be interpreted reasonably as him directing that a disciplinary process be initiated and, further, as being a clear statement of what he considered the likely or appropriate outcome of this would be. The Panel questioned whether, if so, it was very arguable the Respondent was inappropriately involved in an operational matter, being the potential disciplinary proceedings against an individual officer. In response, the ESC's representative argued that by stating he was seeking a meeting, the Respondent was suggesting he would be deferring to the professional judgement of the managers involved.

The Panel noted that it would be appropriate for the Respondent to have raised his concerns with, or made a formal complaint to, the Complainer's line manager, and asked for the matter to be investigated, should he have considered the Complainer was responsible for any undue delay. The Panel questioned whether the Respondent had gone beyond this and strayed inappropriately into operational management by suggesting that the Complainer could or should be suspended in the interim. The Panel further asked whether the Respondent's email could be perceived reasonably as an attempt to bring undue influence to bear on the more senior officers to take disciplinary action against the Complainer. The ESC's representative stated, in response, that the Respondent was only seeking advice and that his email reflected his wider frustration about delays with planning matters.

The Panel noted the Standards Commission's Advice Note on Distinguishing between Strategic and Operational Matters did not differentiate between a councillor seeking to get inappropriately involved in operational matters and actually becoming involved. It asked whether the ESC's representative accepted the Respondent was seeking to become involved in potential disciplinary proceedings about an individual council officer. In response, the ESC's representative advised she considered the Respondent was simply seeking advice and exploring options, which included a possible suspension.

The Panel noted the ESC's position was that the Respondent was frustrated by the apparent delay in progressing the planning matter. It noted, however, a suspension would be a remedy for serious misconduct on the part of an officer, rather than poor performance (which would normally be dealt with under a performance management procedure). The Panel further questioned whether the Respondent's use of the word 'scandalous' strongly implied he considered there had been misconduct, as opposed to poor performance. The ESC's representative advised that she accepted this, but again noted the Respondent had

not directed the Complainer be suspended; he had asked for a meeting so he could be advised about that possibility.

Turning to the Respondent's right to freedom of expression under Article 10 of the ECHR, the Panel noted that, on the one hand, the ESC was contending the Respondent's email was intended to be private but, on the other hand, was arguing it was about a matter of public concern. The Panel asked the ESC's representative to explain how these conclusions were mutually compatible. The Panel also asked the ESC's representative whether she considered an email about an individual staffing matter was a matter of public concern. In response, the ESC's representative advised that while the email was intended and marked as private, the broader context in which it had been sent was a discussion on potential delays in progressing planning matters, which was a matter of public interest and concern. The ESC's representative contended that the Complainer's role could not be disentangled from that and, therefore, was also a matter of public concern.

When asked whether the Respondent could have expressed his frustration and asked for an investigation into the apparent delay, without referring to a potential suspension of a council officer or the involvement of the police or an external solicitor, the ESC's representative again stated that his language "could have been more measured".

The Panel asked whether it would be reasonable for those reading the Respondent's email to consider his references to a suspension and the police, and his use of the word 'scandalous', when taken together, to be shocking. The ESC's representative accepted the Complainer would have been shocked and insulted by the email, but noted the Respondent had not intended for it read by him or to be deliberately hurtful.

The Panel asked whether elected members had any role in the performance management of an officer of the Complainer's seniority. The ESC's representative reiterated that the Respondent had only been seeking advice in his email. When asked why a councillor would need advice on the suspension of an individual officer, the ESC's representative noted that the Respondent had not been directive in his email and that its contents reflected his wider frustration with the apparent lack of progress in respect of the application.

Submissions made by the Respondent

The Respondent confirmed he had been a councillor for some 34 years and was a former Provost of the Council.

The Respondent advised he had been Convener of the Planning Committee for a number of years. The Respondent explained that there had been a great deal of controversy in respect of the planning application and recalled that after the Committee made its decision to grant it, he and his colleagues had been subjected to great deal of abuse from members of the public, which had a serious impact upon them. The Respondent noted that some of this abuse was personal in nature and had taken place online and over the telephone, with a few individuals even coming to his home.

The Respondent advised that some seven months after the Committee had granted the application, the applicant's agent contacted him, in his capacity as the Convener of the Committee, expressing concerns and frustration about the delay in finalising the required legal agreement. The Respondent noted that, by then, he was also receiving abuse online and telephone calls from individuals asking what was happening in respect of the application.

The Respondent explained that the Committee had not been provided with any information about the progress of the application, including any reasons as to why the outstanding work in respect of it had not been finalised. The Respondent advised that given this, and its controversial nature, he was concerned the application was being held up and about the associated implications. The Respondent advised that he was also aware that the applicant had submitted a complaint. The Respondent advised, therefore, that he

forwarded the agent's email to the other members of the Committee and senior officers in the planning team.

The Respondent explained that when he asked in his email for an update on progress, he was advised that the matter was being investigated and that someone would contact the agent. The Respondent advised it was several months after this that he had received Councillor A's email noting that matter had not been concluded and indicating he was upset that the work required to implement the Committee's decision had not been finalised.

The Respondent advised he was angry when he received Councillor A's email as he had understood, from his earlier contact with officers, that the work to progress the application would have been completed by then. The Respondent advised he was still being subjected to personal abuse in respect of the matter and it was in this context, and in an attempt to find out what was going on, that he had sent his emails in June 2023.

The Respondent noted that the Complainer knew about emails and complaints submitted by the applicant's agent and, as such, was aware of the context in which the Respondent's email of 9 June 2023 had been sent. The Respondent advised he simply asked, in his email, about the possibility of having a meeting to discuss the matter and to seek advice, in order to bring the matter to a conclusion. The Respondent stated that his reference to reporting the matter to the police concerned the abuse being directed at Committee members. The Respondent further stated he had mentioned his own solicitor in an attempt to try to conclude the matter.

The Respondent contended that neither his mention of the police or his solicitor in the email had anything to do with the Complainer. The Respondent noted he had not named the Complainer in the email and advised that he considered the Complainer to be a really good officer.

The Respondent advised he had been frustrated when he sent the email as, despite several months having passed since the agent had complained, his concerns still had not been investigated and it appeared the matter had not progressed. The Respondent noted that all recipients of the email were aware of this.

The Respondent noted that the Council had investigated the Complainer's concerns about his email and had exonerated him. The Respondent advised he considered his email of 9 June 2023 had been misrepresented.

Panel Questions for the Respondent

In response to a question about the recipients of his email of 9 June 2023, the Respondent explained he had sent it to the Complainer's Line Manager and other senior officers, as they were aware of the situation. He had also copied in Councillor A, given he had also raised concerns about the apparent delay.

The Panel noted it appeared, from the Respondent's email of 2 June 2023, that he considered the Complainer was responsible for the delay and asked whether that was the case. In response, the Respondent advised that he was unable to say whether that was the case or not but noted the agent's complaint had been made to the Complainer and his Line Manager. The Respondent advised that when he was contacted by the agent, he had passed on the concerns, in accordance with appropriate procedures. The Respondent noted that the Committee had a right to check whether any work required to implement its decisions had been concluded. When asked why he had focused on the Complainer, the Respondent reiterated that he had not made any complaint and, instead, had merely passed on the agent's concerns. The Respondent advised that the Complainer was "well aware of complaints about him from outside agencies".

When asked about the use of the word 'scandalous' in his email of 9 June 2023, the Respondent advised he had been referring to the abuse he was receiving in respect of the application.

The Respondent accepted, when asked, that councillors do not have any role in the suspension of individual council officers. The Panel asked why the Respondent had then implied an officer should be suspended. The Respondent stated, in response, that this was only one interpretation of his email and that he simply wanted the matter investigated, given the complaints being received from individuals outwith the Council. The Respondent suggested it was common practice for an individual to be suspended pending investigation.

The Panel noted that the Complainer had provided an explanation for the delay in his email of 1 June 2023. The Panel asked why, given this, the Respondent implied, in his email of 9 June 2023, that the Complainer should be suspended (particularly given a suspension would normally only be imposed if there was evidence of misconduct, rather than a failure to complete work timeously). In response the Respondent reiterated that his intention was to preserve the Committee's credibility. The Respondent indicated he could understand why his email could be interpreted differently, when taken out of context. The Respondent accepted undue delays on the part of any officer would be a performance issue, rather than a conduct one for which they could face suspension. The Respondent explained that was why he was seeking advice.

The Panel noted that the Respondent had started his email by expressing his anger at the Complainer's email, before discussing the possibility of a suspension. When asked whether he accepted that his following remarks about referring the matter to the police and an external solicitor could be perceived reasonably as a continuation of his concerns about the Complainer, the Respondent reiterated that he was indicating advice was required in respect of how to protect members from the scandalous abuse to which they were being subjected. The Respondent accepted that he made no mention of this abuse or context in the email but stated that all recipients were aware of it and would not, therefore, have understood the references as being related to the Complainer's conduct.

When asked what he was intending to achieve in sending his email of 9 June 2023, the Respondent advised he was seeking to establish what steps could be taken, following the conclusion of any investigation into the matter and the complaints that had been made. The Panel asked the Respondent whether he considered the Complainer may feel justified in considering the email was about his conduct. In response, the Respondent stated that the email should not have been given to the Complainer, as it was marked 'private and confidential', and should have remained so. The Respondent stated, in any event, the Complainer and recipients of the email were well aware that complaints had been made about him. The Respondent advised he did not accept it would be reasonable to assume his concerns would be shared with the Complainer, given he had only asked for a meeting.

The Panel noted that the ESC's report stated that the Respondent had advised, during the ESC's investigation, that the reference in the email to "an officer" was the Complainer. It asked whether, given this, the reference to a suspension could only be taken to mean the Complainer and not any other officer or officers involved in the work on the planning matter. The Respondent accepted that was the case and that he had been referring to the Complainer when asking for a meeting and advice about a suspension.

The Panel asked whether the Respondent was content with how he had worded the email of 9 June 2023. The Respondent advised, in response, that he was incensed by the delay and the fact that the matter had not been resolved and, as a result, had drafted the email very quickly. The Respondent stated that he accepted the content was, potentially, a "bit harsh", but that he had been keen to send it to try to ensure the matter was progressed without further delay. When asked whether he considered he had a responsibility to be careful before sending an email to officers about disciplinary issues, the Respondent accepted that was the case but reiterated his desire was to ensure the matter was resolved, both because it was in the public interest and also because it was necessary to maintain the Committee's credibility.

When asked whether he considered he had become inappropriately involved in operational matters, the Respondent stated he had simply asked for a meeting and had not pressured officers into taking any action.

The Panel noted the Respondent had advised the ESC he would take the same action now and asked if that remained the case. In response, the Respondent advised he would have still asked for a meeting, albeit he may have used slightly different wording.

When asked whether he considered his email concerned matters of public concern, the Respondent reiterated he did not consider the Complainer should have been provided with a copy as it was a private email.

DECISION

The Hearing Panel considered the submissions made both in writing and orally at the Hearing. It concluded that:

1. The Councillors' Code of Conduct applied to the Respondent, Councillor Buchanan.
2. The Respondent breached paragraphs 3.1, 3.3 and 3.7 of the Code and a restriction on his right to freedom of expression that such a finding would entail could be justified.
3. The Respondent had not breached paragraphs 3.8 and 3.9 of the Code.

Reasons for Decision

1. The Panel noted there was no dispute that the Respondent was acting as a councillor when sending the email that was the subject of the complaint. The Panel noted, in this regard, that the Respondent used his council account to send the email and that it concerned a matter in which he had an involvement by virtue of being the Convener of the Council's Planning Review Committee. The Panel was satisfied, therefore, that the Code applied to the Respondent's conduct at the time of the events in question.
2. In reaching its decision as to whether there had been a breach of the Code, the Panel took the following three-stage approach, as outlined in the Standards Commission's Advice Note on the Application of Article 10 of the ECHR:
 - Firstly, it would consider whether the facts found led it to conclude, on the balance of probabilities, that the Respondent had failed to comply with the Code.
 - Secondly, if so, it would then consider whether such a finding in itself was, on the face of it, a breach of the Respondent's right to freedom of expression under Article 10.
 - Thirdly, if so, the Panel would proceed to consider whether the restriction involved by the finding was justified by Article 10(2), which allows restrictions that are necessary in a democratic society (and, in particular, in this case, for preventing the disclosure of information received in confidence).

Stage 1: Whether the Respondent's conduct amounted, on the face of it, to a breach of the Code

3. The Panel noted that in March 2022, the Council's Planning Review Committee granted permission on the planning application, subject to conditions and a legal agreement being put in place. The Panel noted that there was a delay in respect of finalising the legal agreement.
4. The Panel noted the Respondent, as Convener of the Committee, was advised at the end of May 2023 that the legal agreement had not been finalised. The Panel noted that after another councillor on the Committee, Councillor A, sent an email on 31 May 2023 to the Complainer (a senior planning officer), the Respondent, the Complainer's manager and a fellow committee member, in which he asked about the matter, the Complainer replied explaining the delay had been caused by the introduction of the revised National Planning Framework and associated policy requirements.
5. The Panel found that the Respondent then sent an email, on 2 June 2023, to Councillor A, a manager in the Council's Legal Services Team and both the Complainer's manager and his service co-ordinator, forwarding a copy of Councillor A's original email and stating that he wanted "an immediate investigation" into the situation and the concerns expressed regarding the Complainer's "part in the handling" of the application.

6. The Panel noted the Respondent then sent his email of 9 June 2023, which was marked as ‘private and confidential’ to the same recipients. In this, the Respondent opened the email by advising he could “hardly contain” his anger, stating that he was “looking for a meeting” with officers and Councillor A “to make a formal complaint and get advice on the suspension of an officer pending the outcome of an investigation”. The Respondent proceeded to state that he was also considering contacting the police about the matter and would copy in his solicitor should he “be required”. The Respondent concluded the email by stating the situation was “scandalous”.
7. The Panel noted the Respondent had only sent his email to a few selected council officers and one other elected member. It further noted there was no evidence or suggestion he had published, distributed or disclosed its contents to a wider audience. In the circumstances, the Panel did not consider the email could be considered as being public. **It found, therefore, that the Respondent had not breached the paragraph 3.8 of the Code** (being the provisions that requires members to refrain from making public comments on the conduct, performance or capability of any identifiable member of staff).
8. The Panel noted that the ESC’s consideration of paragraph 3.9 of the Code concerned whether the Respondent sought to take advantage of his position to bring undue influence to bear on officers to instruct that any immediate action be taken in respect of his concerns about the Complainer. The Panel noted, however, that paragraph 3.7 of the Code covered inappropriate involvement by councillors in operational matters. The Panel agreed, therefore, that paragraph 3.9, being a distinct and further provision, was intended to cover situations where a councillor either directed or tried to direct officers to take action that could compromise them, in terms of being able to undertake their professional roles and make decisions on the delivery of services, or on quasi-judicial and regulatory matters, with integrity (as opposed to actions on internal operational matters).
9. In this case, the Panel did not consider that, in sending the email, the Respondent had taken, or could be perceived as having sought to take, unfair advantage of his position to bring undue influence on officers to take a certain action that could compromise them, in respect of the external matter (being the planning application). This was because while it was evident he was frustrated by the apparent delay, the Respondent did not direct officers to take any specific action in respect of how to progress the planning matter and there was no evidence or suggestion he had any personal interest in its outcome. **The Panel concluded, therefore, that that the Respondent had not breached the paragraph 3.9 of the Code.**
10. The Panel accepted that, in his email of 9 June 2023, the Respondent had not specifically identified the Complainer as the officer about whom he had concerns and was seeking advice, with regard to a potential suspension. The Panel noted, however, that the Standards Commission’s Guidance on the Councillors’ Code notes someone can be identifiable by implication. The Panel further noted, in any event, that during the investigation into this matter, the Respondent had confirmed he had been referring to the Complainer. The Panel was satisfied, in this case, that when considered in the context of his earlier email of 2 June 2023, it was evident that was the case, and that the Respondent assumed the Complainer was responsible for what he regarded as an undue delay in progressing the matter. This was reinforced by the Respondent’s actions in naming the Complainer at the outset of his email of 9 June 2023 and in stating that he could “hardly contain” his anger at the Complainer’s earlier email.
11. The Panel was of the view that, regardless of intent, a reasonable interpretation of his email of 9 June 2023, as a whole and in the context in which it was sent, was that the Respondent was also suggesting the Complainer be suspended as a result of his actions, or inaction, in respect of the application. In support of this conclusion, the Panel noted that the Respondent had deliberately removed the Complainer from the list of recipients. It further noted it had not been provided with any credible explanation as to why the Respondent would have otherwise been asking for advice about the suspension of an officer.

12. The Panel accepted fully that the Respondent was entitled to raise questions about the progress of applications determined by the Committee and to raise concerns, with the appropriate line manager or senior officer, about any undue delay potentially resulting from the actions or inaction of a council officer. The Panel considered, however, that it was reasonable for anyone reading the email to conclude, from the Respondent's mention of a disciplinary measure (as opposed to any performance procedures), the police, his solicitor, and his use of the word "scandalous", that he was clearly implying the Complainer was guilty of misconduct and or had deliberately done something that was improper or illegal.
13. The Panel did not accept the contention that, in mentioning referring the matter to the police or his solicitor, the Respondent was seeking advice in respect of abuse he and other committee members had received or, indeed, that this was a reasonable interpretation of the email. This was because there was no mention whatsoever of abuse, or the need for assistance in dealing with this, in either the Respondent's email of 9 June 2023 or his earlier one of 2 June 2023. Indeed, there was nothing in the Respondent's email of 9 June 2023 to suggest he was discussing anything other than the Complainer's conduct and what could be done in respect of it. The Panel noted that the ESC's representative had advised the Respondent had expressed dismay that his email had been shared with the Complainer. The Panel questioned why this would have been the case if, as suggested, the Respondent was only asking for advice from officers about the Complainer's conduct or performance, and potentially from the police on what to do about the abuse to which the Committee members were being subjected.
14. The Panel was of the view it was entirely disrespectful for the Respondent, as an elected member and Committee chair, to have made such serious accusations about the Complainer (who, as a council officer, was someone over whom the Respondent, an experienced councillor and Committee convener, enjoyed a position of power and influence), without providing any details or supporting evidence. The Panel considered this was particularly the case given, at least on the face of it, some form of explanation for the delay had been provided and there was no evidence further information had been sought by the Respondent or Cllr A. The Panel rejected the ESC's representative's suggestion that the email was only disrespectful because it could have been more measured in tone or, indeed, that such a consideration was in any way a test for determining whether the Code had been breached.
15. The Panel was further of the view that, regardless of how he had classified his email, the Respondent should have known it was likely its contents would be disclosed to the Complainer, given the reference to a formal complaint and potential disciplinary proceedings and the seriousness of the inferred accusations about his conduct (even if the full email was not shared).
16. The Panel took issue with the ESC's representative's argument that it would be "unreasonable" to characterise the raising of concerns about any officer's performance, through appropriate channels, as bullying or harassment. The Panel accepted fully that a councillor has the right to raise concerns about an officer's performance with their line manager or another senior officer. The Panel considered it was evident, in this case, that the difficulty was not that the Respondent had raised concerns. Instead, it was the manner in which he had done so that had given rise to the complaint. The Panel further rejected the ESC's representative's argument that an "ordinary reading" of the email was that the Respondent was simply seeking to make a formal complaint through the appropriate channels. The Panel noted that not only had the Respondent denied wanting to make a complaint himself, but this contradicted the suggestion that he was only seeking a meeting in order to obtain advice.
17. The Panel agreed that it would be reasonable for the Complainer to have interpreted the Respondent's email as a threat to contact both the police and an external solicitor about his conduct. Given that, unless there was a suggestion of illegality, an officer's conduct would be an internal council matter, the Panel considered it would be reasonable for the Complainer to have felt bullied and intimidated by this. The Panel again noted that the Respondent had not provided any evidence to support an accusation of

illegality. In the circumstances, it considered the Respondent's conduct in making such an implicit threat amounted to bullying.

18. The Panel concluded, therefore, that the Respondent had, on the face of it, breached both paragraph 3.1 and 3.3 of the Code.

19. The Panel noted that paragraph 3.7 of the Code requires councillors to refrain from becoming inappropriately involved in operational management. The Panel further noted the Standards Commission's Advice and Guidance states that councillors should not become, or try to become, involved in individual staffing matters (other than when serving on a committee tasked to deal with such matters). While the Panel accepted councillors are entitled to raise concerns about apparent delays and ask for them to be investigated, it considered that in stating that he was "looking for a meeting" so that he could obtain advice "on the suspension of an officer pending the outcome of an investigation", the Respondent was effectively directing that a meeting be held and / or that an investigation be undertaken into the Complainer's conduct in conjunction with a suspension.

20. The Panel rejected the ESC's representative's suggestion that any mention of a suspension was simply "premature", as it considered any action to be taken as a result of an investigation or a complaint being made about an individual officer, at the Complainer's grade, would be a matter for officers, not elected members. For the reasons outlined above, the Panel was of the view that a reasonable interpretation of his email of 9 June 2023, as a whole and in the context in which it was sent, was that the Respondent was suggesting the Complainer be suspended.

21. The Panel was of the view that, in suggesting a suspension should be considered the Respondent was trying to direct an action be taken in respect of a potential disciplinary matter concerning an individual officer, the Respondent was becoming, or trying to become, inappropriately involved in an operational matter. This was regardless of whether any action was taken as a result. **As such, the Panel concluded that the Respondent had also breached paragraph 3.7 of the Code.**

Stage 2: Whether a finding of a contravention of the Code would be a breach of the Respondent's right to freedom of expression under Article 10 of the ECHR

22. The Panel noted that enhanced protection of freedom of expression under Article 10 applies to all levels of politics, including local politics. The Panel further noted that the Courts have held that political expression is a broad concept and that there is little distinction between political discussion and discussion of matters of public concern¹.

23. In this case, the Panel agreed that a delay in the progress of a planning matter could be a matter of public interest and concern. The Panel did not agree, however, that the same could be said for the Respondent's apparent perception of the Complainer's conduct or any potential disciplinary action involving an individual council officer. The Panel determined the Respondent's email of 9 June 2023 concerned these matters only. It noted that the Respondent himself had confirmed the email concerned a private matter. In the circumstances, the Panel concluded that the Respondent was not discussing matters of public concern in his email of 9 June 2023 and, therefore, would not attract the enhanced protection of freedom of expression afforded to politicians, including local politicians, under Article 10.

Stage 3: Whether any restriction on the Respondent's right to freedom of expression involved by a finding of a contravention of the Code would be justified by Article 10(2) of the ECHR

24. The Panel noted, in any event, that the right to freedom of expression is not absolute. Article 10(2) states that restrictions can be imposed, provided they are necessary in order to achieve a legitimate aim. The Panel noted that legitimate aims can include:

¹ Thorgeirson v Iceland (1992) 14 EHRR 843

- protecting the rights and reputations of others;
- protecting the mutual bond of trust and confidence between councillors and officers;
- ensuring council officers enjoy public confidence in conditions free of undue perturbation to allow them to be successful in performing their tasks; and
- enabling local government to function effectively.

25. The Panel accepted, however, that the Courts have found any restriction on freedom of expression must also be proportionate to the legitimate aim being pursued. As such, the Panel was required to undertake a balancing exercise, weighing the right to freedom of expression enjoyed by the Respondent against any restriction imposed by the application of the Code and the imposition of any sanction. In doing so, the Panel had regard to the following findings that have been made by the Courts:

- The necessity of any restriction on the exercise of freedom of expression must be established convincingly and be in response to a pressing social need.
- The less egregious the conduct in question, the harder it is for a Panel, when undertaking its balancing exercise, to conclude justifiably that a restriction on an individual's right to freedom of expression is required².
- Council officers are open to criticism, including public criticism; but it is in the public interest that they are not subject to unwarranted comments that disenable them from performing their public duties and undermine public confidence in the local authority³.
- The acceptable limits of criticism are wider for non-elected public servants acting in an official capacity than for private individuals, because, as a result of their being in public service, it is appropriate that their actions and behaviour are subject to more thorough scrutiny. The limits are not as wide, however, as for elected politicians, who come to the arena voluntarily and have the ability to respond in kind which such public servants do not⁴.

26. In this case, the Panel noted it had found the Respondent clearly implied, in his email of 9 June 2023, that the Complainer was guilty of misconduct and / or had deliberately done something that was improper or illegal and should be suspended as a result. The Panel noted that he had done so without providing any reasons or evidence to support his position.

27. The Panel noted the Court in the case of *Lombardo*⁵ made comments about the potential "chilling effect" sanctions may have on the exercise of freedom of expression. The Panel noted that in the *Lombardo* case, the sanction imposed could have been considered to have a chilling effect as it was "capable of discouraging [the] making [of] statements critical of the local council's policies in the future". The Panel accepted that councillors have a key scrutiny role and are both entitled, and expected, to check their decisions had been implemented and to scrutinise whether there had been any undue delays on the part of council officers. The Panel accepted, therefore, that the Respondent was fully entitled to scrutinise the progress made to implement the Committee's decision on the planning application and to question whether and, if so why, there had been any undue delays on the part of any officers involved in the matter.

28. The Panel accepted the Respondent was frustrated with the delays and was entitled to raise questions about progress. The Panel considered, however, that the Respondent could have expressed his frustration and questioned the reason for the delay, without:

- assuming and inferring it had resulted from the Complainer deliberately engaging in misconduct;
- suggesting that disciplinary action be taken against the Complainer; and
- threatening the involvement of the police and an external solicitor.

² R (Calver) v Adjudication Panel for Wales (2012) EWHC 1172 (Admin)

³ Heesom v Public Service Ombudsman for Wales (2014) EWHC 1504 (Admin)

⁴ Heesom (ibid)

⁵ Lombardo v Malta (2009) 48 EHRR 23

29. The Panel did not consider that any restriction placed on the Respondent in this regard would inhibit him, in any way, from undertaking his scrutiny role in respect of the application and overall process. The Panel noted the Respondent could have asked the relevant senior officers to establish whether and, if so why, any undue delays had occurred, in a manner compatible with the Code and without suggesting the Complainer had engaged in misconduct and possibly even illegal activity by failing to progress the matter. As such, the Panel was satisfied that a finding of breach and imposition of a sanction was sufficient and proportionate and could not be said to have a chilling effect on the ability of the Respondent to undertake his scrutiny role.
30. The Panel noted it had found it would be reasonable for the Complainer to have understood the Respondent's email to contain an implied threat to involve the police and an external solicitor in investigating his role in the matter and, indeed, noted that had been the Complainer's perception. The Panel agreed this would have been shocking for the Complainer, as it would have been reasonable for him to have understood this as an accusation of serious misconduct, if not criminality, on his part. The Panel agreed this particularly would have been the case given the Complainer had already provided an explanation for the apparent delay. While the Panel accepted that council officers can expect to receive a certain level of criticism, it agreed they have a right to be able to perform their roles in conditions free from undue perturbation, without unsubstantiated attacks on their motivations, integrity and reputation. The Panel considered, therefore, there was a clear pressing social need for a restriction, to prevent this from occurring. For the reasons outlined above, the Panel did not accept the ESC's position that the Respondent's email represented only "robust discourse" and, as such, that it should be tolerated.
31. The Panel considered the implicit accusation that the Complainer had delayed matters deliberately or had engaged in any other form of misconduct, would have undermined him. The Panel noted this was particularly the case in circumstances where the Complainer had already provided an explanation for the delay, as his subsequent accusation strongly suggested that, without providing any reasons as to why, the Respondent had not accepted this. The Panel agreed it could potentially have had a significant and a damaging impact on how the Complainer was perceived, both by his colleagues and councillors. The Panel further noted it could have affected negatively the Complainer's relationship not only with the Respondent but also with other councillors, particularly those on the Planning Review Committee.
32. Taking all the foregoing into account, the Panel concluded the Respondent's conduct was entirely gratuitous and egregious, shocking, wholly inappropriate and potentially very damaging to the Complainer's reputation. The Panel was therefore satisfied that a restriction on the Respondent's right to freedom of expression was relevant and necessary, in order to meet the aims outline at the beginning of Stage 3, and in particular to:
- act as a deterrent to the Respondent and others from engaging in unfounded public attacks and / or making serious and false accusations about officers;
 - protecting the mutual bond of trust and confidence between councillors and officers that enables local government to function effectively;
 - prevent public confidence in local government and the Council from being undermined; and
 - protect the reputation and rights of the Complainer.
33. As such, concluded that the finding of a breach of the Code would not contravene Article 10, determined that a finding of a breach of paragraphs 3.1, 3.3 and 37 of the Code could be made.

Submissions in Mitigation

The Respondent advised he did not agree with the Panel's finding that he had breached the Code and did not advance any submissions in mitigation, further to any previously outlined.

SANCTION

The decision of the Hearing Panel was to suspend, for a period of three months with effect from Monday, 16 June 2025, the Respondent, Councillor Buchanan, from all meetings of the council and of any committee or sub-committee thereof and of any other body on which the councillor is a representative or nominee of the council or body.

This sanction was made under section 19(1)(c) terms of the Ethical Standards in Public Life etc. (Scotland) Act 2000.

Reasons for Sanction

1. In determining the appropriate sanction, the Panel considered:
 - firstly, whether the interference (i.e. the proposed sanction) was the minimum necessary, or whether less restrictive means could be employed; and then
 - secondly, whether the benefit of that least restrictive measure outweighs its adverse impact on the Respondent's right to freedom of expression. For example, whether any benefit in applying a sanction in respect of protecting the rights and reputations of others, and to ensure good administration which enables local government to function effectively, would outweigh any impact on the Respondent.
2. In making its decision on sanction, the Panel had regard to the Standards Commission's Policy on the Application of Sanctions. A copy of the policy can be found on the Standards Commission's website, here: <https://www.standardscommissionscotland.org.uk/cases/hearing-rules>
3. The Panel began by assessing the nature and seriousness of the breach of the Code. The Panel agreed that the requirement for councillors to treat council officers with respect, to refrain from any conduct that could amount to bullying, and to refrain from becoming inappropriately involved in operational management are key requirements of the Councillors' Code. The Panel noted that a failure to comply with the Code's provisions in this regard can have a detrimental impact on officers and can also erode the mutual bond of trust and confidence, between them and councillors, which allows local government to function effectively.
4. The Panel noted it had found that the Respondent had implied misconduct on the part of a council officer, without providing any reasons or evidence to support his position. The Panel noted the Complainer understood the Respondent's email to contain an implied threat to involve the police and an external solicitor in investigating his role in the matter. The Panel had found this was an entirely reasonable interpretation of the email. The Panel agreed that while council officers can expect their performance to be scrutinised, they have a right to be able to undertake their roles without being subjected to unsubstantiated attacks on their motivations, integrity and reputation.
5. The Panel considered that the Respondent's inappropriate involvement in a staffing matter, and his conduct towards the Complainer, could have caused the Complainer to have felt undermined in his role. The Panel considered that given the Respondent's relative seniority, it could potentially have made the Complainer question whether his working environment was tenable. The Panel was of the view, therefore, that the breach of the Code was serious in nature.
6. The Panel then considered the aggravating and mitigating factors as set out in the Policy on the Application of Sanctions, beginning with those in mitigation. The Panel noted that mitigating factors are those which may lessen the severity or culpability of the breach.
7. The Panel noted that the conduct in question was essentially limited to the one email exchange and, as such, was limited in duration. The Panel further noted that the Respondent had co-operated with the investigative and Hearing processes. There was also no evidence of repeated behaviour and there had not been any previous finding of a contravention of the Code by the Respondent.

8. The Panel then proceeded to consider whether there were any aggravating factors; being ones that may increase the severity or culpability of the breach.
9. The Panel acknowledged that the Respondent had every right to undertake a scrutiny role in respect of the progress of the application and overall process. The Panel noted the Respondent had every right to contact the relevant senior officers to establish whether and, if so why, any undue delays had occurred. The Panel was concerned, however, that the Respondent had done so in a wholly inappropriate manner that was incompatible with the Code. The Panel agreed that, as an experienced member, the Respondent should have known how to undertake his scrutiny role in respect of the application and overall process and how to ask the relevant senior officers to establish whether and, if so why, any undue delays had occurred, without being disrespectful, bullying the Complainer or becoming inappropriately involved in operational management. The Panel was concerned that while this may not have been the Respondent's intent, he had not demonstrated any insight, remorse or understanding into how his conduct could be reasonably perceived.
10. The Panel was of the view that a censure, being the minimum sanction available to the Panel, was not appropriate in light of the seriousness of the conduct and impact it would or could have had on the Complainer and on the wider relations between councillors and officers.
11. The Panel agreed that a censure or very short suspension would not achieve the aims, as outlined in the Policy on the Application of Sanctions, of:
- preserving the ethical standards framework;
 - promoting adherence to the Councillors' Code of Conduct and, in particular, to the requirement to treat Council officers with courtesy and respect;
 - maintaining and improving the public's confidence that councillors will comply with the Code and will be held accountable if they fail to do so; and
 - achieving credible deterrence.
12. Having considered the nature and seriousness of the breach, as well as any aggravating and mitigating factors identified, the Panel concluded that a three-month suspension was the appropriate sanction in the circumstances. In reaching this view, the Panel again noted that the Respondent's conduct had been a one-off and limited in duration. As such, it did not consider that a disqualification or lengthier suspension was warranted or justified.
13. The Panel was satisfied that the imposition of a three-month suspension was the minimum necessary to achieve the aims outlined above and to reflect the seriousness of the breach. The Panel determined to suspend the right of the Respondent to attend all meetings of the Council and of any committee or sub-committee thereof, and of any other body on which he was a representative or nominee of the Council, for a period of three months with effect from 16 June 2025.

RIGHT OF APPEAL

The Respondent has a right of appeal in respect of this decision, as outlined in Section 22 of the Ethical Standards in Public Life etc. (Scotland) Act 2000.

Date: 13 June 2025



**Morag Ferguson
Chair of the Hearing Panel**