



**STANDARDS  
COMMISSION  
FOR  
SCOTLAND**

INTEGRITY IN PUBLIC LIFE



# **The Standards Commission for Scotland**

## ANNUAL REPORT 2024/25





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# SECTION 1: OVERVIEW AND CONVENER'S INTRODUCTION

## Overview

The Standards Commission is an independent body whose purpose is to encourage high ethical standards in public life through the promotion and enforcement of Codes of Conduct for councillors and those appointed to the boards of devolved public bodies. The Standards Commission comprises a Convener and four Commission Members who are appointed by the Scottish Parliament. The Standards Commission employs four staff (full time equivalent 3.1), led by an Executive Director.

The role of the Standards Commission is to:

- ▶ encourage high ethical standards in public life through the promotion and enforcement of the Codes of Conduct;
- ▶ issue guidance to councils and devolved public bodies; and
- ▶ adjudicate on alleged breaches of the Codes of Conduct, and where a breach is found, to apply a sanction.

The Standards Commission noted, in its Strategic Plan for 2024-28, that its vision was for councillors and members of devolved public bodies in Scotland to uphold the high standards in their behaviour, conduct and decision-making so that:

- ▶ the public has confidence in its local authorities and public bodies; and
- ▶ to help local authorities and public bodies work effectively.

In seeking to achieve this vision, the Standards Commission identified its key objectives were to:

1. Take all opportunities to be a strong and consistent voice for the importance of the key principles of public life and to educate on the standards of conduct expected of councillors and members of devolved public bodies.
2. Continue to develop strong relationships with its stakeholders and work with them to resolve issues and prevent breaches of the Codes of Conduct.
3. Make clear, evidence-based and well-reasoned decisions on cases referred to it for adjudication to help improve standards and ensure any failure to meet those expected by the Codes of Conduct is dealt with in a fair, consistent and proportionate manner.
4. Continue to invest in, engage with and empower its Members and staff to deliver its work effectively and efficiently.

The full Strategic Plan for 2024-28 can be found at: [www.standardscommissionscotland.org.uk/corporate-info/strategic-and-business-plans](https://www.standardscommissionscotland.org.uk/corporate-info/strategic-and-business-plans)

This report summarises the progress we have made towards delivering and achieving the stated aims in the first year of the plan.

## Convener Introduction

I am pleased to present the Annual Report of the Standards Commission for Scotland (‘the Standards Commission’), which covers the period from 1 April 2024 to 31 March 2025.



### Key Achievements

The Standards Commission continued to work hard throughout the year to promote high ethical standards and awareness of the Codes of Conduct in place for all councillors and members of devolved public bodies in Scotland. This was with a view to helping councillors and members understand why adherence to the provisions in the Codes is essential to maintain public confidence in them as individuals, the office or position they hold, and the local authority or public body they represent. The Standards Commission also sought to ensure councillors and members understood their responsibilities and what is expected of them, to prevent the occurrence of inadvertent breaches of the Codes.

The Standards Commission worked towards this aim by holding, with the Improvement Service, joint webinars for councillors on confidentiality, identifying and managing conflicts of interests, and quasi-judicial and regulatory decision-making. We also provided tailored training sessions for councillors of four local authorities and members of four public bodies.

The Standards Commission continued to work with the Ethical Standards Commissioner, local authority Monitoring Officers, public body Standards Officers and other key stakeholders to promote the Codes and resolve any queries arising in respect of how their provisions should be interpreted.

Working in partnership with our stakeholders throughout the year enabled the Standards Commission to develop its educational material, share knowledge and insights, and enhance its engagement with councillors, members and other service users.

The Standards Commission considers that members of the public have the right to expect

those in public life will demonstrate the highest ethical standards, while acting in their best interests. We continued, during the year, with our work to raise awareness amongst the public on the ethical standards framework and to educate them on when the Codes apply, and what they cover.

We also strived to ensure that we undertook our adjudicatory role, in respect of alleged breaches of the Codes, in a fair, proportionate and timely manner. We sought to publicise our decisions in order to inform good practice and deter poor conduct.

We held a total of 15 Hearings between 1 April 2024 and 31 March 2025, to determine whether the Respondent councillor or member had breached their respective Code and, if so, to decide the sanction to be applied. We remained committed to a culture of continuous improvement and, therefore, undertook a review of our adjudicatory processes. This involved seeking and acting on feedback, and identifying and reflecting on best practice. Following this review, the Standard Commission made various improvements throughout the year, and amended its Rules to ensure Hearings were conducted as efficiently and proportionately as possible.

The Standards Commission welcomed a new Member, Malcolm Bell, in March 2025. A retired senior police officer, Mr Bell was an elected councillor and Convener of Shetland Islands Council for 10 years until 2022, working under and promoting the Councillors’ Code. Mr Bell is an experienced investigator and has extensive governance experience. Amongst his previous appointments, he was Vice-Chair of NHS Shetland, President of the Scottish Provosts Association, has chaired both child and adult protection committees and was a director of the Improvement Service for seven years. He is currently a member of the Accounts Commission for Scotland. Mr Bell has been an Honorary Sheriff for 15 years and was recently appointed a Justice of the Peace.

The tenure of a previous Member, Ashleigh Dunn, ended in March 2025. I would like to take this opportunity to recognise and thank her for her commitment, hard work and support. On behalf of everyone at the Standards Commission, I wish her all the best for the future.

## Looking Forward

The Standards Commission's Business Plan for 2025-26 outlines the work for the forthcoming year that will contribute to the achievement of the key objective as outlined in its Strategic Plan for 2024-28. A copy of the Business Plan for 2025-26 can be found at:

<https://www.standardscommissionscotland.org.uk/corporate-info/strategic-and-business-plans>

In particular, we will continue to develop relationships and work with our stakeholders to promote and educate on the Codes. We are due to deliver training sessions on the Codes for councillors and members of various local authorities and public bodies, and have agreed to hold further joint webinars for councillors with the Improvement Service.

The Standards Commission intends to continue its work to educate the public on the Codes by producing videos and Easy Read Guides for our website on when they apply, what they cover and how to make a complaint.

We are committed to ensuring our adjudication processes and decisions are fair, accessible and consistent. We will provide training to staff and Members to ensure Hearing Panels continue to have the knowledge and skills that allows them to make evidence-based, informed and well-reasoned decisions both at referral and Hearing stages.

The Standards Commission believes strongly that politicians and other individuals in public life should not have to face threats of violence, offensive personal comments or abuse, or otherwise be made to feel unsafe. A successful democracy relies on there being individuals willing to stand for, or be appointed to, public office and a lack of civility towards those in public life can have an adverse effect on participation, which in turn means that the views and interests of some groups are under-represented.

The Standards Commission notes, nevertheless, that increasing political polarisation, along with the immediate and often adversarial nature of social media, has contributed to the deterioration in the standards of public debate. We consider that the way politicians and members conduct themselves and interact with others in person, during debates, at meetings and on social media, impacts on these standards. If a councillor or member is rude or disrespectful (or if they fail to address such behaviour in others), then such conduct is reinforced or normalised. It can also create a hostile and unpleasant environment in their local authority or public body, which can adversely affect how that organisation operates. This in turn can have a negative impact on the provision of public services.

The Standards Commission considers it is essential, therefore, that councillors and members lead by example by demonstrating civility and actively promoting and supporting a culture of respect. It is also important that they recognise their role is to serve. The public has a right to expect those in public life to work in their best interests, rather than to spend their time engaging in offensive or abusive behaviour towards those who do not share their views, or by belittling or bullying the employees of a public body or local authority.

I look forward to continuing to work effectively with all fellow Standards Commission Members, staff and stakeholders to reinforce this message and promote the importance of adherence of the Code, in order to ensure public confidence in those in public life and the organisations they represent.



**Suzanne Vestri**, Convener

## SECTION 2: ABOUT US

The Standards Commission’s vision is as follows:

The Standards Commission’s vision is as follows:  
 For councillors and members of devolved public bodies in Scotland to uphold the high standards in their behaviour, conduct and decision-making so that:

- ▶ the public has confidence in its local authorities and public bodies; and
- ▶ to help local authorities and public bodies work effectively

In pursuing its vision, the Standards Commission will demonstrate the following values:



### **FAIRNESS**

we are objective, transparent, consistent and proportionate



### **APPROACHABLE**

we are inclusive, collaborative, respectful and helpful



### **LEADERSHIP**

we display leadership by initiating, advocating, being agile, delivering; and by seeking to learn and improve

## SECTION 2: KEY PRINCIPLES

The Ethical Standards Act required Scottish Ministers to issue a Code of Conduct for councillors and a Model Code of Conduct for members of devolved public bodies. The Codes as issued are based around nine key principles, which underpin the standards expected of those in public life.



### 1 DUTY

Holders of public office should uphold the law and act in accordance with the law and the public trust placed in them. They should act in the interests of the council or public body.



### 2 SELFLESSNESS

Holders of public office have a duty to act solely in terms of the public interest. They must not act in order to gain financial or other material benefit for themselves, family or friends.



### 3 INTEGRITY

Holders of public office must not place themselves under any financial, or other, obligation to any individual or organisation that might reasonably be thought to influence them in the performance of their duties.



### 4 OBJECTIVITY

Holders of public office must make decisions solely on merit when carrying out public business.



### 5 ACCOUNTABILITY AND STEWARDSHIP

Holders of public office are accountable for their decisions and actions to the public. They have a duty to consider issues on their merits, taking account of the views of others and must ensure that the council or public body uses its resources prudently and in accordance with the law.



### 6 OPENNESS

Holders of public office have a duty to be as open as possible about decisions and actions they take, giving reasons for their decisions and restricting information only when the wider public interest clearly demands.



### 7 HONESTY

Holders of public office have a duty to act honestly. They must declare any private interests relating to their public duties and take steps to resolve any conflicts arising in a way that protects the public interest.



### 8 LEADERSHIP

Holders of public office have a duty to promote and support these principles by leadership and example, to maintain and strengthen the public's trust and confidence in the integrity of the council and its councillors or the public body and its members in conducting public business.



### 9 RESPECT

Holders of public office must respect all other holders of public office and employees of the council or public body and the role they play, treating them with courtesy at all times.

## SECTION 3: IMPACT

### Promotion and Education

#### Introduction

The Standards Commission's Strategic Plan for 2024-28 states that it will have a positive impact on ethical standards in public life by taking all opportunities to:

- ▶ be a strong and consistent voice for the importance of the key principles of public life; and
- ▶ educate on the standards of conduct expected of councillors and members of devolved public bodies.

The Strategic Plan notes it will achieve this aim by:

- ▶ Ensuring material used to train and educate councillors and members of public bodies on best practice and compliance with their Codes of Conduct is accessible, user-friendly and audience-targeted.
- ▶ Working with partners, including the Ethical Standards Commissioner (ESC) to:
  - raise awareness of the Codes of Conduct, the standards expected of those in public life and the importance of these, and
  - ensure anyone potentially affected by poor behaviour is confident about reporting this and knows how to make a complaint.
- ▶ Engaging and working with the ESC, MSPs, political parties and others to try to improve behaviours, and to increase understanding of the negative impact of poor conduct and any deterioration in:
  - public trust and confidence in politics and those representing them, and in local government and public bodies;
  - the ability of local authorities and public bodies to work effectively; and
  - representation and willingness to stand for, or remain in, a public role.

- ▶ Obtaining qualitative and quantitative evidence on its work to promote high ethical standards and educate on the Codes of Conduct, via feedback, surveys and by monitoring progress against key performance indicators, so that it can: evaluate its impact in a meaningful way; and develop an evidence-based improvement cycle.

The Strategic Plan further states that the Standards Commission will continue to develop strong relationships with its stakeholders and work with them to resolve issues and prevent breaches of the Codes of Conduct.

The Strategic Plan notes it will achieve these aims by:

- ▶ Seeking and using intelligence gained from discussions, enquiries, feedback and cases to inform best practice and best value, in terms of its approach to educational and training material.
- ▶ Creating and taking all opportunities to collaborate with key stakeholders, including councils, public bodies and the Improvement Service, to promote the ethical standards framework and to provide training on best practice and the requirements of the Codes of Conduct.
- ▶ Making the best use of technology and developing digital content to ensure its training and educational material is as accessible as possible.
- ▶ Being approachable so that stakeholders and service users feel comfortable in contacting the organisation:
  - for assistance in resolving any practical issues that arise as a result of any gaps or tensions in the ethical standards framework, or potential ambiguities in how the Codes of Conduct should be interpreted;
  - to seek advice about the provisions in the Codes of Conduct to avoid any inadvertent breach; and
  - to understand what is required of councillors and members of public bodies to reduce the possibility of needless and unfounded complaints being made.

As outlined below, the Standards Commission had a positive impact on ethical standards in public life in 2024-25 through its engagement with stakeholders, and work to promote and educate on the Codes of Conduct and how their provisions should be interpreted.

### Training and Promotional Events

The Standards Commission supported councillors and members to meet the standards expected of them by holding training events on the Codes of Conduct.

In 2024-25, the Standards Commission presented training events on the Councillors' Code of Conduct for elected members of:

- ▶ Argyll & Bute Council
- ▶ East Lothian Council
- ▶ Perth & Kinross Council; and
- ▶ South Ayrshire Council.

In partnership with the Improvement Service, the Standards Commission presented joint webinars for councillors on:

- ▶ Confidentiality;
- ▶ Identifying and managing conflicts of interests; and
- ▶ Quasi-judicial and regulatory decision-making.

The webinars were open to all elected members and were aimed at assisting attendees understand how best to engage with members of the public, while still complying with the requirements of the Councillors' Code.

The Standards Commission also presented events on the Model Code of Conduct for the boards of the Crofting Commission, NHS Grampian, Public Health Scotland and Scottish Environment Protection Agency.

The Standards Commission presented on its role and the Model Code at the Scottish Government's 'Welcome on Board' induction workshops for Ministerial appointees in May and September 2024. This included facilitating group discussions, with the ESC, on hypothetical case studies, which allowed attendees to consider and discuss the potential application of the Code's provisions, what matters they should consider and any actions they should take, in the types of scenarios in which they might find themselves.

The Standards Commission's Executive Director also presented a session on the ethical standards framework and ongoing issues and work at the SOLAR Autumn Conference in November 2024.

The Executive Director presented on how to identify and manage conflicts of interest to Scottish Human Rights Commissioners in July 2024, and on the Model Code to the NHS Board Secretaries Group in August 2024. Attendees provided insight into their experiences in assisting board members in understanding and adhering to the Code's provisions.

The Standards Commission held its annual workshop for Council Monitoring Officers in October 2024. Matters discussed included:

- ▶ the amendments the ESC and Standards Commission intended to recommend be made to the Ethical Standards in Public Life etc. (Scotland) Act 2000;
- ▶ whether the Standards Commission should request that a provision be added to the Councillors' Code to require the registration of any hospitality received;
- ▶ any issues and trends being experienced, including conduct towards officers and the potential effect of budgetary pressures on behaviours;
- ▶ what work could be done to try to manage public expectations about the Code's requirements and the matters covered by the ethical standards framework.

The Standards Commission also held its annual workshop with Standards Officers of devolved public bodies in March 2025. Matters discussed included:

- ▶ the culture of attendees' boards, instances of disrespectful behaviour and the importance of a strong Chair in ensuring a culture of respect and compliance with the Code;
- ▶ issues their members were experiencing in terms of interpreting their Codes (which are based on the Model Code of Conduct);
- ▶ how to help members manage any inherent conflicts of interest arising from the composition of some boards; and
- ▶ how to assist members to understand the requirement to refrain from becoming inappropriately involved in operational matters.

There was good attendance at all the events noted above, with positive feedback indicating that the training provided was well-received.

In addition:

- ▶ The Executive Director appeared before the Finance and Public Administration Committee on 30 April 2024 to answer questions in respect of the Committee's inquiry into Scotland's Commissioner landscape.
- ▶ The Convener and Executive Director gave evidence on the Standards Commission's Annual Report for 2023-24 at a Local Government, Housing & Planning Committee meeting in November 2024 on a variety of matters, including whether training on the Councillors' Code should be mandatory for elected members and emerging trends in the types of complaints referred by the ESC.
- ▶ Members of the Standards Commission attended a session with the Scottish Parliamentary Corporate Body (SPCB) in November 2024 to discuss the Standards Commission's priorities and future plans, along with the officeholder landscape, funding and shared services.
- ▶ The Convener appeared before the SPCB Supported Bodies Landscape Review Committee in January 2025 to give evidence on the role and impact of the Standards Commission.

## Educational Material

The Standards Commission publishes Guidance, Advice Notes, standard training presentations, videos and e-learning modules, intended to assist councillors and members in interpreting the provisions in the Codes. These contain case illustrations (some of which are based on cases from Scotland, Northern Ireland and Wales, and some of which are hypothetical) to help councillors and members apply the Codes' provisions to the situations they may find themselves in, along with examples of factors they may wish to consider when applying their requirements. All educational material is available on the Standards Commission's website.

The Standards Commission issued and published a revised version of its **Guidance on the Councillors' Code** in 2024-25 in light of feedback and enquiries it had received, and issues that had arisen during

the ESC's investigations and at Hearings. The main changes were:

- ▶ The inclusion of more factors elected members could consider when applying the objective test and deciding whether a non-financial interest (such as membership of a club or society) should be registered.
- ▶ The addition of provisions to make it clear that elected members can participate, without being required to declare an interest, in any discussions and decision-making on the appointment of councillors to any roles or committees within their council and in any motions of no confidence or ones calling on an elected member to resign. This is even if they could be affected financially, politically or reputationally by the decision. In addition, elected members can participate, without being required to declare an interest, in their council's consideration of a written finding of a Standards Commission Hearing, even if they were the Respondent, attended the Hearing or were otherwise involved in the complaint that was the subject of the Hearing (as the Complainer or as a witness).

Following a consultation with stakeholders, the Standards Commission produced and published a new **Advice Note for Councillors on Quasi-Judicial and Regulatory Decision-Making**. The Advice Note aims to assist councillors in complying with the Councillors' Code when they are involved in, considering and making decisions on quasi-judicial and regulatory matters, such as planning and licensing applications.

The Standards Commission reviewed and updated its **Advice Notes for Councillors and Members on Gifts and Hospitality to include more information about the types of hospitality** that would reasonably be associated with their duties. An annex was added to both the Councillors' and Members' Advice Notes, providing a series of considerations intended to assist them in scrutinising offers of hospitality, and to help them reach fair and transparent decisions on what should be accepted and what should be declined. A second annex, added to the Councillors' Advice Note only, provides a few examples of typical scenarios and how councillors might use the considerations outlined in the first annex.

The Standards Commission also reviewed and updated its:

- ▶ **Advice Note for Members on the Role of a Standards Officer** to include a new section on when it might be appropriate to attempt local resolution to resolve a matter concerning a potential breach of their public body's Members' Code of Conduct. It should be noted, however, that there is no requirement for a Standards Officer (or anyone else) to try to resolve matters informally or internally, and that individuals can make a complaint to the ESC, regardless of whether or not they have been directly affected by the alleged conduct.
- ▶ **Advice Note for Members of Health and Social Care Integration Joint Boards** to provide members with further guidance about how to recognise and deal with potential conflicts of interest, in order to minimise the risk that such a conflict will erode effective governance and scrutiny arrangements.
- ▶ **Advice Notes for Councillors and Members on Article 10 of the European Convention on Human Rights** (being the right to freedom of expression), to make it clear that while the Courts have held that councillors can be entitled to enhanced protection to their right to freedom of expression when they are commenting on political issues or matters of public interest and concern, only a degree of the offensive, shocking and, exaggerated (that would not be acceptable outside that context), will be tolerated. The Advice Notes also make it clear that decisions made by the Courts, and by Hearing Panels of the Standards Commission that concern whether a restriction on an individual's right to freedom of expression can be justified, are entirely dependent on context and the facts and circumstances of each individual case.
- ▶ **Advice Notes for Councillors and Members on Distinguishing between Strategic and Operational Matters** to include further examples, to help councillors and board members understand when their involvement in operational matters or decision-making may be considered inappropriate, and could affect adversely their relationships with employees and their ability to undertake their strategic and scrutiny roles effectively.

- ▶ **Advice Note for Councillors on Arm's Length External Organisations (ALEOs)** to provide councillors appointed or nominated to such bodies with further guidance about how to manage their obligations both to the ALEO and to the Council itself. Advice aimed at councillors who have not been appointed or nominated to a particular ALEO was also included, to help them understand what they can and cannot do in respect of influencing policy and strategic development in respect of that ALEO.

The Standards Commission continued work to educate the public on the ethical standards framework. It produced a **Card for Members of the Public**, which explains when the Councillors' Code of Conduct does and does not apply, and what it covers. The Card makes it clear that while councillors must comply with the Councillors' Code when acting in that capacity, it does not apply to their personal or private life. In order to manage expectations, the Card further makes it clear that the Code only covers their conduct as a councillor, and not their performance. The Standards Commission also created new pages on its website to provide members of the public and the media with easy access to information about its remit and the main provisions in the Codes of Conduct.

The Standards Commission produced a new e-learning module on the confidentiality requirements of the Councillors' and Model Codes of Conduct. The new module can be found on the E-Learning Modules and Videos page of the website.

The Standards Commission continued to seek feedback on its promotional and educational work throughout the year, to help it evaluate its impact in a meaningful way. Following receipt, all feedback provided was considered by Standards Commission Members at the next Standards Commission meeting.

The Standards Commission also continued in 2024-25 to promote the Codes and ethical standards framework by publishing news articles and blogs on its website, via social media posts and in its engagement with stakeholders. News articles and monthly blogs published by the Standards Commission on the website in 2024-25 covered a range of topics, such as: why the language those in public life use matters; the importance of the scrutiny role that councillors and members

are expected to undertake; why councillors and members are required to register interests; and the role of a Council Monitoring Officer.

The Standards Commission continued to disseminate and publish quarterly 'Standards Update' briefings, which contained information about work it was undertaking, events it was holding and general matters concerning the ethical standards framework. The Standards Updates also included information about cases referred to the Standards Commission, including the outcome and any learning points from all Hearings held.

## Enquiries

The Standards Commission conducted its annual review of the enquiries it had received throughout the year in writing, by telephone, and via its website and social media sites, with the resulting analysis being used to inform content in its educational and promotional material. The Standards Commission responded to all enquiries timeously, with responses to 97% of enquiries being provided on the same day of receipt or within one working day, which was well within the timescales detailed in its Service Charter. The Standards Commission issued at least three social media posts a week on both Facebook and LinkedIn.

## Other Stakeholder Engagement

The Standards Commission continued, in 2024-25 to strengthen the positive working relationships it enjoys with stakeholders. The Standards Commission did so by engaging with them on a regular basis and by consulting on future plans and proposed changes to its educational material and adjudicatory processes.

The Executive Director and Case Manager met online with the President of the Adjudication Panel for Wales to discuss the work and remits of their respective organisations. It was agreed further meetings would be held on an annual basis. The Executive Team shared information about trends, ongoing cases and good practice with officers from the Local Government Commissioner for Standards in Northern Ireland, and also enjoyed regular engagement the Improvement Service, COSLA, SOLAR, Audit Scotland and the Scottish Government's Public Bodies Unit and Local Government Team.

The Standards Commission met with the organisation Elect Her to answer questions as part of its research on creating political spaces at a local government level which are accessible to, and safe for, women and those from minority backgrounds.

The Standards Commission also worked closely with the ESC in 2024-25 to identify and try to resolve issues arising in respect of the interpretation of the Codes. The Standards Commission's Executive Team held regular meetings with the ESC to discuss suggestions for improving the processes for the investigation and adjudication of complaints about councillors and members of devolved public bodies, in order to achieve efficiency, transparency and consistency in decision-making. The Standards Commission engaged with the ESC on any proposed changes to its case-related policy and process documents, and on its educational material. Standards Commission Members also held two formal meetings with the ESC during the year, to exchange information about work being undertaken by their respective offices, future plans and any issues that had arisen.

In 2024-25, the Standards Commission continued to promote its adjudicatory work by publishing information about all Hearings held and 'no action' decisions taken on its website and in its Standards Updates. The Standards Commission contacted local journalists to advise them of scheduled Hearings. It also issued and published press releases summarising decisions made and the reasons for these, following the conclusion of each Hearing.

The Standards Commission and ESC sent a joint letter to all political parties in Scotland, in advance of the General Election on 4 July 2024, inviting them to help to promote the Councillors' Code and encourage awareness of its provisions and, in particular, the ones that require councillors to treat each other with courtesy and respect and to refrain at all times from engaging in conduct that would constitute bullying and/or harassment. The ESC and Standards Commission noted that while the then forthcoming General Election could lead to more robust political debate, it was hoped that a distinction would be drawn between such robust debate and overt personal criticism and abuse.

## Proposed Amendments to the Ethical Standards Framework Legislation

The Ethical Standards in Public Life etc. (Scotland) Act 2000, which introduced the ethical standards framework and Codes of Conduct for councillors and members of devolved public bodies in Scotland, was one of the first acts passed by the Scottish Parliament. In advance of the 25th anniversary of its enactment, the Standards Commission and ESC conducted a joint review of its provisions and identified some amendments that could be made to improve or strengthen the framework. The proposed amendments include:

- ▶ Seeking more powers in respect of parties to a complaint who fail to respond during an investigation by the ESC, from the point of admissibility.
- ▶ Amending the options available to the Standards Commission, on receipt of a referral report from the ESC, (the current options are to: hold a hearing; direct the ESC to undertake further investigation; or do neither, which essentially means it decides no further action is to be taken on the matter). It is proposed that the Standards Commission be given a further option, which would be to find a breach of the Code without holding a Hearing, in circumstances where both it and the Respondent accept the ESC's finding that a breach of the applicable Code occurred. It is considered that this would be more proportionate than holding a Hearing in cases where the accepted breach is not particularly serious and was of limited duration and impact (such as where a councillor or member registered an interest as required, but failed to do so within the obligatory one-month period).
- ▶ Giving the Standards Commission the discretion not to impose a sanction if it deems it not appropriate to do so (for example in a case where there were compelling, extenuating or mitigating circumstances).
- ▶ Amending the section that provides that a period of suspension imposed on a councillor, following a breach finding at a Hearing, ends on the beginning of the day after any local government election. It is proposed that this be amended to provide

that any period of suspension imposed at a Hearing about a Respondent councillor will continue over an election period, or can be re-imposed, if the councillor concerned is re-elected. The current provision means that the length of any suspension a councillor has to serve may be dependent on when the conduct occurred and the length of the investigation and adjudication processes. It is considered that this is potentially unfair, particularly given that the duration of the ESC's investigation may be partly dependent on the co-operation of the Respondent. It could lead to inconsistencies in the length of time councillors who have committed similar breaches have to serve, even if the Standards Commission imposed the same length of suspension.

The Standards Commission and ESC then consulted with stakeholders on these proposals before sending a joint letter to Scottish Ministers in September 2024 asking for the Act to be reviewed in light of the suggested amendments. A response was received advising that the proposals would be considered, albeit there is currently no suitable legislative vehicle to take forward any amendments to the legislation in the current Parliamentary term.

## Statutory Powers of Oversight

Complaints that a councillor or a member of a devolved public body (the Respondent) has contravened their Code of Conduct are made to, and considered by, the ESC. While the ESC's office is independent, the Standards Commission can issue statutory directions under the Ethical Standards in Public Life etc. (Scotland) Act 2000 to provide it with assurance that the ESC's office is acquitting its functions, in accordance with the governing legislation.

The Standards Commission issued a Direction to the former ESC in 2020-21 (known as the Direction on the Outcome of Investigations), which required to provide the Standards Commission, at the conclusion of every investigation he has undertaken into a complaint about a councillor or member of a devolved public body, with a report outlining the findings and recommendations as to whether there has been a contravention of the applicable Code of Conduct. The ESC could

recommend that no breach had occurred, but no longer made the final decision on such cases, as was the case prior to the Direction being issued, when only reports recommending that a breach had occurred were referred.

The Standards Commission decided, in 2024-25, that it was not necessary to renew the Direction, when it expired in January 2025. This was because the ESC confirmed it was his intention to continue to report on all cases about councillors and members that have been investigated, regardless of whether he concludes the applicable Code has been breached. This process is also confirmed in the ESC's published Investigations Manual.

The Standards Commission further decided, in 2024-25, to rescind a Direction on the Progress of Investigations issued to the former ESC in 2020-21. The Direction obliged the ESC to provide three-monthly progress updates on ongoing investigations to all parties involved. The Standards Commission acknowledged that the ESC's Investigation Manual confirms that parties to complaints, and the relevant council or public body, will receive updates every three months on the progress of investigations. The Standards Commission further noted that the ESC was providing fortnightly case updates outlining the progress of cases. As such, the Standards Commission agreed, in May 2024, that it was no longer necessary to continue with the Direction.

# SECTION 4: ADJUDICATION

## Introduction

The Standards Commission's Strategic Plan for 2024-28 states that it will make clear, evidence-based and well-reasoned decisions on cases referred to it for adjudication to help improve standards and ensure any failure to meet those expected by the Codes of Conduct is dealt with in a fair, consistent and proportionate manner.

The Strategic Plan notes The Standards Commission will achieve this aim by:

- ▶ Ensuring Members and staff receive full training on:
  - the Codes of Conduct;
  - relevancy of material, evidence and submissions and how to weigh and assess evidence; and
  - good practice in decision-making and in conducting and managing Hearings.
- ▶ Seeking and analysing feedback to review and, where applicable, improve all adjudication-related policies, processes and practices.
- ▶ Reviewing and suggesting changes to the governing legislation so that it can deal with breaches of the Codes of Conduct in the most effective and proportionate manner.
- ▶ Using digital technology to ensure information about Hearings, case decisions and any learning points from these, including the impact or potential impact of the conduct being considered, are published and disseminated as widely as possible.

Work undertaken by the Standards Commission in 2024-25 towards this aim is outlined below.

## Adjudication Procedures

### Case Referrals

On receipt of the case report from the ESC, following the conclusion of an investigation into any complaint about a councillor or a member of a devolved public body (known as the Respondent), the Standards Commission has three options,

under Section 16 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 (the 2000 Act). These are to:

- ▶ direct the ESC to carry out further investigations;
- ▶ hold a Hearing; or
- ▶ do neither (i.e., to take no action).

The Standards Commission has published a policy outlining the factors it will consider when making such a decision on a report referred by the ESC.

The Standards Commission will hold a Hearing to adjudicate on the case if it considers it is in the public interest and proportionate to do so.

The Standards Commission will direct the ESC to carry out further investigation if it considers:

- ▶ it is unclear from the report what the ESC's findings or conclusions are, including which sections of the Code the ESC considers may have been breached and why; or
- ▶ the Standards Commission considers there are material facts that have not been sufficiently explored or that insufficient attempts have been made to obtain and analyse evidence that may have a direct bearing on the question of whether there has been a breach; or
- ▶ the Standards Commission is not satisfied that all aspects of the complaint that could amount to a breach of the Code have been investigated and covered in the report.

The Standards Commission will 'do neither' (i.e., it will decide not to hold a Hearing or direct further investigation be undertaken), following receipt of a report from the ESC, if it concludes that further investigation is not required, and that it may not be in the public interest or proportionate to hold a Hearing.

The Standards Commission will write to the Respondent, the ESC, the Chief Executive of the relevant council or devolved public body (copied to the Monitoring Officer or Standards Officer), and the individual or individuals who made the complaint to advise them of its decision in respect of the referral.

Section 24 of the 2000 Act provides that the Standards Commission, on receiving a report from the ESC about an investigation into a complaint about an employee or *ex officio* member of a devolved public body, shall send that report to the devolved public body. An *ex officio* member is one who is a member of a devolved public body by virtue of them holding office in another organisation. The Standards Commission has published a policy outlining how it will normally proceed on receipt of such a report. Essentially, the Standards Commission will prepare and publish, on its website, an anonymised summary of the complaint and the ESC's findings, along with any advice for members of devolved public bodies it deems appropriate. The Standards Commission will send copies of its summary to the Respondent, Complainer, and ESC and will advise them that the ESC's report has been sent to the Chief Executive of the devolved public body.

## Hearings

The Standards Commission holds Hearings to determine whether the Respondent has breached their Code of Conduct and, if so, to determine the sanction to be applied. Hearings are usually held in public at the headquarters of the Respondent's council or public body. The Standards Commission may decide to hold the Hearing online; for example, in cases where it appears there is little dispute between the parties and no witnesses (other than the Respondent) are to be called. The Standards Commission livestreams, on its website, any Hearings that are held online.

## Sanctions

The sanctions available to the Standards Commission if it determines, at a Hearing, that a breach of a Code of Conduct has occurred are:

- ▶ censure;
- ▶ suspension; and
- ▶ disqualification.

Having found a breach, the Standards Commission is obliged, under Section 19 of the 2000 Act, to impose a sanction. The Standards Commission has published a policy outlining the factors it will consider when deciding the sanction to be imposed. A copy of the policy can be found on the [Standards Commission's website](#).

A censure means the Standards Commission recognises the Respondent has breached the Code and formally records its severe and public disapproval of the Respondent's conduct.

A suspension can be full or partial, and can be for a period of up to one year. A full suspension means that the Respondent is not entitled to attend any meetings of the council or devolved public body, any of its committees and sub-committees, and any meetings of any other body of which the Respondent is a representative or nominee of the council or devolved public body. The Standards Commission has produced guidance to provide clarity on the extent of the activities in which a councillor can engage while they are subject to a period of full suspension (either on the finding of a breach of the Councillors' Code of Conduct at a Hearing or as an interim measure while an investigation about their conduct is ongoing). This guidance can be found on the [Standards Commission's website](#).

A partial suspension means that the Respondent is not entitled to attend certain specified meetings or committees of the council or devolved public body. For example, they may be suspended from meetings of a council's licensing committee for a period of three months.

Disqualification means that the Respondent (if a councillor) is prohibited for a period not exceeding five years from being a councillor and from being nominated for election or being elected as a councillor. This has the effect of vacating that councillor's office.

In cases where the Respondent is a member of a devolved public body, disqualification means they are removed from membership of the body and are prohibited from being a member of the body for a period not exceeding five years. The Standards Commission, on removing and disqualifying a member from one specific devolved public body, can also direct that the individual is removed and disqualified from any other devolved public body of which they are a member.

## Article 10 of the European Convention on Human Rights

An individual's right to freedom of expression is protected by Article 10 of the European Convention on Human Rights, which is enshrined in UK law. Freedom of expression is a general term covering a person's right to hold opinions, or to receive or share information or ideas. However, the right to freedom of expression under Article 10 is qualified. Article 10(2) notes that public authorities, such as the Standards Commission, may restrict an individual's right if they can show that the restriction is lawful, necessary and proportionate in certain circumstances. These include:

- ▶ to protect the rights and reputations of other people (it may be necessary, for example, to protect council or public body employees from offensive and abusive verbal attacks that prevent them from performing their duties);
- ▶ to prevent the disclosure of confidential information; and
- ▶ if the views expressed encourage racial or religious hatred.

The Standards Commission will consider whether Article 10 might afford protection when deciding whether it is in the public interest and proportionate to hold a Hearing, in respect of any cases alleging a breach of the respect, courtesy, bullying and harassment or confidentiality provisions in the Code.

In determining at Hearings whether there has been a breach of the Code in such cases, the Standards Commission will take a three-stage approach and consider:

1. Whether, on the face of it, the Code has been breached.
2. If so, whether such a finding, and the imposition of a sanction, could be a breach of the Respondent's right to freedom of expression under Article 10.
3. If so, whether the restriction involved by the finding is justified by Article 10(2). It should be noted that a restriction may still be justified even if the Respondent enjoys the enhanced right to freedom of expression afforded to those engaged in political speech or in debates on matters of public interest.

## Appeals

Appeals can be made, under Section 22 of the 2000 Act, to the Sheriff Principal of the sheriffdom in which the relevant council or devolved public body has its principal office, against any decision by the Standards Commission to:

- ▶ find a breach of a Code of Conduct;
- ▶ impose a suspension or disqualification, as a result of the finding of breach; and
- ▶ impose an interim suspension.

## Interim Suspensions

Section 21 of the 2000 Act provides the Standards Commission with the power to impose an interim suspension on a councillor or member of a devolved public body following receipt of an interim report from the ESC about an ongoing investigation. In determining whether to impose an interim suspension, a Panel of the Standards Commission will consider:

- ▶ whether the allegations being investigated by the ESC could potentially amount, if established, to a breach of the applicable Code of Conduct; and
- ▶ whether the further conduct of the ESC's investigation is likely to be prejudiced if such an action is not taken; or
- ▶ that it is otherwise in the public interest to take such a measure.

Any decision by the Standards Commission to impose an interim suspension is not, and should not be seen as, a finding on the merits of any complaint or the validity of any allegations against a councillor or member of a devolved public body, nor should it be viewed as a disciplinary measure. Information about any decisions made under Section 21 of the 2000 Act, and the policy outlining how the Standards Commission makes any decision under that section, can be found on the [Standards Commission's website](#).

## Dispensations

Both the Councillors' and Model Codes of Conduct outline the circumstances in which a councillor or member of a devolved public body would be required to declare a financial or non-financial interest and withdraw from any discussion and voting in respect of any matter to which that interest relates.

In some very limited circumstances dispensations may be granted by the Standards Commission in relation to the existence of financial and non-financial interests which in terms of the Codes would otherwise prohibit participation in discussion and voting. Such a dispensation would allow the councillor or member concerned to continue discussing and voting on the matter, where it is deemed to be in the public interest that they be allowed to do so. Information about decisions made on dispensation requests received in 2024-25 is outlined in the 'Decisions made by the Standards Commission in 2024-25' section below.

## Publishing Decisions

The Standards Commission seeks to ensure that all stakeholders, including members of the public, have easy access to high-quality information about the organisation and its adjudicatory work.

The Standards Commission publishes information on its website about adjudication procedures and how it makes decisions on cases that have been referred by the ESC. Information that is published includes the Hearing Rules and all case-related policy and procedure documents.

The Standards Commission publishes:

- ▶ written records of the decision and reasons for the decision on 'do neither' cases;
- ▶ information about forthcoming Hearings, including the name of the Respondent, the name of the Respondent's Council or public body, and the Hearing date, time and venue;
- ▶ written records of the decision and reasons for the decision made at each Hearing in respect of the alleged breach and, if applicable, the sanction applied;
- ▶ press releases about decisions made at Hearings;
- ▶ a link to the livestream of the Hearing if it is to be held online;
- ▶ written records of the decision and reasons for the decision made in respect of any interim reports received from the ESC (which are anonymised in instances where it was decided not to impose an interim suspension); and

- ▶ written records of the decision and reasons for the decision made in respect of any requests for dispensations made by councillors or members, which are anonymised in instances where the decision is taken not to grant a dispensation.

Copies of the case-related policies, referred to in this section, can be found on the [Standards Commission's website](#).

## Work Undertaken in 2024-25

Following the making, issuing and publishing of a 'no action' or Hearing decision, the Standards Commission reviewed the case at the next Standards Commission meeting, to check that its decision was well-reasoned, consistent and clear, and to identify any potential learning points in respect of how the referral and adjudication process was managed.

The Standards Commission also undertook a full annual review of all decisions made, and feedback received, in respect of case referrals and Hearings in the previous year (2023-24), to identify any learning points and potential improvements to its case related policies and procedures and standard documents. In addition, a review was also undertaken of decisions from analogous jurisdictions in order for the Standards Commission to benchmark its processes and ensure these were compliant with best practice.

Following these reviews, various improvements were made to the way Hearings were managed and, in particular, to ensure that they were conducted as efficiently and proportionately as possible. These included using pre-Hearing meetings and the Chair's opening remarks to remind the parties that the purpose of calling witnesses was so they could provide their recollection of events, rather than any opinion as to whether the Respondent had breached the Code. In addition, it was agreed the opportunity would be taken, at pre-Hearing meetings, to remind parties that as the Panel already had the ESC's report and Respondent's statement of case, it would only wish to hear key points or further arguments and would not need the majority of the report or all submissions to be read aloud or repeated in any detail. This would particularly be the case if these

never were, or were no longer, disputed. Similarly, if a Panel already had a witness' statement it would not need the witness to read this aloud at the Hearing. It was agreed that the parties should be reminded that a Panel will not necessarily give more weight to repetitive evidence, and that it would only expect witnesses to be asked about relevant matters that are in dispute.

The Standards Commission amended its Hearing Rules to provide that:

- ▶ Panels would hear from all witnesses first (regardless of which party had called them), before the parties would be invited to make submissions on whether a breach of the applicable Code had occurred. This change was made to avoid potential repetition of evidence and to allow for equal time for submissions, if required.
- ▶ Panels could limit the number of witnesses proposed by either party in the interest of a fair, efficient and proportionate Hearing.
- ▶ Respondents and their representatives would be asked for representations on the potential sanction to be imposed, and not just mitigation, when a breach of the Code was found.

In addition, the Hearing Rules were amended to provide that a Panel may also consider any impact statement provided by those affected in cases concerning a breach of the respect and/or bullying and harassment provisions in the applicable Code before determining the sanction to be applied. In doing so, however, the Panel would:

- ▶ only take into account information that is relevant to any finding of breach it has made;
- ▶ consider whether any alleged impact could reasonably be taken as being a likely and direct consequence of the conduct it has found to have occurred; and
- ▶ be mindful of, and take into account, the fact that the information in any such a statement has not been given under oath or tested.

The Standards Commission made some amendments to its policies on Case Referrals and on the Application Sanctions to clarify some wording and reflect current practice. The revised versions were uploaded to the website.

A full Review of online Hearings was conducted in November 2024, which included consideration of service user feedback, the experiences of Panel Members and staff, and research undertaken in respect of analogous tribunals. The Standards Commission noted that while there were cost advantages in holding Hearings online, in terms of travel time and expenses incurred, there were also a number of disadvantages. These included:

- ▶ Technical issues: while the Standards Commission's experience of online Hearings had remained generally positive, with no reduction in the level of participation and the vast majority of participants accustomed to using technology to join online events, some technical issues had arisen at Hearings (including problems with Wi-Fi connections).
- ▶ Communication: the Standards Commission noted that it was more difficult for the Panel Chair to pick up on non-verbal cues when online, for example, if a party wished to speak or if other Members considered a matter being discussed was irrelevant. The Standards Commission also noted that Respondents and their representatives reported finding it more difficult to communicate issues both to each other and with the Panel, while online. In addition, the Executive Team did not have the same opportunity as they would at in-person Hearings to have informal discussions with the parties in order to respond to queries, resolve any potential procedural issues and allay any concerns. The Standards Commission further noted that research demonstrated that decision-makers were less inclined to interrupt to ask questions in an online setting than they were in-person.
- ▶ Potentially more tiring: The Standards Commission noted that research indicated that professionals have discussed the "draining impact" of attending an online Hearing and of using a screen all day.
- ▶ Importance of holding the Hearing locally: The Standards Commission noted that most Hearings concern or stemmed from local issues and, as such, considered that the importance of holding them in the locality remained a key consideration, particularly given the organisation covered the whole

of the country. The Standards Commission noted that local press often attend in-person Hearings. The Standards Commission agreed where the Respondent is located should remain irrelevant to any decision on whether to hold a Hearing online or in-person.

- Potential loss of gravitas:** The Standards Commission noted that no feedback had been received to suggest that holding Hearings online had detracted from the seriousness of the process. It noted, however, that research on this aspect demonstrated some concerns had been voiced about the ‘erosion of formality’ that arises from distractions (such as doorbells, parcel deliveries etc.), overly informal dress, inappropriate language and unsuitable joining locations, which in turn affected the weight or gravitas of analogous proceedings. It was also noted that parties may be more inclined to take the outcome of a Hearing seriously when it was delivered in-person, in a formal setting.

The Standards Commission therefore agreed that, as a general rule, it would only hold Hearings online and livestream them, in cases where it appeared there was little dispute between the parties and a limited number of witnesses (other than the Respondent) were to be called.

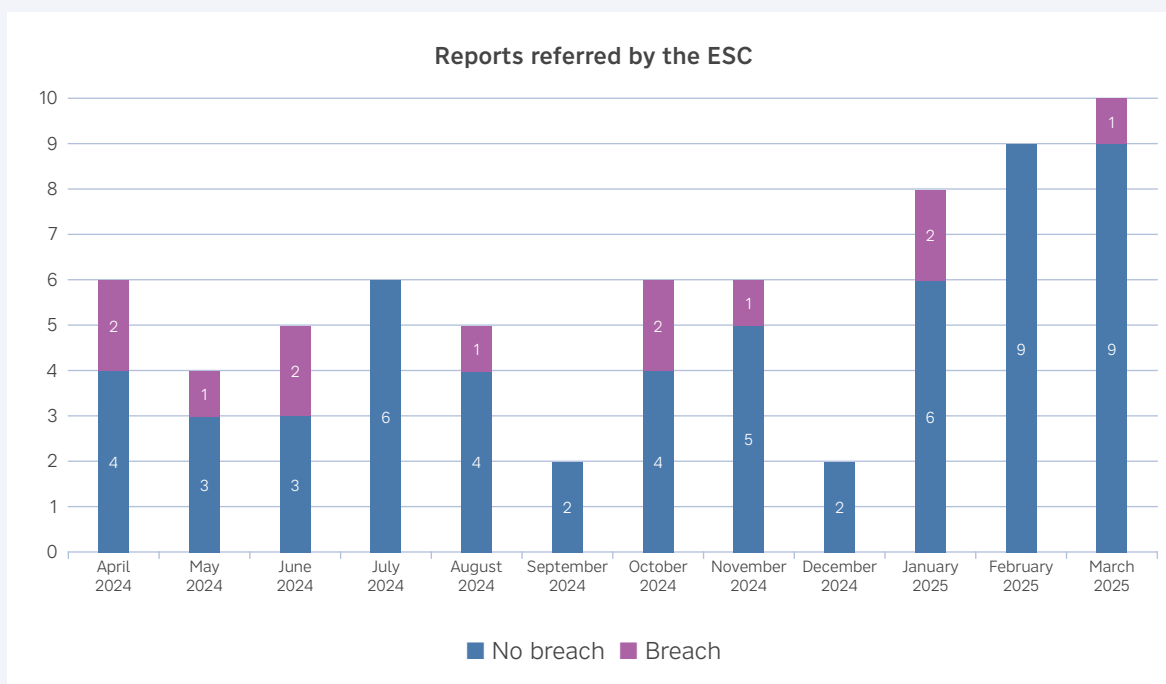
All Standards Commission Members were provided, in 2024-25, with refresher training on best practice in conducting Hearings.

In addition, a new ‘information for witnesses’ page was added to the Standards Commission’s website, with a video explaining the Hearing process and what a witness could expect when giving evidence. A similar video was produced and published for Respondents, which provides an overview of the Hearing process and explains what will happen before, during and after a Hearing.

## Decisions made by the Standards Commission in 2024-25

### Referrals

The ESC referred 69 cases to the Standards Commission between 1 April 2024 and 31 March 2025. The number and timings of referrals made by the ESC, by month, are outlined in the graph below.



The Standards Commission made decisions on 68 of the 69 cases referred to it between 1 April 2024 and 31 March 2025. A breakdown of the 68 decisions can be found in the table below.

Decision	No. of cases resulting in a decision	No. of respondents involved in the cases	
		Councillors	Members
Hold a Hearing	14	13	1
Do neither	53	45	8
Report referred to devolved public body under Section 24	1	0	1
<b>TOTAL</b>	<b>68</b>	<b>58</b>	<b>10</b>
Direct the ESC to carry out further investigations with one subsequent decision to Hold a Hearing and one decision to do neither (included in total above)	2	2	0

In the one remaining case, the Standards Commission had not yet made a decision on a referral made on 31 March 2025 by the year-end.

## Hearings

The Standards Commission held a total of 15 Hearings between 1 April 2024 and 31 March 2025. Five of these Hearings were held in respect of cases referred by the ESC in the previous year (between 1 April 2023 and 31 March 2024).

Four Hearings on case referrals made on or before 31 March 2025 were scheduled to be held in 2025-26.

Of the 15 Hearings held in 2024-25, nine were held online. Eight of these were livestreamed on the Standards Commission's website, with one held in private. Six Hearings were held in-person.

The table below outlines the decisions made at the 15 Hearings held in 2024-25.

## Hearing Decisions

Decisions	No. of Hearings	No. of Respondents involved in Hearing(s)
Finding of breach*	11	11
Finding of no breach due to Article 10**	2	2
Finding of no breach	2	2
<b>TOTAL</b>	<b>15</b>	<b>15</b>

\* A finding of breach is recorded in the table above if the Panel found a breach in relation to at least one issue of complaint.

\*\* A finding of no breach due to Article 10 is recorded in the table above if the Panel found:

- ▮ in respect of any issue, that the Respondent's conduct amounted, on the face of it, to a breach of the applicable Code, but an overall finding of no breach and the imposition of a sanction was not justified in light of the Respondent's right to freedom of expression under Article 10 of the ECHR; and
- ▮ no other breach of the Code had been established.

## Sanction decisions

The table below outlines the sanctions imposed by the Standards Commission at the Hearings held between 1 April 2024 and 31 March 2025.

Sanction	No. of Hearings	No. of respondents involved in Hearings
Censure	3	3*
Suspension – full	5	5
Suspension – partial	3	3
Disqualification	0	0
No breach and, therefore, no sanction	4	4
<b>TOTAL</b>	<b>15</b>	<b>15</b>

\* In one case, the Panel issued a censure to a former board member as it did not have the option of suspending them.

## Interim Suspension Decisions

The Standards Commission did not receive any interim reports from the ESC in 2024-25 and no decisions were made under Section 21 of the 2000 Act.

## Appeals

Following a Hearing held on 17 January 2024 (case reference LA/AC/3812), an Aberdeen City councillor was found, on the face of it, to have breached the respect and courtesy provisions in the Councillors' Code of Conduct. The Panel did not consider that the Respondent's conduct was protected by Article 10 of the European Convention on Human Rights (ECHR) (protecting freedom of expression) and a formal finding of a breach of the Code was therefore established. The Respondent appealed the decision on the grounds that the Panel had made an error of law in relation to how they had approached a technical legal test when considering the Respondent's Article 10 rights. Having taken legal advice on the way the Panel outlined its approach to Article 10 in its written decision of 23 January 2024, the Standards Commission decided not to defend the appeal. As a consequence, the Sheriff Principal quashed the finding that there had been a breach of the Code. The Sheriff Principal found no expenses due to or by either party in respect of the appeal.

An appeal was lodged in September 2024 against a decision made by the Standards Commission in respect of the decision made, at a Hearing on 7 August 2024, to suspend a Stirling Councillor for one month (case reference LA/S/3867). A Sheriff Principal upheld the Standards Commission's decision and refused the appeal on 17 October 2024, with an award of expenses in favour of the Standards Commission.

At a Hearing held on 26 February 2025, a Sheriff Principal dismissed an appeal brought by a North Lanarkshire councillor against the Standards Commission's decision to find them to be in breach of the Councillors' Code of Conduct, and to impose a two-month suspension (case reference LA/NL/3978). The appeal was dismissed, on a no expenses due to or by basis, following a motion raised by the Standards Commission on the basis that it was time-barred as it had not been lodged within the statutory time limit.

## Dispensations

Following a consultation with local authority Monitoring Officers, the Standards Commission granted a dispensation, in June 2024, to allow all elected members of pension committees (including ones concerning the pension fund either as a scheme employer or as an administering authority) to take part and vote at full Council on pension issues (including where the pension committees

has referred a decision to full Council meetings) without being required to declare an interest as a pension committee member. The dispensation also allows all elected members of pension committees to take part and vote in all issues at any pension committee meeting, without having to declare an interest as an elected member. It should be noted that pension committee members may still be required to declare an interest and withdraw if they have an additional, personal interest.

In addition, following a request to do so, the Standards Commission granted a dispensation, in January 2025, to allow all Members of Cairngorms National Park Authority (CNPA) to take part in

discussions and decision-making in respect of local authority visitor levies (including in respect of any responses to levy proposals). The dispensation allows all members of CNPA to take part in discussions and decision-making, without having to declare an interest, regardless of whether they have a connection to the issue by virtue of being an elected member of a local authority, or by virtue of having a business or employment interest that could potentially be impacted by the imposition of any visitor levy proposed by a local authority.

Copies of all dispensations can be found on the [Standards Commission's website](#).

## Timescales

### Do Neither

Where the Standards Commission made the decision to 'do neither' on reports referred by the ESC, the average time between receipt of those reports and the issuing of the Standards Commission's written decisions in 2024-25 was 3 days.

For the purposes of calculating the average timescale, in cases where the Standards

Commission directed further investigation, the date of receipt of the report was deemed to be the date on which the report on the further investigation was referred.

### Direct Further Investigation

The table below outlines the timescales involved in making decisions to direct further investigation on reports referred by the ESC in 2024-25.

### Further investigation timescales

Report Reference	Date first report received from ESC	Date of written decision to direct further investigation	Time taken between report received and direction issued (weeks)	Date second report received	Date final decision on referral made
LA/G/3992	21/06/2024	26/06/2024	1	28/06/2024	03/07/2024
LA/H/3969	06/08/2024	19/09/2024	9	19/12/2024	07/01/2024

The average time between a report being received from the ESC and the Standards Commission issuing a written decision to direct further investigation was 25 days.

### Hearings

The Standards Commission usually aims to hold Hearings no earlier than six weeks, and no later than 12 weeks, after the date on which the decision to hold a Hearing is made. This timescale allows sufficient notice to be given to the parties (being the ESC and the Respondent) and anyone else who wishes to attend or observe the Hearing (including the media and members of the public). It also allows the parties time to prepare, which

includes submitting any relevant and material evidence, and asking witnesses to appear.

The Standards Commission has to consider and balance a number of factors when scheduling Hearings. These include the availability of its part-time Members (three of whom form the Hearing Panel), the parties and suitable premises (if the Hearing is to be held in-person). In addition, as the Standards Commission only employs four members of staff (full-time equivalent 3.1), it has

to allow a sufficient gap between Hearings in order for the team to prepare fully for each.

The Rules provide that a Panel may, at its own discretion or on the application of any of the parties, postpone or adjourn a Hearing. Before any postponement or adjournment is granted, the Panel will consider both the public interest in the expeditious disposal of the case, and any inconvenience or prejudice to the parties and to

witnesses. In making such a decision, the Panel will also be mindful of the fact that delays to Hearings can lead to the quality of available evidence being eroded, as memories can fade with time. A policy outlining how the Standards Commission deals with adjournment requests and the factors it will consider in deciding whether the request should be granted can be found on the [Standards Commission's website](#).

Information about the timescales involved in the Hearings held in 2024-25 is outlined in the table below.

Report Reference (s)	Date referral received	Date of decision to hold a Hearing	Hearing Date	Time between date of decision to hold a Hearing and start of Hearing (in weeks)
LA/H/3838	30/11/2023	04/12/2023	02/04/2024	12*
LA/I/3764	14/12/2023	17/12/2023	10/04/2024	12*
LA/SB/3722	26/02/2024	28/02/2024	13/05/2024	8
NPA/C/3831	23/02/2024	28/02/2024	27/05/2024	9*
LA/As/3958	27/03/2024	01/04/2024	04/06/2024	7
LA/G/3919	08/05/2024	20/05/2024	29/07/2024	7
LA/S/3867	24/04/2024	30/04/2024	07/08/2024	10**
LA/Fa/3929	14/06/2024	18/06/2024	04/09/2024	8
LA/EA/3904	17/06/2024	18/06/2024	11/09/2024	9
LA/NL/3979	30/07/2024	02/08/2024	23/10/2024	8
LA/NL/3978	25/09/2024	01/10/2024	10/12/2024	7
LA/Mi/4131	22/10/2024	25/10/2024	15/01/2025	8
LA/AC/3986	31/10/2024	05/11/2024	04/02/2025	9*
LA/AB/3953	14/11/2024	19/11/2024	19/02/2025	10
LA/H/4078	21/01/2025	23/01/2025	26/03/2025	6

The average time taken between the Standards Commission making a decision to hold a Hearing and the start of Hearings was 9 weeks.

\* Hearing date was changed following an adjournment request from one of the parties

\*\* Hearing date was changed after date of 2024 UK General Election announced

# SECTION 5: GOVERNANCE & FINANCIAL OVERVIEW 2024-25

This section provides an overview of the Standards Commission's governance arrangements in 2024-25 and its financial performance.

## External Audit

Audit Scotland reported on its review of the Standards Commission's governance arrangements and audit of the Standards Commission's 2024-25 annual report and accounts. Audit Scotland's review identified one key audit risk, which required specific audit testing. This was the consideration of the risk of management override of controls in order to change the position disclosed in the financial statements.

Audit Scotland's main findings were that the Standards Commission had effective and appropriate arrangements in place for securing financial sustainability. There were effective and appropriate arrangements in place for securing Best Value, including the fairness and equality characteristic.

The Audit Report confirmed that the audit procedures did not uncover evidence of management override of controls. The Audit Report further confirmed that the financial statements were free from material misstatement and there were no significant findings or key matters to report.

The 2024-25 Audit Report will be incorporated in the Standards Commission's audited Annual Accounts, which require to be laid before the Scottish Parliament no later than 31 December 2025.

## Internal Audit

The Standards Commission's internal auditor, the SPCB's Head of Internal Audit, reviewed the Standards Commission's 'Section 16 policy' and associated processes and related key performance indicators. Section 16 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 outlines the options available to the Standards Commission on receipt of a referral report from the Ethical Standards Commissioner (ESC) regarding a complaint about a breach of the Councillors' Code

of Conduct or a Code of Conduct for members of a devolved public body. The 'Section 16 policy' relates how the Standards Commission will make decisions on these referrals and the factors it will consider in doing so.

The internal auditor reported that, based on the audit work performed, he was able to offer a substantial level of assurance is offered over the systems, controls and process in place with regards to the Section 16 decision-making process. The internal auditor advised that no issues were identified from the testing performed that required any audit recommendations to be raised

## Risk Management

The Standard Commission identifies and proactively manages risks that could impact on its ability to meet its strategic and business objectives. The Standards Commission's Risk Management Policy provides details of the organisation's approach to the management of risk and notes that the aim of the risk management framework is to:

- ▶ provide the Standards Commission and others with assurance that threats are constrained and managed and that opportunities are appropriately exploited to the benefit of the organisation;
- ▶ give confidence to those who scrutinise the Standards Commission about the robustness of its corporate governance arrangements; and
- ▶ enable the Standards Commission to make informed decisions across its functions.

The Standards Commission agreed its Risk Register at the start of the operational year to ensure that risks to the implementation of the strategic and operational objectives were identified going forward. The Risk Register contained a score for each risk, which reflected the likelihood of it occurring and the impact should it occur, in light of the controls in place and actions taken.

The Standards Commission's Audit & Risk Committee reviewed the Risk Register, including the rating value for each risk and the risk tolerance level at each of its three meetings in 2024-25. A report of the review was thereafter provided for consideration by Members at the next available meeting of the Standards Commission.

During 2024-25, the Standards Commission identified the principal risks and uncertainties for the organisation as, firstly, that the Standards Commission would fail to make fair, consistent, well-reasoned, proportionate and clear decisions in respect of cases referred by the ESC.

The second key risk identified was that the Standards Commission would have insufficient resources in terms of staff time and knowledge, and Members' knowledge, time and availability, to meet its business objectives and comply timeously with its statutory duties and any reporting requirements.

Work the Standards Commission undertook to mitigate these risks included carrying out a review of the case decisions it had made in the previous year (2023-24) to identify trends and ensure consistency and clarity in reasoning. It also sought feedback on all Hearings and considered any received as part of a standard review at the Standards Commission meeting following the Hearing, so that improvements could be made to policies and processes as appropriate. This review also included analysis and discussion on what went well or otherwise, and what could have been done differently.

Training on the Codes and conducting Hearings was provided to three new Members. In addition, all Members undertook refresher training on the quasi-judicial and regulatory decision-making requirements of the Councillors' Code.

In terms of resourcing, the Standards Commission checked the availability of Members and staff before Hearings were scheduled and the composition of Hearing Panels finalised. Checks were also undertaken for any potential conflicts of interest at the earliest opportunity following receipt of a referral from the ESC. The Standards Commission also sought information from the ESC about when cases were likely to be referred so that it could plan ahead as far as possible.

The Audit & Risk Committee was able, therefore, to assure the Standards Commission that all risks had been effectively managed.

The number of complaints made to, and the consequent number of cases referred to the Standards Commission by, the ESC is outwith the control of the Standards Commission; however, the volume of referrals by the ESC impacts on the resources required to enable the Standards Commission to undertake its statutory functions. While the Standards Commission puts in place controls and identifies actions to mitigate the risks associated with this, it acknowledges that this will always have the potential to impact on its operational effectiveness and its ability to predict the operating budget.

## Key Performance Indicators

The Standards Commission reviewed its performance against key performance indicators (KPIs) three times in 2024-25, to identify any changes that need to be made to processes where any had not been met. These included key performance indicators relating to the timescales involved in the disposal of complaints. A summary of performance in the year is provided in Appendix B.

## Financial Performance

The financial information provided is a summary extracted from the Standards Commission for Scotland's Annual Accounts 2024-25. For further information about the Standards Commission's financial position, a full copy of the Annual Accounts 2024-25 can be found on its website at <http://www.standardscommissionscotland.org.uk/corporate-info>

## Performance against prior year

The Standards Commission's net expenditure on operating activities for the year ending 31 March 2025 amounted to £345,000 (2023-24, £337,000). The expenditure was divided between staff costs of £306,000 (2023-24, £300,000) and other administrative costs of £39,000 (2023-24, £37,000).

Staff costs include all remuneration paid to both staff and Members. Member salaries include payments for time in respect of preparing for, conducting, and travelling to Hearings. These were slightly lower in 2024-25 than 2023-24,

as although fifteen Hearings were held in both years, a larger proportion of these were held online in 2024/25, meaning there was a decrease in Members' overall travel time. Staff salaries increased in line with the SPCB pay award (which was lower in 2024-25 than in 2023-24). Other administration costs for 2024-25 include higher fees for legal advice but these were offset by lower staff and member travel expenses.

### Performance against budget

Overall expenditure for the year was £345,000, which was £11,000 (or 3.1%) under the agreed overall budget. The underspend was primarily driven by lower Member salaries and associated staff and Member travel costs (as nine of the 15 Hearings were held online). An overspend in fees for legal advice was offset by savings in other administrative costs.

### Statement of Comprehensive Net Expenditure

	2024-25	2023-24
	£'000	£'000
<b>Administration costs</b>		
Staff costs	306	300
Other Administration costs	39	37
<b>Gross Administration costs</b>	<b>345</b>	<b>337</b>
<b>Net Operating costs</b>	<b>345</b>	<b>337</b>

All amounts relate to continuing activities. There have been no gains or losses other than those recognised in the Statement of Comprehensive Net Expenditure.

### Other Administration Costs

	2024-25	2023-24
	£'000	£'000
Fees for legal advice and representation	19	11
Audit Fee	4	4
Property hire costs	1	1
Information technology costs	3	2
Printing and promotion costs	4	1
General administration costs	4	4
Members' travel and expenses	2	8
Staff travel and expenses, and staff and members' training costs	2	9
	<b>39</b>	<b>37</b>

# APPENDIX A: SUMMARY OF CASES

Summaries of all decisions made, and Hearings conducted, by the Standards Commission in 2024/25 can be found below. The full written decisions from Hearings held are published online at: [www.standardscommissionscotland.org.uk/cases/case-list](https://www.standardscommissionscotland.org.uk/cases/case-list)

‘No Action’ decisions and Section 24 referrals are published online at: <https://www.standardscommissionscotland.org.uk/cases/cases-referred-by-the-esc>

## HEARINGS

<b>Case</b>	LA/H/3838 – Highland Council
<b>Date of Referral</b>	30 November 2023 (case referred in 2023/24)
<b>Date of Hearing</b>	2 April 2024*
<b>Date of Written Decision</b>	5 April 2024
*Hearing initially scheduled to take place on 1 March 2024, adjourned and rescheduled at Respondent’s request	
<p>The complaint concerned the conduct of the Respondent, a Highland councillor, at a full (hybrid) meeting of the Council in December 2022. The Panel noted that when speaking about the closure of two children’s homes, the Respondent stated: <i>“I have two questions about this. Did the Council deliberately let standards slip so low at [the Children’s home in Wick] that it ended up being closed so the Council didn’t do it itself”; and “And in view of this am I wrong in feeling the Chief Executive came to Caithness and lied to us”</i></p> <p>The Panel noted that the Respondent’s position was that after the press release about the home was issued by the Council in June 2022, the then Chief Executive met local councillors in Caithness, stated that the press release was incorrect and promised that the home would not close. The Panel accepted that when it was then reported in a local media outlet, the day before the Council meeting, that the home was to close, the Respondent had a right to raise the matter and question why the position had changed.</p> <p>The Panel agreed with the ESC’s representative, however, that the Respondent had effectively, and publicly, accused the then Chief Executive of lying. The Panel further agreed that such an accusation was particularly serious, given it had called into question the integrity of the then Chief Executive and potentially could be perceived as labelling her as dishonest. The Panel was of the view that such a public attack on the then Chief Executive’s character and honesty could have been highly damaging, not only to her reputation as an individual, but also to the Council itself, given she was its senior officer at the time. The Panel accepted that the position in respect of the closure of the home may have changed between June and the Council meeting in December 2022 and, therefore, the then Chief Executive’s statement in June may have been accurate and made in good faith at that time. The Panel found, therefore, that the Respondent’s conduct amounted, on the face of it, to a breach of the provisions in the Code that require councillors to treat others with courtesy and respect, and to refrain from criticising the conduct of individual officers in public.</p> <p>The Panel considered that the Respondent would be entitled to enhanced protection in respect of his right to freedom of expression. This was because the Respondent’s statement was made during a full Council meeting, and related to the closure of a children’s home, being a matter of public interest and concern. The Panel noted, nevertheless, that the right to freedom of expression is not absolute. Restrictions can be imposed to protect the reputation or rights of others. This can include protecting council officers from offensive attacks that could potentially undermine the public’s confidence in the Council.</p> <p>The Panel considered that the Respondent’s accusation that the former Chief Executive had lied was a personal attack on her and her character, and that he must have known that the making of such an accusation, in the context of a discussion on such an emotive subject, had the potential to have a significant, detrimental impact on her reputation. The Panel noted that there had been nothing to prevent the Respondent from raising his concerns about the apparent change in position in respect of the potential closure of the home in a respectful manner.</p> <p>The Panel accepted, nevertheless that the Respondent’s accusation that the former Chief Executive had lied was a value judgement that was made in good faith. This was because the Panel accepted that the Respondent was motivated by concerns about the closure of the home, rather than being an attempt to question the then Chief Executive’s integrity in general. The Panel further considered that there was evidence to demonstrate that, while not necessarily accurate, the accusation had a basis in fact, given it appeared the position had changed in respect of the potential closure of the home, despite the apparently categorical assurances that the then Chief Executive had given at the meeting in Caithness. The Panel was satisfied, therefore, that in the very specific and particular circumstances of the case, the Respondent’s comment amounted to a value judgement that was not so excessive as to justify a restriction on his right to freedom of expression.</p> <p>The Panel concluded, therefore, that a formal finding of a breach of the Code could not be made.</p>	
<b>Sanction</b>	Not applicable

Case	LA/I/3764 – Inverclyde Council
Date of Referral	14 December 2023 (case referred in 2023/24)
Date of Hearing	10 April 2024*
Date of Written Decision	15 April 2024
*Hearing initially scheduled to take place on 13 March 2024, adjourned and rescheduled at Respondent's request	
<p>The Panel noted that it was not in dispute that, at a Planning Board meeting in March 2022, the Respondent, an Inverclyde councillor, did not declare an interest and, instead, took part in the discussion and decision-making on a planning application for a development at a former industrial site in Greenock. The Panel noted that it was not in dispute that the Respondent proposed at the meeting that planning permission be granted subject to the conditions recommended by officers, as outlined in the Council's report (which restricted the number of houses on the site). The Respondent then voted in favour of granting the application, subject to the recommended conditions.</p> <p>The Panel concluded the Respondent had a connection to the planning application. This was because he owned a property in the vicinity, in which he had registered both a financial and non-financial interest, and because he had previously expressed concerns about the development of housing at the site.</p> <p>The Panel considered that, having applied the objective test required by the Code, the Respondent should have reached the view that his connection to the application would be reasonably regarded as being so significant that it would be considered as being likely to affect his potential discussion and decision-making on the application under consideration. The Panel noted that it did not have sufficient evidence before it to confirm whether the outcome of the decision on the matter would have had an impact, either detrimental or positive, on the value or use of the Respondent's property. It considered, nonetheless, that members of the public, with knowledge of the following relevant facts, would reasonably consider that the Respondent's connection to the site of the development proposal would be sufficiently significant as to be likely to affect his discussion or decision-making. The Panel determined that the relevant facts were:</p> <ul style="list-style-type: none"> <li>▶ The proximity of the Respondent's property to the development and the fact that it was adjacent to the site (separated by only a dual carriageway), meant that it could potentially be impacted by both the development works (in terms of the use of the road and noise) and the increased number of families living in the area when the development was complete (with the associated effect on local resources).</li> <li>▶ The Respondent's property was named in the paperwork prepared by planning officers for consideration by the Planning Board at the meetings at which the application was considered.</li> </ul> <p>The Panel agreed, therefore, that the Respondent should have declared an interest, withdrawn from the meeting and taken no part in the discussion and decision-making on the matter. The Panel concluded, therefore, that the Respondent had breached paragraphs 5.5 and 7.4 of the Code.</p> <p>In this case, the Panel considered the Respondent's failure to apply the objective test properly and to consider how his participation in the discussion and decision-making on the application could be perceived, could have had an adverse impact on the public's confidence in the Planning Board's decision. The Panel did not consider, therefore, that a censure was an appropriate disposal option.</p> <p>The Panel accepted, nevertheless, that there was no evidence or suggestion that the Respondent had tried to conceal his interest, or that he had acted in anything other than good faith. The Panel was not satisfied that it had evidence before it that would lead it to conclude that the Respondent's interest had affected his discussion or decision-making as a member of the Planning Board. The Panel further noted that the Respondent had an unblemished record as a councillor, and that he had co-operated fully with the investigation and adjudication processes. As such, the Panel did not consider that a disqualification or lengthy suspension was warranted.</p> <p>The Panel agreed, however, that it was necessary to impose a short suspension in order to reflect the seriousness of the breach, to promote adherence to the Code and to maintain and improve the public's confidence that councillors will comply with the Codes, and will be held accountable if they fail to do so.</p> <p>The Panel considered imposing a two-month suspension on the Respondent's entitlement to attend any quasi-judicial or regulatory decision-making committees of the Council. The Panel noted, however, that the Respondent was no longer a member of the Planning Board and was not a member of any other quasi-judicial or regulatory committees. In the circumstances, therefore, the Panel determined that it was appropriate and proportionate to suspend the Respondent's entitlement to attend full Council meetings for a one-month period.</p>	

<b>Case</b>	<b>LA/SB/3722- Scottish Borders Council</b>
<b>Date of Referral</b>	<b>26 February 2024 (case referred in 2023/24)</b>
<b>Date of Hearing</b>	<b>13 May 2024</b>
<b>Date of Written Decision</b>	<b>20 May 2024</b>

The complaint concerned a failure by the Respondent, a Scottish Borders' councillor, to declare his employment, as a Strategy Manager with South of Scotland Enterprise, at three council meetings held between February and August 2022. This was despite matters concerning, or that could impact upon the work of South of Scotland Enterprise, being discussed at those meetings.

The Panel acknowledged that the Respondent had recorded promptly his employment on his Register of Interests and, as such, was satisfied there was no attempt to conceal it. The Panel nevertheless considered that, having applied the objective test, as required by the Code, the Respondent should have reached the view that his connection, being his paid employment with a local enterprise agency, would reasonably be regarded as being so significant to the agenda items in question as to be likely to affect his potential discussion and decision-making on those matters.

The Panel agreed, therefore, that the Respondent should have declared an interest, withdrawn from the meetings and taken no part in the discussion and decision-making on the specific matters in question.

The Panel further found that, on one occasion, having declared an interest in relation to an item being discussed, the Respondent emailed a fellow elected member and suggested that they could comment on a particular point. While the Panel accepted it may not have been the Respondent's intention to influence anyone remaining in the meeting, it found that by suggesting that a fellow councillor could "comment on the challenges" arising from the item, the Respondent had continued to participate, in breach of the Code.

In reaching its decision on sanction, the Hearing Panel noted that the Respondent had co-operated with the investigative and adjudication processes, and had a previously unblemished record as a councillor. The Panel again accepted the Respondent had registered his employment and, as such, there was no suggestion he had tried to hide or conceal his interest. The Panel agreed, nevertheless, that it was necessary to impose a suspension in order to reflect the seriousness of the breach, to promote adherence to the Code and to maintain and improve the public's confidence that councillors will comply with the Code and will be held accountable if they fail to do so. In the circumstances, therefore, the Panel determined that it was appropriate and proportionate to suspend the Respondent's entitlement to attend full Council and Council Executive meetings for a one-month period.

Case	NPA/C/3831 – Cairngorms National Park Authority
Date of Referral	23 February 2024 (case referred in 2023/24)
Date of Hearing	27 May 2024*
Date of Written Decision	3 June 2024
*Hearing initially scheduled to take place on 30 April 2024, adjourned at Respondent's request	
<p>The Panel found that the Respondent, a former member of the Park Authority, failed to declare an interest at a planning meeting in December 2021, when applications for planning permission to build two self-catering units and access roads on an estate were being considered. Instead, the Respondent took part in the discussion and decision-making. This was despite having a connection to the applications being discussed, as she lived near the estate in question and, further, was employed as a manager of a hospitality business on a nearby estate.</p> <p>The Panel accepted that the Respondent's employer may not necessarily have been a direct competitor of the applicant business, in terms of price and the standard of accommodation to be offered. The Panel nevertheless considered that, having applied the objective test under the Code, the Respondent should have reached the view that her employment at a nearby hospitality business, which also offered self-catering options within the National Park area, would be reasonably regarded by members of the public with knowledge of the relevant facts as being so significant to the applications being considered at the meeting, that it would be regarded as being likely to prejudice her potential discussion and decision-making. The Panel agreed, therefore, that the Respondent should have declared an interest and withdrawn from the meeting while the applications were being discussed.</p> <p>The Panel found that, on the face of it, the Respondent also breached the respect provisions in the Code in respect of a remark she made about a senior employee of the Park Authority at a board meeting in November 2022. The Panel found that the Respondent's remark impliedly, and publicly, accused the employee of bullying and intimidating Members of the Park Authority in providing them with advice about when they may need to declare interests. The Panel agreed that the making of such an accusation about the conduct of the employee was serious and could have been damaging, not only to his reputation as an individual, but also to the Park Authority itself. The Panel noted that, in terms of the ethical standards framework, the employee in question was expected to provide members with advice about compliance with the Code. The Panel acknowledged he did so both to ensure that Members complied with its provisions, but also to ensure the propriety of decisions made by the public body and to mitigate the risk of these being challenged.</p> <p>The Panel was of the view, nevertheless, that while the Respondent's remark was emotive and unjustified, it did not consider that it was sufficiently offensive, personally abusive or shocking as to justify a restriction on her right to freedom of expression. In reaching this view, the Panel took account of the fact that the Respondent had withdrawn the remark at the meeting and had qualified it with the use of words "feels like" and "almost". The Panel concluded, therefore, that a formal finding of a breach of the respect provision in the Code could not be made.</p> <p>The Panel considered that a short suspension would normally be warranted to reflect the seriousness of the breach concerning the declaration of interests, to promote adherence to the Codes of Conduct and to maintain and improve the public's confidence that Members will comply with their provisions and will be held accountable if they fail to do so. The Panel noted, however, that as the Respondent was no longer a Member of the Park Authority, the option to suspend her was not available. In the circumstances, the Panel determined that a censure was the appropriate sanction.</p>	



<b>Case</b>	<b>LA/As/3958 – Aberdeenshire Council</b>
<b>Date of Referral</b>	<b>27 March 2024</b>
<b>Date of Hearing</b>	<b>4 June 2024</b>
<b>Date of Written Decision</b>	<b>10 June 2024</b>

The Panel noted it was not in dispute, and found, that the Respondent, an Aberdeenshire councillor, disclosed confidential information to a local journalist about the potential future use, as asylum accommodation, of a care home in his ward.

The Panel noted the Respondent stated he had disclosed the information in order to address speculation and any concerns his constituents may have. The Panel was nevertheless satisfied that he had done so, at least in part, for political reasons. This was because the Panel considered that providing information to a local journalist about an apparently contentious matter, which had been the subject of considerable local speculation, would only serve to raise public awareness and to bring the proposal into the open. The Panel agreed the Respondent must have been aware that doing so would highlight the issue and potentially encourage constituents to bring pressure to bear on officers and other decision-makers, in order to affect the outcome. The Panel agreed that it was perfectly legitimate for the Council to have decided that the information was to be kept confidential until such a time as any final decision on the proposal was made. Doing so would have also afforded the Council time to prepare by, for example, providing support to local councillors and preparing communications on the subject.

The Panel further found that, as the Respondent used his council email account to facilitate the disclosure, he had also breached the provisions in the Code regarding the improper use of council IT facilities.

The Panel noted, in mitigation, that the Respondent had referred himself to the Ethical Standards Commissioner and had co-operated fully with the investigative and Hearing processes. The Panel noted there was no evidence that the incident had been anything other than a one-off event or of any previous contraventions of the Code by the Respondent. The Panel nevertheless noted the potential impact of the Respondent’s actions on others, particularly council officers, who would have been responsible for dealing with any resulting enquiries from the press and public. The Panel further noted that the information was not published by the journalist. The Panel agreed, however, that if it had been published, it was likely the disclosure would have resulted in speculation about the use of the facility, before any final decision had been taken, which may have caused undue and unnecessary concern. In the circumstances, the Panel concluded that a suspension of two months was an appropriate sanction.



Case	LA/G/3919 – Glasgow City Council
Date of Referral	8 May 2024
Date of Hearing	29 July 2024
Date of Written Decision	2 August 2024

A Glasgow councillor was found, on the face of it, to have breached the Councillors' Code, in respect of remarks made during a speech at a full Council meeting in June 2023 and, in particular, a statement that some of those attending a rally in the city earlier that year, in respect of women's rights, were "Nazis".

The Panel acknowledged that, in her speech, the Respondent had been seeking to set out her position in respect of transgender rights and, in particular, her concerns about individuals that she perceived had sought to restrict or undermine these. The Panel further acknowledged that the debate surrounding the issue of transgender and women's rights is extremely polarised, with strong views expressed frequently on the subject. The Panel accepted that, as an elected representative, the Respondent was expected to express her views and, further, that she was entitled to do so in a forthright and even robust manner.

The Panel agreed, however, that a reasonable interpretation of the Respondent's remark that the rally had been attended by Nazis, in the context of a speech about the impact of anti-trans groups or views, was that, at the very least, a number of those attending a women's rights rally adhered to extreme far right ideology. The Panel noted that while no individuals who attended the rally had been named by the Respondent, individual attendees could be identified by video footage of the event, which remained in the public domain. The Panel considered that the use of the term 'Nazi' as a descriptor for those who attended the rally on women's rights was objectively disrespectful, given a common understanding of Nazis is that they were an extreme far right group who committed genocide and whose extremist political ideology was based on ideas of racial, social and biological purity. The Panel agreed this would have been deeply offensive and shocking to attendees, especially any identifiable from the footage available. The Panel noted that the statement that Nazis had attended a rally in Glasgow could also have been highly disturbing for members of the public.

The Panel found, however, that the Respondent was entitled to enhanced protection of freedom of expression, as a politician commenting on a matter of public interest. It acknowledged that given:

- ▶ there was apparently reliable evidence to the effect that similar rallies organised by the same person in other cities had been attended by individuals who had displayed clear support of the Nazis or their ideology;
- ▶ how open to interpretation the term 'Nazi' can be and its breadth of meaning, and how it is commonly used to describe anyone with what are perceived as opposing or extreme views,
- ▶ there was a sufficient factual basis for the Respondent's contention that the Glasgow rally had been "attended by Nazis", even if this was proved to be entirely inaccurate.

The Panel was satisfied, therefore, that in the very specific and particular circumstances of the case, the Respondent's comment amounted to a value judgement that was not excessive. It concluded, therefore, that a restriction on the Respondent's right to freedom of expression would not be relevant, sufficient and proportionate and, as such, a formal finding of a breach of the Code could not be made.

<b>Case</b>	<b>LA/S/3867 – Stirling Council</b>
<b>Date of Referral</b>	<b>24 April 2024</b>
<b>Date of Hearing</b>	<b>7 August 2024*</b>
<b>Date of Written Decision</b>	<b>16 August 2024</b>

\*Hearing was initially scheduled to take place on 1 July 2024 but postponed after it was announced that the UK General Election would take place on 4 July 2024 and, therefore, the venue and various witnesses would not be available.

A Stirling councillor was found to have behaved disrespectfully towards another elected member during the recess of a meeting of the Council in March 2023.

The Hearing Panel found that it was not in dispute that, during the recess, the Respondent and the Complainer (another councillor) had a verbal altercation after the Complainer suggested he would have to explain to parents in their ward why he voted in favour of a decision that effectively would cut nursery hours. Having heard evidence from the Respondent, Complainer, other elected members and council officers present, the Panel was satisfied, on the balance of probabilities that, during the exchange that then ensued, the Respondent:


- ▶ was clearly angry, frustrated and agitated;
- ▶ stood over the Complainer and raised his voice; and
- ▶ repeatedly pointed his finger or otherwise gesticulated towards her in an aggressive manner.

While the Panel noted that only the Complainer and one other witness recalled the Respondent having called the Complainer a ‘liar’, it accepted they were closest to the Respondent at the time. As such, the Panel was satisfied, on balance, that he had done so, or had used words to that effect. In reaching this decision, the Panel noted that the Respondent advised that he had considered the remark made by the Complainer to him, which had precipitated the exchange, to be inaccurate and considered it was likely, therefore, that he would have sought to comment on this. The Panel further considered that, given the Respondent accepted he had been angry during the exchange, he would have made comments instinctively and emotionally, meaning it was more likely he would have used a more immoderate term such as ‘liar’, rather than, for example, accusing the Complainer of misrepresenting his position or describing it inaccurately.

The Panel considered it was reasonable for the Complainer to have found the Respondent’s conduct intimidating. The Panel accepted that the Respondent may have felt aggrieved by the Complainer’s suggestion that he could have made a difference to the debate or decision in respect of the proposed cut to nursery provision and that he was entitled to raise his concerns with her in that regard. The Panel agreed, however, there was no reason why the Respondent could not have done so in a respectful manner, without losing his temper, resorting to aggressive and intimidatory behaviour and causing others to feel they had to intervene. The Panel agreed that, by conducting himself in the manner as found and outlined above, the Respondent failed to treat the Complainer with courtesy and respect.

The Panel agreed that the Respondent’s conduct towards the Complainer during the recess of the Council meeting had been wholly unnecessary and inappropriate. The Panel was satisfied that the Respondent’s overall conduct was entirely egregious and exceeded the degree that should be tolerated, even in a political context. In the circumstances, the Panel was satisfied that a restriction on the Respondent’s right to freedom of expression was relevant, sufficient and proportionate to protect the rights of the Complainer, to ensure a minimum standard of public debate and to prevent public confidence in local government, the Council and the role of a councillor from being undermined. The Panel concluded, therefore, that a finding of a breach of paragraph 3.1 of the Code could be made.

The Panel accepted that being the subject of such conduct would have been distressing for the Complainer and anyone witnessing it. The Panel noted, however, that the conduct was a one-off incident, for which the Respondent had immediately proffered an apology. The Panel further noted, in mitigation, that the Respondent had co-operated fully with the investigative and adjudicatory processes. There was also no evidence repeated behaviour or of any previous contraventions of the Code by the Respondent. In the circumstances, the Panel concluded, on balance, a one-month suspension of the Respondent’s right to attend full meetings of the Council was the appropriate sanction.



<b>Case</b>	<b>LA/Fa/3929 – Falkirk Council</b>
<b>Date of Referral</b>	<b>14 June 2024</b>
<b>Date of Hearing</b>	<b>5 September 2024</b>
<b>Date of Written Decision</b>	<b>11 September 2024</b>
<p>The Hearing Panel noted it was not in dispute, and found, that in June 2023 the Respondent, a Falkirk councillor, disclosed information on social media about work being undertaken by the Council to award a contract to build a new access road, which had been included in a report that was discussed in private at a meeting of the Council’s Executive Committee. The Panel noted it was not in dispute that the report was specifically marked as “not for publication” and printed on pink paper, and that the Respondent accepted the printing of the report on pink paper meant the information it contained was confidential.</p> <p>The Panel accepted that some information from the report, including the overall budget and when it was expected the project would commence, had already been disclosed by the Council and published in a local news article. The Panel found, nevertheless, that detailed information the Respondent shared from the report, including the number of bids received for the work, concerns expressed by potential contractors, and the difference between the cost of a compliant bid and the Council’s budget was not in the public domain. The Panel was further satisfied that this information was confidential and should have been treated as such, given it concerned an ongoing tendering process, being a commercially sensitive matter.</p> <p>The Panel concluded, therefore, that the Respondent had disclosed information that remained confidential. The Panel noted the Respondent had indicated that he had disclosed the information to rebut the “positive spin” on the project that he considered the Council had given via its press release. The Panel was satisfied, therefore, that the Respondent had disclosed the information, at least in part, for the purpose of discrediting the Council.</p> <p>The Panel noted, in mitigation, that the Respondent had removed the post immediately when it was suggested he did so, and that there was no evidence of any impact in terms of the project. The Panel agreed, nevertheless, that it was legitimate for the Council to have decided that information on the tender process was to be kept confidential at the time, in order to ensure the process was conducted properly and fairly, and to minimise risks associated with the management of the costs and delivery of the project. The Panel also noted the potential impact of the Respondent’s actions on others, particularly any officers who were responsible for the process. In the circumstances, the Panel concluded that a suspension of two months was an appropriate sanction.</p>	

<b>Case</b>	<b>LA/EA/3904 – East Ayrshire Council</b>
<b>Date of Referral</b>	<b>17 June 2024</b>
<b>Date of Hearing</b>	<b>11 September 2024</b>
<b>Date of Written Decision</b>	<b>16 September 2024</b>

The Panel noted it was not in dispute, and found, that the Respondent, an East Ayrshire councillor, attended a Council budget-setting meeting in February 2023, and participated in a decision regarding the setting of council tax rates for 2023/24. The Panel further found, and noted it was not in dispute, that at the time of the meeting on 23 February 2023, the Respondent owed an overall sum of over £900 in respect of council tax relating to both his current and former properties.

The Panel noted that paragraph 3.29 of the Code states that elected members are not allowed to participate in certain decisions concerning council tax if they are in arrears of two months or more in respect of the payment of such tax. The Panel noted that while the Respondent had made the Council aware of an outstanding sum, relating to his current residence for the then financial year, he had not disclosed arrears relating to his former property for previous years. This was despite the Respondent:

- ▶ being aware that the arrears over the former property were the subject of a summary warrant and debt recovery action, for which a repayment plan was in place; and
- ▶ having received an email from the Council’s Monitoring Officer two days before the meeting, reminding all elected members of paragraph 3.29 of the Code (and a corresponding statutory provision).

The Panel was satisfied, that given the level of the total outstanding amount owed by the Respondent at the time of the meeting, the overall sum would equate to council tax arrears of more than two months. As such, the Panel determined that the Respondent had breached paragraph 3.29 of the Code. While the Panel concluded that the Respondent should have realised he could not participate in the meeting and should not have done so, it was nevertheless satisfied, on balance, that his contribution to the discussion was based on the views of his party group and did not stem from any personal interest. The Panel further accepted that an apology proffered by the Respondent and the remorse he had displayed were genuine. In the circumstances, the Panel concluded that a censure was an appropriate sanction.

Case	LA/NL/3979 – North Lanarkshire Council
Date of Referral	30 July 2024
Date of Hearing	23 October 2024
Date of Written Decision	30 October 2024
<p>A North Lanarkshire councillor was found to have behaved disrespectfully towards the Council’s Chief Executive Officer in a social media post regarding a decision taken by the Council to carry out a review of its facilities. The Hearing Panel found that, in his post, the Respondent effectively accused the Chief Executive both of going beyond his remit and of not being politically neutral by stating that he (along with the Council Leader) had initiated the review and by inferring that this had been done for political reasons.</p> <p>The Panel accepted that, as a politician, the Respondent was entitled to criticise both the decision by fellow councillors to undertake the review, its timing and the likely use of its findings by his political opponents. The Panel considered, however, that he could have done so without specifically naming or, indeed, making any mention of the Chief Executive, who had only been instructed to carry out the review and had not been involved in the decision to initiate it. The Panel heard that the post had been prepared in advance by the Respondent’s political group. As such, it was evident that the post had not been drafted in haste, without considering the wording and its likely inference. In light of this, the apparent problems in the relationship between the Respondent’s political group and officers, and the Respondent’s knowledge that the decision to undertake the review had been made by councillors, the Panel was satisfied, on the balance of probabilities, that the mention of the Chief Executive in the post was deliberate. The Panel was satisfied the Respondent intended to link the Chief Executive to the review in order to publicly criticise his alleged conduct.</p> <p>The Panel was of the view that such public questioning of the Chief Executive’s impartiality and therefore his integrity could have been highly damaging to his reputation as an individual. Given the Chief Executive’s position as its senior officer, it could have also been damaging to the reputation of the Council itself. The Panel found, therefore, that the Respondent’s conduct amounted to a breach of the provisions in the Code which require councillors to treat council officers with courtesy and respect, refrain from criticising the conduct of individual officers in public, and to work with them in an atmosphere of mutual trust and respect.</p> <p>The Panel was satisfied that a restriction on the Respondent’s right to freedom of expression was relevant, sufficient and proportionate in order to:</p> <ul style="list-style-type: none"> <li>▶ act as a deterrent to the Respondent and others from engaging in unfounded public attacks and / or making serious and false accusations about officers;</li> <li>▶ protect the mutual bond of trust and confidence between councillors and officers that enables local government to function effectively;</li> <li>▶ prevent public confidence in local government and the Council from being undermined; and</li> <li>▶ protect the reputation and rights of the Complainer.</li> </ul> <p>The Panel acknowledged that the Respondent had every right to scrutinise the decision taken by his fellow councillors to instigate the review, and to query how his political opponents may seek to profit from its timing and outcome. The Panel considered, however, that the deliberate inclusion of the Complainer in this criticism and scrutiny, despite the knowledge that the decision to undertake the review had been made by councillors, was wholly unfair and inappropriate, and amounted to a personal attack. The Panel accepted that such an unjustified public inference that he had failed to maintain political neutrality would have been distressing for the Complainer, particularly given he had no right of public reply or control over who and how many individuals viewed the post. The Panel was therefore of the view that the breach of the Code was serious in nature.</p> <p>The Panel nevertheless noted, in mitigation, that the Respondent’s Facebook account was followed by a relatively small number of individuals and that the post had been removed after a few days (albeit only after the Council’s Monitoring Officer had raised concerns about its contents), meaning the breach was limited in duration. The Panel further noted it had not been presented with any evidence to show that the accusation the Complainer had initiated the review or failed to maintain political neutrality had been repeated in the media.</p> <p>The Panel noted that the Respondent had co-operated fully with the investigative and adjudicatory processes. The Panel further noted there had not been any previous findings of a contravention of the Code by the Respondent. In the circumstances, the Panel concluded, on balance, a one-month suspension was the appropriate sanction.</p>	



<b>Case</b>	<b>LA/NL/3978 – North Lanarkshire Council</b>
<b>Date of Referral</b>	<b>25 September 2024</b>
<b>Date of Hearing</b>	<b>10 December 2024</b>
<b>Date of Written Decision</b>	<b>17 December 2024</b>

The Respondent, a North Lanarkshire councillor, was found to have behaved disrespectfully towards the Council’s Chief Executive Officer in a social media post and an email to a constituent regarding a decision taken by the Council to carry out a review of its facilities. The Hearing Panel found that, in both the email and post, the Respondent effectively accused the Chief Executive both of going beyond his remit and of not being politically neutral by stating that he (along with the Council Leader) had initiated the review and by inferring that this had been done for political reasons.

The Panel further heard and found that, in another social media post, the Respondent noted that one of his political group’s budget proposals was a cut to “the council and labours PR machine”. The Panel agreed this clearly inferred, in a public forum, that instead of being politically neutral and working to publicise decisions made by the Council, council officers were colluding with a specific political party to promote its messaging. The Panel considered this was disrespectful and discourteous towards officers.

The Panel accepted that, as a politician, the Respondent was entitled to criticise the decision by fellow councillors to undertake the review, its timing, and the likely use of its findings by political opponents. The Panel considered, however, that he could have done so without specifically naming or, indeed, making any mention of the Chief Executive. Similarly, the Panel noted that the Respondent was entitled to criticise or make comments on another political party’s messaging without suggesting that council officers were colluding with them and, as such, were failing to be politically neutral.

The Panel found the Respondent published the first post and sent the email deliberately, knowing they contained incorrect information and gave the impression that the Chief Executive had failed to maintain political neutrality (being a serious allegation). It found that the Respondent named the Chief Executive and published the post in a public forum despite knowing he had no right of reply.

The Panel noted the Respondent amended the first post after concerns about it were raised with him. The Panel noted, however, that while he had removed the Chief Executive’s name, the Respondent chose to retain the reference to his job title. The Panel further noted there was evidence of apparent problems in the relationship between the Respondent’s political group and council officers. Given this, and the Respondent’s knowledge that officers would be expected to act upon and communicate about decisions made by councillors, the Panel was satisfied, on the balance of probabilities, that the mention of the Chief Executive in the first post and email was deliberate and intended to link him to criticisms of the Administration.

The Panel concluded, therefore, that the Respondent’s conduct amounted to a breach of the provisions in the Code which require councillors to:

- ▶ treat everyone, including council officers, with courtesy and respect; and
- ▶ refrain from criticising the conduct of individual officers in public, and to work with them in an atmosphere of mutual trust and respect.

As council officers are obliged to remain politically neutral, the Panel was of the view that such public questioning of the Chief Executive’s impartiality and therefore integrity, amounted to a personal attack. The Panel noted that not only would this have been distressing, but it could have been highly damaging to the Chief Executive’s reputation as an individual. The Panel further considered the linking of officers to a specific political party’s messaging was also a deliberate and public attack on their impartiality. The Panel considered this could have been damaging to the reputation of the Council itself.

The Panel was satisfied that a restriction on the Respondent’s right to freedom of expression was relevant, sufficient and proportionate in order 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;
- ▶ protect 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.

The Panel noted, in mitigation, that the Respondent had not named any specific officers in the second post and that there had not been any previous findings of a contravention of the Code against him. The Panel was nevertheless concerned that the Respondent had not shown any insight into his conduct, and its potential impact. It noted that he had not proffered any apology. In the circumstances, the Panel concluded, on balance, a two-month suspension was the appropriate sanction.

Case	LA/Mi/4131 – Midlothian Council
Date of Referral	22 October 2024
Date of Hearing	15 January 2025
Date of Written Decision	23 January 2025
<p>The complaint concerned the conduct of the Respondent, a Midlothian councillor, during a brief interaction he had with a council employee, Ms A, when they were alone in a committee room. The Panel noted it was not in dispute that the conversation occurred while Ms A was replenishing the coffee machine and the Respondent was preparing a hot drink.</p> <p>The Panel further noted that it was not in dispute that the Respondent made a remark to Ms A about how she was using her hands quickly to replenish the machine, albeit there was a dispute about exactly what was said. The Panel noted that while Ms A's position was that the Respondent's remarks had clearly been a sexual innuendo, given the movement of her hand at the time; his position was that he had merely been trying to compliment her by saying she was quick at her job.</p> <p>The Panel noted that Ms A had immediately reported the comment to colleagues and the Respondent's Group Leader. The Panel agreed Ms A would have nothing to gain from raising concerns about the incident and, further, that the actions she took afterwards were consistent with her having taken the remark to be a sexual innuendo. The Panel found Ms A credible and was satisfied she had understood the Respondent to have made an inappropriate remark towards her, that left her feeling uncomfortable and distressed. Given this, the Panel agreed that it was obliged to determine whether, on the balance of probabilities, it was more likely than not that the Respondent had intended his comment as a sexual innuendo and, if not, whether it was reasonable for Ms A to have taken it as such.</p> <p>The Panel also found the Respondent to be a credible and reliable witness and accepted his evidence that he had not intended any comment as a sexual reference and, instead, was simply making small talk and trying to compliment Ms A on her work. The Panel accepted the Respondent's position that any reference he may have made to Ms A's hand or hands would have been in the context of complimenting her on how quickly she was refilling the machine. The Panel noted Ms A had previously advised the ESC that she did not think the Respondent had thought about what his comment could mean, or how it could be interpreted.</p> <p>The Panel noted that, at another public Hearing, the Standards Commission had not upheld a previous complaint that alleged the Respondent had directed an inappropriate comment of a sexual nature towards a female councillor. The Panel noted that Ms A had given evidence to the effect that, at the time of her conversation with the Respondent, she was aware of some rumours about this, albeit she was unaware of the precise nature of the complaint. Having listened carefully to her evidence, the Panel was of the view it was likely that Ms A may have been influenced, albeit not consciously, by rumours relating to the previous case when concluding the Respondent's remark to her was of a sexual nature.</p> <p>The Panel could understand why, given this, it would not have been unreasonable for Ms A to have taken the reference to her hand action to have been a sexual innuendo. However, given its finding that the Respondent's evidence was credible, and in the absence of any other witnesses to the exchange between the Respondent and Ms A (and in particular to exactly what was said and how), the Panel was unable to conclude, on balance, that it was more likely than not that the Respondent had intended his comment as a sexual innuendo, rather than as a compliment. The Panel was of the view that the Respondent's willingness to apologise was not an indicator of guilt and noted, instead, it could just be an indicator that he accepted Ms A was upset and wanted to try to resolve the situation.</p> <p>The Panel considered the comment being made in the context of refilling a coffee machine would not necessarily be considered sexual, even if, as had been stated, the sachets were being removed from a strip. The Panel accepted the Respondent's evidence that he had said something to the effect of "the job like that", meaning he had also referred to the task Ms A was fulfilling when commenting on her hand action. In the circumstances, the Panel was of the view that, on balance, it was not reasonable to conclude the Respondent's comment the Respondent's comment could only be perceived or taken a sexual innuendo, or that it was entirely likely that individuals with no knowledge of the previous complaint about the Respondent (that was not upheld) would understand it as such. As such, the Panel was unable to conclude overall and on the balance of probabilities that the Respondent had breached the Code.</p>	

<b>Case</b>	<b>LA/AC/3986 – Aberdeen City Council</b>
<b>Date of Referral</b>	<b>31 October 2024</b>
<b>Date of Hearing</b>	<b>4 February 2025</b>
<b>Date of Written Decision</b>	<b>18 February 2025</b>

The Panel noted it was not in dispute, and found, that during a council meeting in October 2023, in response to a comment made by the Complainer (another elected member), the Respondent, an Aberdeen City councillor, referred to the Complainer as a “new Scot” and suggested that, as such, she “maybe doesn’t know about” actions she (the Respondent) contended the SNP Government had taken with a view to mitigating against austerity measures, such as the introduction of the bedroom tax.

In reaching its view that the Respondent did not intend her remark to be offensive or discriminatory, the Panel noted the Respondent was responding to a point made by the other councillor, rather than choosing to target her out of the blue. The Panel further noted the Respondent had been shocked and surprised by the reaction in the Council Chamber, and apologised publicly at the meeting, immediately after concerns about her use of the term ‘new Scot’ were raised. The Panel noted that this shock and surprise likely stemmed from the Respondent’s understanding and previous use of the term in a solely positive capacity.

The Panel noted that it had been suggested that the Respondent’s tone was sarcastic. While the Panel did not necessarily agree that her tone was sarcastic, it did not consider it was unusual for councillors, as elected politicians, to use irony or sarcasm to question an opposition colleague’s awareness or understanding of an issue, during a debate, to try and score a political point. The Panel was of the view that questioning or criticising a political opponent’s awareness of a matter was a common feature and component of a democratic debate. As such, it did not consider that the Respondent’s conduct, in doing so, would in itself meet the threshold for disrespect in terms of the Code, regardless of the tone used.

The Panel noted that evidence provided showed that the term ‘new Scot’ was one used in both Scottish Government and Aberdeen City Council publications, with a delivery plan for the 2024-26 “New Scots Refugee Integration Strategy” being published in July 2024, having been launched initially by the Government in 2013 and updated in 2024. The Panel considered this demonstrated that, in and of itself, the term was not necessarily or even commonly understood or perceived as derogatory or discriminatory. The Panel nevertheless accepted it could have such connotations and, indeed, that a number of those present at the meeting in October 2023 had understood it as such. As such, the Panel agreed it was important for it to consider whether anyone who heard the Respondent’s remark, with knowledge of the circumstances in which it had been used (during a heated political debate) and to whom it had been directed, would reasonably understand it to be offensive or discriminatory, regardless of her motivation in making it.

In making this assessment, the Panel did not accept that the use of ‘new Scot’ would be readily or reasonably understood to be a reference to the other councillor’s race, ethnicity or skin colour; or that it amounted, or could be taken to amount, to a public assertion that the other councillor was ignorant due to any protected characteristic. This was because the Panel considered it was entirely plausible a white individual who had recently moved to Scotland from, for example, somewhere in Europe, or even another part of the UK, could be referred to as a ‘new Scot’, given they were new to Scotland. Indeed, the Panel noted that the “New Scots Refugee Integration Strategy” did not distinguish between race, ethnicity or skin colour.

The Panel agreed it was apparent from the context in which it was used, being the questioning of whether someone who may not have lived in the country was aware of a policy in place at the time and its impact, that the Respondent was not questioning the other councillor’s potential knowledge based on any protected characteristic. Given this, the Panel did not accept that the Respondent had sought to distinguish the other councillor on the grounds of her race. The Panel also did not accept, in light of this context and the different ways in which the term ‘new Scot’ is used, that most individuals, with full knowledge of the Respondent’s remark and the circumstances in which it was made, would reasonably or readily consider it to be offensive or discriminatory.

As such, the Panel was unable to conclude overall, and on the balance of probabilities, that the Respondent had breached the Code.

Case	LA/AB/3953 – Argyll and Bute Council
Date of Referral	14 November 2024
Date of Hearing	19 February 2025
Date of Written Decision	24 February 2025
<p>The Respondent, an Argyll and Bute councillor, was found to have made disrespectful and discriminatory comments about a child in telephone conversations with an officer from the Council's Education Department in January 2023. The Panel accepted the officer's evidence, which was supported by a contemporaneous file note that, during the calls, the Respondent had stated that:</p> <ul style="list-style-type: none"> <li>because the child cross-dressed, it was likely he put video recording equipment in a girls' changing room in a local school; and</li> <li>that people who cross-dressed were more likely to be sexually deviant.</li> </ul> <p>The Panel also accepted the officer's evidence that it was evident, from the timing and context in which it was made, that the Respondent, when making the second remark (to the effect that people who cross-dressed were more likely to be sexually deviant), was doing so in the context of the discussion about the child. As such, even if it was also a general opinion about individuals who cross-dress, it was not plausible to perceive it, reasonably, as being an entirely separate and distinct statement.</p> <p>The Panel found the Respondent effectively made serious accusations on his own behalf (as opposed to just passing on what his constituents had allegedly told him), being both that the child had undertaken a potentially criminal act and was also likely to be 'sexually deviant'. The Panel was not provided with any evidence to show this accusation was based on anything other than how the Respondent understood the child occasionally dressed. The Panel agreed that the Respondent would, or reasonably should have, been aware that as the person responsible for investigating the matter, the officer would be obliged to share this with the child's parents given it concerned their then 15-year-old child. While the Panel accepted the Respondent may not have expected his own opinion about individuals who cross-dress would be shared, it considered he should have been aware this was a possibility, given these had been proffered in support of his accusation that the child in question was likely responsible for putting video recording equipment in the girls' facilities. The Panel considered that making such an accusation in the circumstances was disrespectful towards the child and, as such amounted to a breach of the Councillors' Code.</p> <p>The Panel was further satisfied from the evidence that the Respondent's accusation was based on an understanding that the child was transgender, or because he was under the misapprehension that anyone who cross-dressed must be transgender. The Panel agreed, that in making an unsubstantiated accusation on the basis of a protected characteristic, perceived or otherwise, the Respondent failed to foster good relations between different people. The Panel concluded, therefore, that there was also a breach of the Code in this respect.</p> <p>The Panel agreed that, as an elected politician, the Respondent was in a position of power and authority. The Panel was of the view that in making a very serious and unsubstantiated accusation on his own behalf, from a position of power, before the concerns raised by his constituents had been investigated, the Respondent engaged in inappropriate, offensive and intimidating behaviour. The Panel agreed that such behaviour had the potential to make the child and his parents feel humiliated and insulted. The Panel concluded, therefore, that the Respondent had also breached the provisions in the Code that require councillors to refrain from bullying and harassment.</p> <p>The Panel acknowledged that the Respondent was entitled to his political views and, further, that he had every right to pass on concerns his constituents may have had to council officers. The Panel was concerned, however, that he had gone beyond this by making a serious, unfounded and gratuitous accusation of potential criminality against a then 15-year-old child, simply because of how he allegedly and occasionally dressed. The Panel was also concerned that the Respondent had not shown any insight into the potential impact of his conduct, particularly on the child and his family. It noted that he had not proffered any apology. In the circumstances, the Panel concluded, on balance, that a two-month suspension was the appropriate sanction.</p>	

<b>Case</b>	<b>LA/H/4078- Highland Council</b>
<b>Date of Referral</b>	<b>21 January 2025</b>
<b>Date of Hearing</b>	<b>26 March 2025</b>
<b>Date of Written Decision</b>	<b>28 March 2025</b>

The Respondent, a Highland councillor, was found to have failed to record membership of the Lochaber National Park Working Group in her Council Register of Interests until early July 2024, despite having been a member since at least October 2023.

The Panel noted that the Working Group was informal and comprised of unpaid volunteers who believed that Lochaber should submit an application to the Scottish Government to be designated as a National Park. The Panel nevertheless noted that it was not in dispute that the group had organised community consultation events, set up a website and social media pages, ran a survey, and submitted a 'conditional nomination document' to the Scottish Government in February 2024, as part of the National Park designation process.

The Panel noted the Code obliges councillors to apply an objective test to determine if any non-financial interests they have require to be registered. In terms of that test, registrable non-financial interests are those which members of the public, with knowledge of the relevant facts, might reasonably think could influence a councillor's decision-making in their council. The Panel noted that non-financial interests could include membership of, or participation in, community groups who could potentially be impacted by, or benefit from, decisions taken by the Council.

The Panel was of the view in this case, the relevant facts for the purpose of the application of the objective test were that:

- There was evidence that the suggestion that Lochaber should seek national park status had generated strong feelings locally, both for and against the proposal. The Panel considered, therefore, that there was public interest in the group and, as such, the public might view its aims as having the potential to affect a community served by the Council.
- The Council provided funding to an organisation that supported the group. As such, it was a community group that benefitted from a decision taken by the Council.
- The Respondent was identified as a councillor in the nomination document, which suggested her status as an elected member was considered relevant.

The Panel considered that it would be reasonable for members of the public, with knowledge of these relevant facts, to consider they were sufficiently significant as to be likely to potentially influence the Respondent's discussion and decision-making at Council. This was because it would be reasonable for members of the public to conclude it was likely the Council could be asked to support (financially or otherwise) any nomination application. The Panel concluded, therefore, that the Respondent's membership of the group was a non-financial interest that required to be registered, within a month.

The Panel found that as the Respondent's name was added to the group's blog in October 2023, there was evidence she was a member at that point. The Panel found, however, that the Respondent did not register her membership of the group until July 2024. The Panel concluded, therefore, that the Respondent had breached the Code.

The Panel noted, in mitigation, that the Respondent had apologised for her failure to register her membership of the group within the required timescales. While the Panel concluded that the Respondent should have registered her membership of the working group, it was nevertheless satisfied that she had not attempted to conceal her interest and that there was no personal gain. The Panel further accepted that the Respondent's apology was genuine. In the circumstances, the Panel concluded that a censure was an appropriate sanction.

## NO ACTION

Case	LA/DG/3817 – Dumfries & Galloway Council
Date of Referral	11 April 2024
Date of Decision	15 April 2024
<p>The complaint concerned an allegation that the Respondent had bullied and harassed the Complainer, then a headteacher of a local authority school, between January 2020 and October 2021 in two meetings at the school, and by encouraging parents to complain about aspects of the school's service.</p> <p>The ESC advised that, having interviewed the Complainer, the Respondent and two Council officers present at the meetings in question, he had not found any evidence to support the Complainer's contention that the Respondent had bullied or harassed her at the meetings in question. The Complainer had also not been able to provide any other witnesses or documentary evidence to support her allegation that the Respondent had encouraged members of the public to complain about the service the school was providing or decisions the Complainer had made. On the contrary, the ESC advised that he had found that, instead of the Respondent encouraging parents own his own initiative, the Respondent had been approached by a number of parents to advocate on their behalf and attend meetings with them.</p> <p>Having reviewed the extent and nature of the evidence before it, the Standards Commission found no reason to depart from the ESC's conclusion that the Respondent's conduct did not amount to a breach of the Code. The Standards Commission concluded that it was not proportionate or in the public interest for it to hold a Hearing and therefore decided to take no action on the referral.</p>	

Case	LA/AC/3864b – Aberdeen City Council
Date of Referral	10 April 2024
Date of Decision	16 April 2024
<p>The complaint alleged that the Respondent failed to timeously update his Register of Interests to record his role as a trustee of a community trust and, further, that he failed to declare this role as an interest at a Council budget meeting in March 2023.</p> <p>The ESC advised that he had found that despite being appointed as a trustee of the community trust in January 2023, the Respondent did not register the interest until March 2023. The ESC recommended, therefore, that the Respondent had breached the Code by failing to register the interest within the required one-month period. The ESC advised that the Respondent had apologised and confirmed that the failure to timeously register the interest was an oversight.</p> <p>The ESC advised he had found the Respondent did not make any declaration of interest at the Council budget meeting in March 2023. The ESC advised, however, that he did not consider that a member of the public, with knowledge of the relevant facts, would reasonably regard the Respondent's status as a trustee of the community trust as being so significant, both in scale and nature to the overall budget, that it would be considered likely to influence his decision-making on the overall budget. As such, the objective test was not met and it was not an interest that required to be declared.</p> <p>The Standards Commission noted that the Respondent had apologised for the delay in registering his trusteeship. The Standards Commission noted the limited duration of the delay. It further noted that there appeared to be no evidence to suggest that the Respondent had tried to conceal his interest and, therefore, it had no reason to doubt that the breach of the Code was inadvertent. The Standards Commission agreed with the ESC that the Respondent's non-financial connection to the community trust, both in scale and nature, in the context of the overall budget, was not an interest that required to be declared.</p> <p>In the circumstances, and having taken into account the above factors, the Standards Commission concluded that it was neither proportionate, nor in the public interest, for it to hold a Hearing in respect of the complaint. It determined, therefore, to take no action on the referral.</p>	

<b>Case</b>	<b>LA/NL/3889 – North Lanarkshire Council</b>
<b>Date of Referral</b>	<b>23 April 2024</b>
<b>Date of Decision</b>	<b>25 April 2024</b>

The complaint concerned an allegation that the Respondent left the Complainer (a council officer) a voicemail, in which he accused the Complainer of lying about whether he had completed work to cut a hedge on a specific road that the Respondent had, on behalf of constituents, asked him to undertake. The ESC advised that by saying the Complainer had lied to him about work that had been carried out and by querying whether he was trying to “pull the wool” over his eyes, the Respondent was insinuating that the Complainer had not carried out the work he said he had, despite the Respondent not having checked for himself whether that was the case. The ESC was of the view that doing so was, on the face of it, disrespectful and discourteous in breach of the Code.

The ESC advised, nevertheless, that he considered the Respondent was entitled to express his opinion on the matter, and that his comments were not particularly gratuitous and would not amount to an overtly personal attack. The ESC concluded, therefore, that the Respondent’s conduct was not so egregious as to justify a restriction of his right to freedom of expression.

While the Standards Commission understood that the questioning of his integrity would have been upsetting for the Complainer, it noted that the accusation had been made in a private voicemail (rather than in a public forum). The Standards Commission agreed with the ESC, for the reasons he provided, that it was unlikely that the conduct in question would be found to be sufficiently offensive, gratuitous or egregious as to justify a restriction on the Respondent’s right to freedom of expression. The Standards Commission concluded, therefore, that it was neither proportionate, nor in the public interest, for it to hold a Hearing. It determined to take no action on the referral.

<b>Case</b>	<b>LA/As/3999 – Aberdeenshire Council</b>
<b>Date of Referral</b>	<b>29 April 2024</b>
<b>Date of Decision</b>	<b>1 May 2024</b>

The complaint alleged that the Respondent had breached the confidentiality provisions of the Code by posting images of her desk and computer screen to her Facebook page which showed internal Council emails and personal information.

The ESC reported that the Council had confirmed that no confidential information was contained in the post. As such, the ESC did not find the Respondent had breached the confidentiality provisions in the Code. Evidence further demonstrated that the Respondent had published the post using her personal mobile phone. The ESC reported, therefore, that he had also not found that the Respondent had breached the provisions in the Code concerning the use of Council IT equipment.

In considering proportionality, the Standards Commission noted that the ESC, in his referral, had reached the conclusion that the Respondent’s conduct did not amount to a breach of the Code. Having reviewed the evidence before it, the Standards Commission found no reason to depart from that conclusion. The Standards Commission concluded that it was not proportionate or in the public interest for it to hold a Hearing and decided, therefore, to take no action on the referral.

Case	NB/SLCC/4022 – Scottish Legal Complaints Commission
Date of Referral	1 May 2024
Date of Decision	May 2024
<p>The complaint concerned an alleged contravention of the Scottish Legal Complaints Commission’s Code of Conduct by an unknown and unnamed number of its former members, who had formed one of its Determination Committees. The Complainer alleged that the Determination Committee had “threatened” him by advising him, in a letter, that they could not help him further, that he would need to refer the matter to the Court of Session, and that he could not “bring any more brain injury cases” to the Commission. The ESC reported that the Complainer initially advised his office that the alleged conduct had happened in 2015, but later indicated that he could no longer remember when the alleged conduct occurred. The SLCC confirmed that it destroyed records of complaints after five years and that the latest the Determination Committee would have made their decision about any complaint submitted by the Complainer would have been in 2014/15. The version of the Code that may have been in place at the time of the events in question only required members to treat their colleagues and employees with respect and courtesy. They did not contain any provisions that would require the Determination Committee to treat the Complainer, as a service user, in a specific way.</p> <p>The ESC concluded, therefore, that members of the Determination Committee could not have breached the versions of the Code in place at the time, even if the alleged conduct were proven.</p> <p>In considering proportionality, the Standards Commission noted that the complaint was that unidentified Commission Members allegedly advised the Complainer, as a service user, that they could not assist him with a matter outwith the organisation’s remit. The Standards Commission did not consider doing so could be deemed to be threatening or disrespectful. The Standards Commission determined, therefore, that there was no evidence of a breach of either the version of the Code in place at the time, or the version in place now. It concluded that it was not proportionate for it to hold a Hearing, and determined, therefore, to take no action on the referral.</p>	

Case	LA/NL/3869 – North Lanarkshire Council
Date of Referral	13 May 2024
Date of Decision	15 May 2024
<p>The complaint concerned an allegation that during a meeting of the Ravenscraig Community Action Group (RCAG) in March 2023, the Respondent had failed to be respectful or courteous by deliberately misleading constituents when he stated that “the MSP and MP for Motherwell and Wishaw” had influence over the Scottish Reporter to dismiss a planning application appeal. The ESC reported that no recording or minutes had been made of the meeting in question. The ESC advised that his office had contacted all members of the RCAG, and all councillors and MSPs, who had attended the meeting on 23 March 2023 but that no one was able to recall details of any contributions made by the Respondent. The ESC advised that no evidence had been found to support the contention that the Respondent was disrespectful or discourteous during the meeting. As such, he had been unable to establish the facts of the complaint, on the balance of probabilities, and considered it had not been proven.</p> <p>Having reviewed the extent and nature of the evidence before it, the Standards Commission found no reason to depart from the ESC’s conclusion. Given it was not satisfied there was no other evidence to support the allegation, the Standards Commission concluded that it was not proportionate for it to hold a Hearing. It determined, therefore, to take no action on the referral.</p>	

<b>Case</b>	<b>LA/G/3872 – Glasgow City Council</b>
<b>Date of Referral</b>	<b>20 June 2024</b>
<b>Date of Decision</b>	<b>24 June 2024</b>

The complaint concerned the Respondent’s conduct during a full Council meeting in March 2023. The first issue was that the Respondent shouted “shut up”, or words to that effect, at fellow councillors.

The ESC advised that having watched a webcast of the meeting, he found the Respondent shouted “shut it” in the direction of councillors from another political party. While the ESC noted the Respondent was entitled to express his concerns or views about the contributions of other councillors, he nevertheless considered that shouting “shut it” was discourteous and, on the face of it, a breach of the requirement under the Code to behave with courtesy and respect. The ESC advised he had found, however, that the Respondent’s comment was made after the Convener had raised her voice to ask for peace and quiet, before shouting “order, order”. The ESC advised that the Respondent reported suffering from partial deafness in his right ear. In the circumstances, the ESC did not consider that the Respondent’s behaviour was sufficiently shocking, offensive or gratuitous as to justify a restriction on his enhanced right to freedom of expression.).

In considering proportionality, the Standards Commission noted that:

- ▶ the comment was not directed at a specific individual;
- ▶ it appeared others present were engaging in shouting and heckling and, in the specific circumstances, the conduct could not be said to be to be unduly disruptive in itself; and
- ▶ the Respondent had explained that his partial deafness had caused him to feel frustrated.

In light of these factors, the Standards Commission was unclear as to whether the conduct would amount to a breach of the Code. In any event, the Standards Commission agreed with the ESC that it was very unlikely that the conduct in question would be found to be sufficiently offensive, gratuitous or egregious as to justify a restriction on the Respondent’s enhanced right to freedom of expression. In the circumstances, the Standards Commission concluded that it was neither proportionate, nor in the public interest, for it to hold a Hearing on either issue. The Standards Commission determined, therefore, to take no action on the referral.

<b>Case</b>	<b>LA/AB/3925 – Argyll &amp; Bute Council</b>
<b>Date of Referral</b>	<b>19 June 2024</b>
<b>Date of Decision</b>	<b>26 June 2024</b>
<p>The complaint concerned a comment the Respondent made on the Facebook page of the Complainer (a fellow elected member), that the Complainer considered ‘accusatory and defamatory’.</p> <p>The ESC advised that a proposal to increase the level of local car parking fines was considered at a Council meeting in April 2023. The Complainer (or someone on her behalf) then published a post on her Facebook page three days later, noting that she had raised concerns over proportionality of the proposed increase in parking fines and the impact it might have on constituents. The ESC found that the Respondent posted a comment stating that she “hoped that the days of Councillors saying one thing to their local community whilst doing the opposite in the council chamber were behind us. Sadly it appears not to be the case here”.</p> <p>The ESC advised that he had found the Respondent’s comment implied that the Complainer had misled constituents in respect of whether she had opposed the proposed increase in the level of parking fines and had therefore “been dishonest”. The ESC advised that he considered such a “public accusation about the Complainer’s integrity” to be inherently discourteous and disrespectful and concluded, therefore that the Respondent had, on the face of it, breached the Code. The ESC advised he considered, however, that the Respondent was expressing a genuinely held view, and as her comments were not particularly egregious, he did not consider a restriction on her right to freedom of expression could be justified.</p> <p>In considering proportionality, the Standards Commission questioned whether the conduct in question would amount, on the face of it, to a breach of the Code. This was because it noted that the Complainer had not, in fact, formally opposed the proposed increase at the meeting. Instead, she had simply raised concerns about whether it was proportionate, and its potential impact. Furthermore, the Standards Commission was not satisfied that a suggestion that the Complainer may have said she would take a certain action and then proceeded to do the opposite, necessarily implied that she had lied or been dishonest. The Standards Commission noted that it could also, or alternatively, be taken to mean that the Complainer did not always fulfil commitments she had made.</p> <p>The Standards Commission nevertheless agreed with the ESC, for the reasons he provided, that it was unlikely that the conduct in question would be found to be sufficiently egregious as to justify a restriction on the Respondent’s right to freedom of expression. Having taken this into account, along with its view that the Respondent’s conduct would not necessarily amount to a breach of the Code, 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.</p>	

<b>Case</b>	<b>LA/G/3992 – Glasgow Council</b>
<b>Date of Referral</b>	<b>28 June 2024*</b>
<b>Date of Decision</b>	<b>3 July 2024</b>

\*The initial referral was received on 21 June 2024 and the Standards Commission directed the ESC to undertake further investigation on 26 June 2024. A further investigation report was received on 28 June 2024.

The complaint alleged that, in October 2023, while attending a protest outside a women’s rights conference in Glasgow, the two Respondents shouted abuse, including “fuck you”, at individuals queuing to attend the conference.

The ESC advised that while video evidence available indicated that some of the protestors shouted “fuck you” at attendees of the event, there was no evidence to support the contention that the Respondents joined in. The video evidence did not show either Respondent saying anything abusive, disrespectful or discriminatory. The ESC concluded therefore, on the balance of probabilities, the facts of the complaints had not been proven and a breach of the Code could not be found.

In considering proportionality, the Standards Commission was not satisfied that the Respondents were undertaking council work at the protest and, as such, were, acting as councillors. The Standards Commission noted that it had no evidence before it to suggest that the Respondents had identified themselves as councillors during the protest, or to confirm that they had been invited to it in that capacity (so that whether they could objectively be perceived to be acting as councillors could be assessed). The Standards Commission was not satisfied, therefore, it had sufficient information before it to determine that the Code applied to the Respondents at the time of the events in question.

The Standards Commission noted, in any event, that the ESC had been unable to find any other evidence to support the Complainers’ allegations. Having reviewed the extent of the evidence obtained, and having noted it was apparent that no further evidence would be forthcoming, the Standards Commission accepted it was unlikely the factual basis of the complaint would be established. In the circumstances, the Standards Commission determined it was not proportionate or in the public interest for it to hold a Hearing and decided, therefore, to take no action on the referral.

<b>Case</b>	<b>LA/An/3884 – Angus Council</b>
<b>Date of Referral</b>	<b>2 July 2024</b>
<b>Date of Decision</b>	<b>5 July 2024</b>

The complaint alleged that the Respondent should have declared an interest and refrained from taking part in the consideration of a planning application. The ESC reported that he had found that while the Respondent and the applicant’s father had studied together some 30-40 years ago, they did not have a friendship or any business dealings, and had not met socially in at least 30 years. The ESC advised that he was of the view that members of the public, with knowledge of the relevant facts, would not regard the Respondent’s connection to the applicant’s father as being so significant that it would be likely to impact on his discussion or decision-making at the meeting. As such, the ESC concluded the objective test was not met and that the Respondent did not have a declarable interest. The ESC concluded that the complaint had not been established and that there was no evidence of a breach of the Code.


Having reviewed the evidence before it, the Standards Commission found no reason to depart from the ESC’s conclusions. The Standards Commission concluded that it was not proportionate or in the public interest for it to hold a Hearing and decided, therefore, to take no action on the referral.

<b>Case</b>	<b>LA/R/3914 – Renfrewshire Council</b>
<b>Date of Referral</b>	<b>2 July 2024</b>
<b>Date of Decision</b>	<b>5 July 2024</b>
<p>The complaint related to an allegation that the Respondent was disrespectful and aggressive during a meeting of a community council on 7 March 2023. The ESC reported that the minutes of the meeting recorded that the Respondent attended as a member of the public and had not identified herself as a councillor at any point. The Council's Monitoring Officer confirmed that the Respondent was a resident in the community council area and, as such, would have an interest in attending the meeting in that capacity. The ESC concluded, therefore, that the Respondent was not acting in her capacity as a councillor when attending the meeting and, therefore, that the Code did not apply to her conduct at the time of the alleged events in question.</p> <p>Having reviewed the evidence before it, the Standards Commission found no reason to depart from the ESC's conclusions. The Standards Commission concluded that it was not proportionate or in the public interest for it to hold a Hearing and decided, therefore, to take no action on the referral.</p>	

<b>Case</b>	<b>LA/E/3993a – City of Edinburgh Council</b>
<b>Date of Referral</b>	<b>22 July 2024</b>
<b>Date of Decision</b>	<b>25 July 2024</b>
<p>There were three issues of complaint. The ESC reported that the first issue was that the Respondent shared, on X, confidential information (screenshots of the Complainer's Facebook post and a private email exchange), despite not having consent to do so. The ESC found, however, that the content of the email and post were not sensitive and contained no personal or confidential information. The ESC found, therefore, that the first issue was not proven. The second issue was that the Respondent emailed the Complainer a link to a public YouTube video he had created, highlighting Facebook comments about him that the Complainer had liked. The Complainer considered that the Respondent's conduct in doing so was disrespectful and bullying. The ESC considered that the Respondent was entitled to highlight and defend himself from critical comments, and that doing so did not amount to bullying or harassment. In support of this view, the ESC noted he found the evidence indicated that the Respondent took efforts to ensure that no one other than the Complainer could view the video. The third issue was that the Respondent failed to invite the Complainer to an online meeting. The ESC found, however, that the Respondent did not organise the meeting and did not send out the invitations. The ESC further found that an invitation was eventually sent to the Complainer's organisation. The ESC concluded, therefore, that the third issue had not been proven. The ESC advised, for the reasons outlined above, that he did not consider there had been a breach of the Code by the Respondent.</p> <p>Having reviewed the evidence before it, the Standards Commission found no reason to depart from the ESC's conclusions. The Standards Commission concluded that it was not proportionate or in the public interest for it to hold a Hearing and decided, therefore, to take no action on the referral.</p>	

<b>Case</b>	LA/E/3993b – City of Edinburgh Council
<b>Date of Referral</b>	22 July 2024
<b>Date of Decision</b>	25 July 2024
<p>The complaint alleged that the Respondent intentionally excluded the Complainer from a Teams meeting to discuss a Low Traffic Neighbourhood proposal in September 2023. The Complainer alleged this was disrespectful and bullying. The ESC reported that he did not consider the facts of the issue to be proven. This was because while the Complainer was not invited to the meeting initially, her organisation was sent an invitation. The ESC advised he had not found evidence that the Respondent tried to exclude anyone from the meeting including an individual organisation that was opposed the proposal. The ESC further found that three members of the Complainer’s organisation attended. The ESC advised, therefore, that he did not consider there had been a breach of the Code by the Respondent.</p> <p>Having reviewed the evidence before it, the Standards Commission found no reason to depart from the ESC’s conclusions. The Standards Commission concluded that it was not proportionate or in the public interest for it to hold a Hearing and decided, therefore, to take no action on the referral.</p>	

<b>Case</b>	LA/G/4047 – Glasgow City Council
<b>Date of Referral</b>	22 July 2024
<b>Date of Decision</b>	29 July 2024
<p>The complaint concerned allegations that the Respondent acted in a disrespectful and intimidating manner towards the tenants of a property when she entered private property, that she refused to engage with staff when approached, and that she took an unauthorised photo of two staff members through the window of the premises (which was subsequently submitted to the Council’s planning department for consideration in respect of a planning appeal). The ESC reported that he did not consider the Respondent’s conduct in acting on behalf of her constituents to access the car parking area of premises via a public or shared access, and in taking a photo to pass to the Council’s planning team, was disrespectful. This was because while one person inside the premises could be seen in the Respondent’s photograph, the individual was not identifiable. The ESC advised that the Respondent’s purpose in taking the photograph was to submit it to the Council, on behalf of her constituents, to support their concerns about a potential planning permission breach.</p> <p>The ESC noted that the Code does not prevent councillors from making enquiries on behalf of constituents about Council decisions or helping them make their views known to relevant council employees. The ESC further noted that councillors are not obliged to engage with anyone and, therefore, a failure to do so would not amount to a breach of the Code. The ESC advised, therefore, that he did not consider there had been a breach of the Code by the Respondent.</p> <p>Having reviewed the evidence before it, the Standards Commission found no reason to depart from the ESC’s conclusions. The Standards Commission concluded that it was not proportionate or in the public interest for it to hold a Hearing and decided, therefore, to take no action on the referral.</p>	



<b>Case</b>	<b>LA/NL/3947 – North Lanarkshire Council</b>
<b>Date of Referral</b>	<b>22 May 2024</b>
<b>Date of Decision</b>	<b>5 August 2024*</b>
<p>* The Standards Commission initially decided to hold a Hearing on the matter. The Hearing was scheduled to take place on 14 August 2024. However, having received new and material information (as outlined below) from the Respondent on 1 August 2024, the Standards Commission reviewed the decision it had made on the referral.</p>	
<p>The complaint concerned an allegation that the Respondent had breached confidentiality in a post on social media published August 2023, concerning proposed cuts to early learning staff. The ESC advised that he had found most of the information in email was in the public domain by the time the Respondent posted his comment. The ESC found, however, that a reference to managing 298 early learning centre Grade 9 staff posts, which were outwith the proposed structure, had not been publicly discussed at the Council’s budget meeting or been the subject of any media reporting before the Respondent’s postings. The ESC concluded, therefore, that the Respondent had breached the confidentiality provisions in the Code.</p> <p>The Respondent provided the Standards Commission with information to demonstrate that a media article had been published on 13 March 2023, in which reference was made to “approximately 300” of the early learning centre posts in question being cut. In addition, the Respondent provided information to show that the Council had confirmed, in a press release in May 2023, that 273 early learning centre posts would be affected by the proposed changes. The Respondent further provided evidence to show that the staff affected had been advised of the proposals by a trade union by the time of his post.</p> <p>In considering proportionality, the Standards Commission noted that the evidence provided by the Respondent showed that information about the specific roles that would be affected by the proposed changes was already in the public domain by the time the Respondent published his post. While the Respondent’s information as to the exact number of roles was incorrect as it had been superseded at the time of disclosure, the Standards Commission noted that this, in itself, would not render it confidential. The Standards Commission did not consider, therefore, that there was evidence to demonstrate, on the face of it, that the Respondent may have breached the confidentiality provisions in the Code.</p> <p>Having reviewed the evidence before it, the Standards Commission concluded that it was not proportionate or in the public interest for it to proceed with a Hearing. The Standards Commission reconsidered its decision and determined to take no action on the referral.</p>	



<b>Case</b>	<b>LA/E/4004 – City of Edinburgh Council</b>
<b>Date of Referral</b>	<b>8 August 2024</b>
<b>Date of Decision</b>	<b>13 August 2024</b>

The complaint concerned the Respondent’s conduct in giving a speech at a rally (a video of which she subsequently posted on social media), in November 2023, in which she said “from the river to the sea, Palestine will be free”. The complaint alleged that this was a slogan, representative of hate speech, directed towards Israel and the Jewish community.

The ESC reported that he found the Respondent use the phrase deliberately, despite knowing some people would find it offensive or controversial, in protest against those who argued that it should not be used. The ESC found, therefore, that the Respondent used the phrase to be provocative. The ESC noted, however, that the Respondent did not explicitly refer to or criticise Jewish or Israeli people in the speech and that her position was that she used the phrase calling for an end to what she described as the oppression of Palestinian people. The ESC noted that the phrase had multiple meanings to different groups of people, with some interpreting and using it as a call for peace and equality for Palestinians and Israelis. The ESC further noted that the phrase was commonly used during pro-Palestine protests around the world. The ESC found the Respondent used the phrase at one such protest, and in the context of a general call for peace. The ESC therefore concluded that, on balance, the Respondent’s use of the phrase was not disrespectful, discourteous or discriminatory, in breach of the Code.

In considering proportionality, the Standards Commission noted the ESC had not found the Respondent’s conduct would amount to a breach of the Code. The Standards Commission considered it was possible that, on the face of it, a breach of the respect provision could be found at a Hearing, if the Respondent intentionally used the phrase knowing it would cause offence. The Standards Commission nevertheless agreed that it was highly unlikely a restriction on the Respondent’s right to freedom of expression would be justified. This was because the phrase had been used in a political speech on a matter of public concern, in the context of the Respondent calling for peace. The Standards Commission further considered that it was arguable the Respondent was expressing a value judgement or opinion, which had a basis in fact (even if inaccurate or untrue).

The Standards Commission concluded that it was not proportionate or in the public interest for it to hold a Hearing and decided, therefore, to take no action on the referral.



Case	
LA/AB/3996 – Argyll and Bute Council	
Date of Referral	8 August 2024
Date of Decision	14 August 2024
<p>The complaint alleged that the Respondent sent the Chair and Vice Chair of the local Business Improvement District (BID) an email in September 2023 in which he made an accusation about the performance of an employee of the BID, along with general remarks about his conduct. The complaint alleged the accusation was unsubstantiated and untrue, and both this and the comment were damaging to the employee’s reputation and credibility.</p> <p>The ESC reported that the Respondent was a council-appointed board member of the BID and, therefore, the Councillors’ Code applied. The ESC advised he had found the Respondent’s comments about the employee were not made to him directly, or in public. Instead, they were made to the BID’s Chair and Vice-Chair, who were the Complainer’s direct line managers. The ESC considered, therefore, that this was the appropriate route for the Respondent to raise any concerns about the employee’s performance. The ESC considered, however, that given the content of the comments, it would have been reasonable for the Respondent to have expected his email to be shared with the employee. As such, the ESC noted that the Respondent should have ensured he conveyed his views in a respectful and courteous manner. The ESC indicated that as some of the comments were derogatory in nature, he did not consider the Respondent had done so.</p> <p>The ESC advised, nevertheless, that he did not consider a restriction on the Respondent’s right to freedom of expression, that a finding of a breach of the Code would entail, could be justified in the particular circumstances of the case.</p> <p>In considering proportionality, the Standards Commission noted it was possible that, on the face of it, a breach of the respect provision could potentially be found at a Hearing, given the derogatory nature of some of the comments and the likelihood of the Respondent’s email being shared with the employee. The Standards Commission nevertheless agreed with the ESC that it was highly unlikely a restriction on the Respondent’s right to freedom of expression would be justified. This was because the comments and accusation had been made in a private email (rather than publicly) and concerned the employee’s alleged conduct as opposed to being abusive or offensive about him as an individual. In addition, the Standards Commission agreed with the ESC that the Respondent was expressing a value judgement or opinion which had a basis in fact (even if this was entirely inaccurate or untrue)</p> <p>The Standards Commission concluded that it was not proportionate or in the public interest for it to hold a Hearing and decided, therefore, to take no action on the referral.</p>	

<b>Case</b>	<b>LA/NL/3921 – North Lanarkshire Council</b>
<b>Date of Referral</b>	<b>13 August 2024</b>
<b>Date of Decision</b>	<b>14 August 2024</b>


The complaint concerned the conduct of the Respondent in posting, on her official councillor ‘X’ account, an image of a glove with five finger puppets, displaying the Complainer’s name (the Complainer being a fellow elected member) and the initials of his political party.

The ESC advised he considered that the image’s mocking nature was unflattering towards the Complainer and his party colleagues. The ESC advised he was of the view “it also had the potential to negatively affect their reputations”, and particularly that of the Complainer, who had been named. The ESC advised he had reached the view, therefore, that “the tweet could have been perceived as disrespectful” towards the Complainer and his colleagues.

The Standards Commission was not satisfied, however, that the Respondent’s conduct, on the face of it, would be sufficiently disrespectful as to meet the threshold for amounting to a breach of the Code. This was because the Standards Commission considered that while the post was directed at an individual politician (as well as his party colleagues), it was evident that the image was an attempt at political satire, which was relatively light-hearted and mocking in tone. The Standards Commission noted that the question of whether conduct could amount to a breach of the respect and courtesy provision in the Code involves an objective assessment of the behaviour in question, the intent, and reasonably foreseeable impact; and did not depend solely on whether it could be perceived by the Complainer or any other individual as being disrespectful.

In any event, the Standards Commission considered that even if the Respondent’s conduct was found to be disrespectful or discourteous at a Hearing, it was very unlikely that it would be found to be sufficiently offensive, gratuitous or egregious as to justify a restriction on her right to freedom of expression. The Standards Commission concluded that it was not proportionate or in the public interest for it to hold a Hearing and decided, therefore, to take no action on the referral.





<b>Case</b>	<b>LA/SB/4030 – Scottish Borders Council</b>
<b>Date of Referral</b>	<b>9 August 2024*</b>
<b>Date of Decision</b>	<b>19 August 2024</b>
<p>*Having been advised by the Complainer that he had new information that he intended to submit, the Standards Commission asked the ESC, on 9 August 2024, to review this. ESC advised on 15 August 2024 that he did not consider the information to be new and that it would not cause him to amend the referral report.</p>	
<p>The complaint alleged that the Respondent failed to declare an interest in a planning application at a Local Review Body meeting in April 2023. This was despite him having had previous contact with the applicant (Mr A) and having pre-judged the application. The complaint further alleged that the Respondent lobbied other members of the Local Review Body to grant Mr A's appeal against the Council's initial decision to refuse the application.</p> <p>The ESC reported that the Respondent had been contacted by Mr A, a constituent, who was frustrated at his perceived lack of communication from the Council's Planning Department about its refusal to grant the application. The ESC advised he had found that the Respondent had then sent an email to the Planning Department on Mr A's behalf. The ESC advised he had found no evidence, beyond the Complainer's allegation, of any relationship between the Respondent and Mr A. The ESC reported he was satisfied that the Respondent was merely assisting a constituent by seeking information about the progress of the appeal and that he did not discuss the merits of the application or ask for it to be reconsidered in his email to the Planning Department. The ESC advised he was satisfied, therefore, that the Respondent did not have an interest to declare in the matter and had not prejudged the decision in advance of the Local Review Body meeting, at which the application was eventually granted.</p> <p>In considering proportionality, the Standards Commission noted that the ESC, in his referral, had reached the conclusion that the Respondent's conduct did not amount, on the face of it, to a breach of the Code. Having reviewed the evidence before it, the Standards Commission found no reason to depart from that conclusion. The Standards Commission concluded that it was not proportionate or in the public interest for it to hold a Hearing and decided, therefore, to take no action on the referral.</p>	



<b>Case</b>	<b>NB/CHS/4049 – Children’s Hearings Scotland</b>
<b>Date of Referral</b>	<b>25 September 2024</b>
<b>Date of Decision</b>	<b>30 September 2024</b>

The complaint alleged that the Respondent, a board member of Children’s Hearings Scotland, posted disrespectful comments on X about former panel members of Children’s Hearings Scotland (CHS).

The ESC reported that he found a campaign group comprising of some former panel members had posted critical comments about CHS on X, which resulted in the Respondent engaging in an online argument with a former CHS panel member. The ESC advised that during this exchange, the Respondent was critical of a named former CHS panel member, and former panel members in the campaign group generally. The ESC further advised that he had found that, in her comments, the Respondent was putting across her side of the story, which would not in itself amount to disrespect under the Code. While the ESC advised that he considered some of the Respondent’s comments were critical of the group and could, on the face of it, be considered disrespectful, he was nevertheless of the view that they were not sufficiently offensive, bad or shocking as to justify a restriction on her right to freedom of expression. The ESC recommended, therefore, that a formal finding of a breach of the Code could not be made.

In considering proportionality, the Standards Commission agreed with the ESC that the Respondent was expressing value judgements or opinions that had a basis in fact (even if inaccurate or untrue). It further agreed with the ESC that, in the circumstances, even if the Respondent’s conduct was found to be disrespectful or discourteous at a Hearing, it was very unlikely that the conduct in question would be found to be sufficiently offensive, bad or shocking to justify a restriction on her right to freedom of expression.

Having taken into account the nature of the potential breach in respect of the issue and the likelihood of the Respondent’s conduct being protected by her enhanced right to freedom of expression, 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.



Case	LA/EL/3911 – East Lothian Council
Date of Referral	7 October 2024
Date of Decision	9 October 2024
<p>The complaint alleged, firstly, that the Respondent used his Council office (and therefore council facilities) to host a meeting of a rotary club (of which he was a member). The second issue was that the Respondent failed to declare an interest at two meetings where funding was allocated to a local volunteer community group, despite him having a connection to the group.</p> <p>The ESC reported he had found that the meeting held in the Respondent's office was arranged so that people who lived next to the land leased by the Rotary Club could give their views about its future. The ESC noted that it was evident from the invitation that the Respondent was not the organiser and, instead, had simply agreed to host the event. The ESC noted that a councillor's role involves being aware of local issues and encouraging residents to make their views known. The ESC concluded, therefore, that the Respondent could be perceived reasonably as undertaking council duties in hosting such an event and, therefore, had not breached the Code.</p> <p>In respect of the second issue, the ESC advised that the Complainer alleged the Rotary Club had "some contact" with the community group and that its secretary had been the group's Vice Chair "at some point". The ESC indicated that he had found the Respondent had a connection to the volunteer group, through some form of social relationship with one of its members. The ESC advised, nevertheless, that he was of the view that members of the public, with knowledge of the relevant facts, would not regard the Respondent's connection as being so significant that it would be likely to impact on his discussion or decision-making at the meetings in question. As such, the ESC concluded the objective test was not met and that the Respondent did not have a declarable interest.</p> <p>In considering proportionality, the Standards Commission noted that the Council had confirmed that it was not unusual for councillors to use council facilities to support community or civic organisations, such as rotary clubs. The Standards Commission considered that while it was accepted the Respondent was a member of the Rotary Club, it was evident from the invitation that he was not the organiser and was simply hosting the event, which was designed to seek the views of local residents (as opposed to just club members) on how land should be used. As such, the Standards Commission considered the Respondent was acting in his capacity as a councillor, not a club member, to facilitate community engagement. Turning to the second issue, the Standards Commission considered that any link the Respondent had to a local volunteer community group was tenuous and noted that it is often the case that individuals in small towns may know one another and even belong to similar groups. The Standards Commission was not satisfied, therefore, that the link found by the ESC would amount to a connection for the purpose of the Code, let alone a declarable interest.</p> <p>The Standards Commission noted the ESC had reached the conclusion that there was no evidence that the Respondent had breached the Code. Having reviewed the report, the Standards Commission had no reason to depart from this conclusion. The Standards Commission determined, therefore, to take no action on the referral.</p>	


<b>Case</b>	<b>LA/EL/4029 – East Lothian Council</b>
<b>Date of Referral</b>	<b>11 October 2024</b>
<b>Date of Decision</b>	<b>14 October 2024</b>
<p>The complaint alleged that the Respondent failed to act with courtesy and respect and discriminated against those without religion or belief in respect of a comment made at a council meeting in late 2023.</p> <p>The ESC reported that he found the Respondent had stated: “sometimes you know, you see Churches doing humanitarian things but you don’t often see humanist organisations doing things...”. The ESC advised that as the Respondent’s comment was not directed at any specific individual and had been made in the context of a discussion relating to religious representatives, he did not consider it to be discourteous or disrespectful. The ESC further advised that he considered the Respondent was simply expressing an opinion and that his comment could not be taken reasonably as promoting a negative stereotype on the basis of religion or belief (or lack thereof). The ESC concluded that the Respondent’s conduct, in making the comment, would not amount to a breach of the Code.</p> <p>In considering proportionality, the Standards Commission noted the ESC had reached the conclusion that the Respondent’s conduct would not amount to a breach of the Code. Having reviewed the report, the Standards Commission had no reason to depart from this conclusion. The Standards Commission determined, therefore, to take no action on the referral.</p>	

<b>Case</b>	<b>LA/NL/3987 – North Lanarkshire Council</b>
<b>Date of Referral</b>	<b>16 October 2024</b>
<b>Date of Decision</b>	<b>22 October 2024</b>
<p>The complaint concerned comments the Respondent made to the media in October 2023 about the Complainer, a fellow councillor, which she considered to be disrespectful. The comments concerned a now former councillor, Mr A, who, at the time, had been accused of sexual offences.</p> <p>The ESC reported that he had found that the Respondent had stated that the Complainer had “neglected a complaint of sexual harassment, protected [Mr A] and refused to acknowledge her role as leader to appropriately investigate his alleged actions then threatened to suspend the person who reported their experience with [Mr A] to her”. The ESC noted that the Complainer, as a politician, could expect harsher criticism than an ordinary member of the public. The ESC recognised, however, that integrity was important to elected members and that such accusations could have caused reputational damage to the Complainer by calling into question her character and integrity as a Group Leader. The ESC advised, therefore, that he was of the view that the Respondent’s comment could reasonably be regarded as being disrespectful and discourteous towards the Complainer and consequently, a breach of the Code.</p> <p>The ESC advised, nevertheless that press reports had been published referring to accusations that the Complainer had ignored complaints reported to her about sexual harassment by Mr A. While the ESC noted that the Complainer had denied ignoring complaints of sexual harassment, and had made a complaint to the Independent Press Standards Organisation, which was upheld, in relation to reporting to that effect, this meant Respondent’s comment had a factual basis (even if untrue). The ESC stated that he had concluded, therefore, that in the circumstances a restriction on the Respondent’s right to freedom of expression could not be justified.</p> <p>The Standards Commission agreed with the ESC that it was unlikely that the conduct in question would be found to be sufficiently egregious as to justify a restriction on the Respondent’s right to freedom of expression. This was because it was apparent that the Respondent’s comment was an opinion (or value judgement), that had a basis in fact, even if it ultimately proved to be untrue. Having taken this into account, the Standards Commission concluded that it was neither proportionate, nor in the public interest, for it to hold a Hearing and determined to take no action on the referral.</p>	

<b>Case</b>	<b>LA/SA/3917 – South Ayrshire Council</b>
<b>Date of Referral</b>	<b>18 October 2024</b>
<b>Date of Decision</b>	<b>22 October 2024</b>
<p>There were two issues of complaint. The first alleged that the Respondent was, ‘belligerent, intimidating and bullying’ towards the Complainer when they were leaving a function in June 2023. The second was that the Respondent subsequently sent the Complainer an email in which he accused the Complainer of having lied about something the Respondent had said.</p> <p>The ESC reported that he had not found the facts of the first issue to be established. This was because he had found that the only [other] witness to the conversation had not corroborated the Complainer’s version of events. The ESC acknowledged that it was likely the exchange between the Complainer and Respondent was robust, but having considered all the circumstances presented to him, was not persuaded that this could reasonably have had the effect on the Complainer as alleged.</p> <p>In respect of the second issue, there was no dispute the Respondent had made the accusation, as alleged. The ESC advised that he considered calling someone a liar to be inherently discourteous and disrespectful. The ESC considered, therefore, that the Respondent’s conduct could, on the face of it, amount to a breach of the Code. The ESC advised he had, nevertheless, considered the Respondent’s enhanced right to freedom of expression. The ESC advised that he considered the Respondent’s allegation to be an opinion (or value judgement) that had a factual basis (even if it was found to be untrue). The ESC stated that he had concluded, therefore, that in the circumstances a restriction on the Respondent’s right to freedom of expression could not be justified.</p> <p>In considering proportionality, in respect of the first issue, the Standards Commission noted that holding a Hearing would allow the Hearing Panel to take evidence, under oath or on affirmation, from all three individuals present during the incident. the Standards Commission considered, however, that it was unlikely any of the three individuals would change their accounts of what had happened. In respect of the second issue, the Standards Commission agreed with the ESC that it was unlikely that the conduct in question would be found to be sufficiently egregious as to justify a restriction on the Respondent’s right to freedom of expression.</p> <p>Having taken into account the fact that it was not satisfied the first issue of complaint could be established at a Hearing, and the likelihood of the Respondent’s conduct in respect of the second issue being protected by his enhanced right to freedom of expression, 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.</p>	

<b>Case</b>	<b>LA/H/3975 – Highland Council</b>
<b>Date of Referral</b>	<b>5 November 2024</b>
<b>Date of Decision</b>	<b>7 November 2024</b>
<p>The complaint alleged that at a Local Access Forum meeting in September 2023, the Respondent shouted at the Complainer, “I am not talking to you, you bitch. You have no idea how much damage you cause”.</p> <p>The ESC reported that the Respondent denied saying or shouting the phrase as alleged. The ESC advised the various other individuals present during the exchange were interviewed but none recalled hearing the Respondent shout the phrase as alleged or using any inappropriate language.</p> <p>In considering proportionality, the Standards Commission noted that the ESC, in his report, had not found any other evidence to support the Complainer’s contention. The Standards Commission further noted that the ESC had found the Complainer did not advise anyone else present, at the time, that the Respondent used the phrase as alleged. The Standards Commission agreed it would have expected her to have done so, given the nature of the alleged comment and the distress its use would likely have caused.</p> <p>The Standards Commission noted the ESC had not found the facts of the complaint to be established and, as such, had concluded a breach of the Code could not be found. Having reviewed the extent and nature of the evidence before it, the Standards Commission did not consider it was likely a different conclusion would be reached at a Hearing. As such, the Standards Commission concluded that it was not proportionate for it to hold a Hearing and determined to take no action on the referral.</p>	

<b>Case</b>	<b>LA/H/4091 – Highland Council</b>
<b>Date of Referral</b>	<b>8 November 2024</b>
<b>Date of Decision</b>	<b>12 November 2024</b>
<p>There were three issues of complaint, being that the Respondent had: (1) posted confidential information on his social media page; (2) refused to remove a photograph from his page which named a member of the public, despite being asked to do so; and (3) failed to comply with the rulings of the Convener at a council meeting.</p> <p>The ESC reported that he had found the information contained in the Respondent’s post was already in the public domain by the time it was shared. As such, the ESC concluded the information was not confidential and the Respondent had not breached the Code in respect of issue one. In relation to the second issue, the ESC advised he had found that while the Respondent had not removed the photograph immediately upon being asked to do so by the member of the public, he had done so reasonably soon thereafter. The ESC advised that he did not consider the Respondent had been disrespectful in any emails he had exchanged with her. As such, in respect of issue two, the ESC concluded the Respondent had not breached the respect and courtesy provisions of the Code.</p> <p>Having viewed the webcast recording of the council meeting, the ESC advised he found that while the Respondent had attempted to discuss topics unrelated to the agenda item being considered, he did not explicitly refuse to respect or comply with the Convener’s rulings. The ESC reported that he had not found that the Respondent had used any abusive language, raised his voice, or made any inappropriate comments. The ESC further reported that the Convener had confirmed he had not been offended by the Respondent’s actions and did not consider that they merited further action. As such, the ESC concluded the Respondent had not breached the Code in respect of the third issue.</p> <p>In considering proportionality, the Standards Commission noted the ESC did not consider the Respondent’s conduct, in respect of any of the issues of complaint, amounted to a breach of the Code. The Standards Commission found no reason to depart from the ESC’s conclusions in that regard. In the circumstances, the Standards Commission concluded that it was neither proportionate, nor in the public interest, for it to hold a Hearing in respect of the complaint and determined to take no action on the referral.</p>	



<b>Case</b>	<b>LA/E/4105 – Edinburgh Council</b>
<b>Date of Referral</b>	<b>11 November 2024</b>
<b>Date of Decision</b>	<b>13 November 2024</b>
<p>The complaint concerns an allegation that the Respondent re-posted a post in which another councillor was accused of anti-Semitism. The post also included a ‘doctored’ image showing the other councillor next to a post for an anti-Zionist event.</p> <p>The ESC reported the post that was re-posted by the Respondent stated that the other councillor had posted an image of a poster saying, “Declare Leith a Zionist Free Zone”. It further stated that “to call for a ‘Zionist Free Zone’ is simply a politically correct way of calling for a ‘Jew-free zone’”, and that “such inflammatory rhetoric has no place in our politics”. The ESC reported that the Respondent had confirmed that he re-posted the post in response to his perception of anti-Semitism and to demonstrate his support for Jewish people in the Council area. The ESC advised he considered that while many people would find the Respondent’s re-post to be offensive or disrespectful, there were equally many who consider anti-Zionism to equate to anti-Semitism. The ESC advised that, in the circumstances, he did not consider the re-post by the Respondent to be disrespectful or discriminatory.</p> <p>The ESC noted, in any event, that as any perceived criticism of the other councillor was minimal, a restriction on the Respondent’s right to freedom of expression could not be justified.</p> <p>The Standards Commission noted the ESC did not consider the Respondent’s conduct would amount to a breach of the Code. The Standards Commission found no reason to depart from the ESC’s conclusions in that regard. The Standards Commission also agreed with the ESC that it was highly unlikely a restriction on the Respondent’s right to freedom of expression could be justified. This was because the phrase related to a matter of public concern, in the context of the Respondent, in his words, “calling out hate speech”. The Standards Commission further considered that it was arguable the Respondent was expressing a value judgement or opinion, which had a basis in fact (even if inaccurate or untrue). In the circumstances, the Standards Commission concluded that it was neither proportionate, nor in the public interest, for it to hold a Hearing in respect of the complaint. It determined, therefore, to take no action on the referral.</p>	

<b>Case</b>	<b>LA/AC/4056 – Aberdeen City Council</b>
<b>Date of Referral</b>	<b>18 November 2024</b>
<b>Date of Decision</b>	<b>18 November 2024</b>


The complaint alleged that, during a phone call in January 2024, the Respondent told the Complainer she “would not be fucking blackmailed” before terminating the call.

The ESC reported that while there was no dispute the Respondent asked the Complainer not to blackmail her before terminating the call, she denied using the profanity as alleged. The ESC advised that, in his initial complaint form submitted in early February 2024, the Complainer made no mention of the Respondent using the word “fucking”. Instead, the first mention of this was not made until late July 2024. The ESC advised that the Complainer had not provided any explanation for the delay in making the allegation, despite being asked to do so. The ESC noted that he would have expected the Complainer to have mentioned this aspect of the complaint in the complaint form, had the Respondent used the profanity as alleged. The ESC advised that in light of this, and the fact that there were no other witnesses to the call, he did not consider, on balance, that it was likely the Respondent used the word as alleged.

The ESC stated that he had found that the Complainer repeatedly told the Respondent that if she did not give him a new house, he would go to the media. The ESC advised he considered it would have been reasonable for the Respondent to have interpreted this comment as blackmail, and to comment on this and terminate the call accordingly.

The ESC concluded, therefore, that the Respondent’s conduct would not amount to a breach of the Code. Having reviewed the report, the Standards Commission had no reason to depart from this conclusion. In the circumstances, the Standards Commission concluded that it was neither proportionate, nor in the public interest, for it to hold a Hearing in respect of the complaint and determined to take no action on the referral.





<b>Case</b>	<b>LA/Fi/4106 – Fife Council</b>
<b>Date of Referral</b>	<b>19 November 2024</b>
<b>Date of Decision</b>	<b>21 November 2024</b>
<p>The complaint concerned a post the Respondent published on social media about the Complainer’s wife (a former councillor) in which he stated he was “so glad this idiot is nowhere near elected politics anymore”.</p> <p>The ESC reported the Respondent’s comment was made in response to a post published by the Complainer’s wife, in which she questioned whether the then First Minister had used public funds to pay a bribe to Hamas to allow his in-laws to leave Gaza. The ESC advised he considered that by describing the Complainer’s wife, now a member of the public, as an “idiot” on a public social media platform, the Respondent expressed his disapproval for her opinion in a disrespectful manner. The ESC noted the Respondent could have disagreed with the Complainer’s wife without resorting to a personal attack. The ESC advised, therefore, that he was of the view that the Respondent’s comment could reasonably be regarded as being disrespectful and discourteous towards the Complainer’s wife and, on the face of it, a breach of the Code.</p> <p>The ESC noted that while he accepted no one would wish to be referred to as an ‘idiot’ in a public forum, he did not consider the word particularly shocking or egregious. The ESC further noted that the Respondent’s comment was a value judgement (as opposed to a factual statement) in which he expressed his opinion about what the Complainer’s wife had posted on X. The ESC stated that he had concluded, therefore, that in the circumstances a restriction on the Respondent’s right to freedom of expression could not be justified.</p> <p>The Standards Commission considered that while the comment was directed at the Complainer’s wife as an individual, it was evident from the context in which it was made that the Respondent was reacting to, and expressing a view on, the Complainer’s wife’s own post and opinion. The Standards Commission noted that the Complainer’s wife had chosen to make what was clearly a controversial comment on a political matter. The Standards Commission considered that, as a former councillor, the Complainer’s wife must have known doing so could open her up to potential criticism and commentary. The Standards Commission agreed with the ESC that while no one would wish to be described publicly as an ‘idiot’, when considered in the context in which it was made and given it could be interpreted as a value judgement, it was unlikely the Respondent’s comment would be found to be sufficiently bad, shocking or egregious as to justify a restriction on his right to freedom of expression.</p> <p>Having taken this into account, the Standards Commission concluded that it was neither proportionate, nor in the public interest, for it to hold a Hearing and determined to take no action on the referral.</p>	

<b>Case</b>	<b>LA/PK/4067 – Perth and Kinross Council</b>
<b>Date of Referral</b>	<b>19 December 2024</b>
<b>Date of Decision</b>	<b>20 December 2024</b>
<p>The complaint alleged that the Respondent harassed and intimidated the Complainer during a visit to her home in February 2024.</p> <p>The ESC reported that it was normal and acceptable for a councillor to visit a constituent on council business, and that visiting a constituent would not in and of itself amount to harassment. The ESC advised that the Respondent and Complainer had provided wholly differing accounts of what happened during the visit and that, despite being asked, the Complainer failed to provide the contact details of potential witnesses. The ESC reported that no other evidence about what happened during the visit was available. As such, the ESC reported that he had concluded there was insufficient evidence to find the facts of the complaint proven or a breach of the Code.</p> <p>In considering proportionality, the Standards Commission noted that the ESC, in his report, had not found any other evidence to support the Complainer’s contention. The Standards Commission noted the ESC had not, therefore, found the facts of the complaint to be established. Having reviewed the extent and nature of the evidence before it, the Standards Commission did not consider it was likely that a different conclusion would be reached at a Hearing. The Standards Commission concluded, therefore, that it was not proportionate for it to hold a Hearing and determined to take no action on the referral.</p>	

<b>Case</b>	<b>LA/SL/3905 – South Lanarkshire Council</b>
<b>Date of Referral</b>	<b>20 December 2024</b>
<b>Date of Decision</b>	<b>23 December 2024</b>
<p>The complaint alleged that the Respondent (as Chair of the Council’s Grievance and Disputes Panel) failed to afford the Complainer a fair and proper hearing by not allowing the Complainer’s witnesses to attend or for their statements to be accepted as documentary evidence.</p> <p>The ESC reported he had found the Chair acted in accordance with the Panel’s procedures and advice from its Personnel Adviser. The ESC notes that while the Complainer may feel that the procedures were unfair; this was a matter for the Council, rather than the Respondent. The ESC advised he had, therefore, not found the facts of the complaint proven.</p> <p>The Standards Commission noted that Panels, such as a Council Grievance and Disputes Panel, are entitled to refuse to hear or accept any witness evidence if they do not consider such evidence will be relevant to the matters under consideration. The Standards Commission further noted it would be unusual for an appeal-type Panel or Tribunal to hear from witnesses in situations where the evidence of those individuals had not been presented during the previous stages of the applicable procedure.</p> <p>In light of the above and having reviewed the report carefully, the Standards Commission did not find any reason to depart from the ESC’s conclusion. The Standards Commission determined, therefore, that it was not proportionate for it to hold a Hearing and decided to take no action on the referral.</p>	



<b>Case</b>	<b>LA/WD/4108 – West Dunbartonshire Council</b>
<b>Date of Referral</b>	<b>10 January 2025</b>
<b>Date of Decision</b>	<b>13 January 2025</b>
<p>The complaint alleged that, at a council meeting in March 2024 when a motion on equal pay claims was being considered, the three Respondents failed to declare an interest and took part in the consideration of the matter. This was despite all three having made transparency statements in respect of having family members who worked as carers.</p> <p>The ESC reported that he had found that, in his transparency statement, the first Respondent referred to his wife being a home carer, but indicated he did not consider this amounted to a declarable interest. The ESC advised that the second Respondent noted that her sister was a home carer, but indicated she did not consider this amounted to a declarable interest. The ESC advised that the third Respondent stated his wife worked as a carer, but also indicated he did not consider this amounted to a declarable interest.</p> <p>The ESC explained that he had found that neither the motion nor amendment were specific to the roles of the Respondents' family members. The ESC further advised that the first and third Respondents' wives had not made equal pay claims, and the second Respondent was unaware as to whether her sister had done so. The ESC advised that, based on all the evidence available, he was of the view that members of the public, with knowledge of the relevant facts (including the scope and nature of the motion being considered), would not regard the Respondents' connections as being so significant to the motion as to be likely to impact on their discussion or decision-making at the meeting. As such, the ESC concluded the objective test was not met and that none of the Respondents' connections to the matter amounted to a declarable interest. The ESC concluded that there was no evidence of a breach of the Code by any of the Respondents.</p> <p>In considering proportionality, and having reviewed the report carefully, the Standards Commission did not find any reason to depart from the ESC's conclusion. The Standards Commission determined, therefore, that it was not proportionate for it to hold a Hearing and decided to take no action on the referral.</p>	

<b>Case</b>	<b>NHS/MIJB/4193 – Moray Health and Social Care Integration Joint Board</b>
<b>Date of Referral</b>	<b>13 January 2025</b>
<b>Date of Decision</b>	<b>15 January 2025</b>

The complaint arose from a self-referral made concerning an alleged contravention of the 2016 Code of Conduct for Members of Moray Health and Social Care Integration Joint Board (Moray IJB) (being the version in place at the time of the incident in question), by a then member of the IJB.

The ESC reported that he had investigated one issue of complaint, concerning two sets of comments made by the Respondent during an online discussion with the Committee Clerk, following an online meeting of the IJB in September 2024 (chaired by the Respondent). The ESC advised that both the Respondent and Clerk understood their exchange to be a private conversation. The ESC explained, however, that a livestream of the meeting was reactivated inadvertently, meaning their discussion was broadcast to anyone still connected to the meeting.

In respect of the first set of comments made, the ESC concluded that, as the Respondent did not intend for her private conversation to be overheard and subsequently apologised, he did not consider her conduct sufficiently disrespectful or discourteous as to amount to a breach of the Code. In reaching this conclusion, the ESC noted that while the comments were concerned a councillor member of the IJB, they were not particularly offensive in nature. In respect of the second set of comments, which appeared to relate to members of the public, the ESC noted that the version of the Code in place at the time did not require the Respondent to treat members of the public with respect and advised he had concluded, consequently, that there had not been any breach of its provisions.

The ESC noted, in any event, that as the Respondent’s comments related to matters of public concern, it was likely that she would enjoy enhanced protection in respect of her right to freedom of expression. The ESC advised that he did not consider the Respondent’s comments to be sufficiently offensive, gratuitous or egregious as to justify a restriction on this right.

In considering proportionality, and having reviewed the report carefully, the Standards Commission did not find any reason to depart from the ESC’s conclusion. The Standards Commission determined, therefore, that it was not proportionate for it to hold a Hearing and decided to take no action on the referral.




Case	
LA/WD/4109 and LA/WD/4118 – West Dunbartonshire Council	
Date of Referral	14 January 2025
Date of Decision	20 January 2025
<p>The complaint was that, at a Council meeting in March 2024, the Respondent, as Provost, refused to grant an adjournment to allow councillors with declared disabilities to be given time to read through an eighteen-page document relating to the Council’s budget.</p> <p>The ESC reported that he found the facts of the complaint to be established, in that the Respondent did not allow an adjournment, in response to requests made at separate points in the meeting. The ESC advised, in respect of the first request, the Respondent’s position was he was unaware of any disability at that moment in the meeting and had not, in previous years, ever granted a recess (despite similar documents being circulated during meetings). The Respondent’s position was supported by the Monitoring Officer who confirmed that the councillors’ disabilities would not have been shared with the Respondent and, further, that they had never previously requested such an adjournment (including at budget meetings). The ESC had found that no mention of any disability was made before the Respondent declined the first request. The ESC accepted it was for the Respondent, as Provost, to determine whether an adjournment was necessary, and noted that he had taken the view that one was unnecessary, and that granting such a request would have resulted in the public meeting being interrupted (being something he was keen to avoid). The ESC advised he had concluded, therefore, that there was no breach of the Code in respect of the initial request.</p> <p>The ESC advised that he had found that a second councillor requested an adjournment and highlighted that she was dyslexic (being a disability). The ESC found that while this councillor had advised this decision meant she was “left in a position where she could not discharge her duties as a councillor with due diligence”, both she, and the councillor who had made the first request, voted in respect of the motion that was the subject of the document. The Council Leader also summarised the budget motion and spoke to the papers. The ESC found that all councillors present “were equally disadvantaged” as no one had time to read the document. In addition, the ESC confirmed he was satisfied that the Respondent was entitled, as Provost, to determine whether an adjournment should be granted. The ESC advised that he considered “it was unreasonable of the Respondent not to grant a short recess”. As the Respondent refused to grant such a recess, he was of the view that he had “indirectly discriminated” against the councillor in question “and failed to advance equality of opportunity and foster good relations between different people”. The ESC concluded, therefore, in respect of the second request, the Respondent had breached the Code, which states that councillors should advance equality of opportunity and seek to foster good relations between different people.</p> <p>The Standards Commission noted that holding a Hearing (with the associated publicity) could promote the provisions of the Code and, therefore, there could be some limited public interest in holding a Hearing. In considering proportionality, the Standards Commission nevertheless noted that:</p> <ul style="list-style-type: none"> <li>▶ the Respondent was no longer a councillor;</li> <li>▶ there was no requirement in the Code for councillors to act reasonably or be proportionate in their decision-making;</li> <li>▶ it is common practice for large documents to be distributed and discussed during council meetings, without adjournments and the Monitoring Officer had confirmed it was not unusual for this to happen during meetings of West Dunbartonshire Council;</li> <li>▶ the ESC had been advised that the councillors requesting the adjournment had not raised any issues about this practice at previous budget meetings;</li> <li>▶ the councillors who had asked for adjournments at the specific meeting took part in the voting on the matters addressed in the document, which suggested they were able to do so despite their concerns about not having sufficient time to read it;</li> <li>▶ the Respondent subsequently apologised in public for his decision to refuse an adjournment; and</li> <li>▶ a motion, which was unanimously agreed by elected members at a subsequent meeting of West Dunbartonshire Council, allows for a recess, if one is requested, during future budget meetings.</li> </ul> <p>In the specific circumstances of the case, and having taken into account the above factors, the Standards Commission concluded that it was neither proportionate, nor in the public interest, for it to hold a Hearing in respect of the complaint and determined to take no action on the referral.</p>	

<b>Case</b>	<b>LA/E/3961 – Edinburgh City Council</b>
<b>Date of Referral</b>	<b>24 January 2025</b>
<b>Date of Decision</b>	<b>27 January 2025</b>
<p>The complaint was that the Respondents attended an event at Edinburgh City Council Chambers, in the Labour Group room, which constituted an improper use of Council resources.</p> <p>The ESC reported that he had found the event booking was made with Council City Chambers staff and was authorised in accordance with the Council’s policies. The Respondents were not hosts or organisers of the event, and no financial assistance or publication of material for their party for it was provided by the Council. As such, the ESC was of the view that, in attending the event, the Respondents did not use council resources outwith the Council’s relevant policies (specifically those concerning facilities and room use). The ESC further reported that he had found the Respondents were not involved in securing or seeking to secure any favourable terms for booking the venue. As such, the ESC concluded they had not breached the Code.</p> <p>In considering proportionality, the Standards Commission noted the ESC did not consider the Respondents’ conduct would amount to a breach of the Code. The Standards Commission found no reason to depart from the ESC’s conclusions in that regard. In the circumstances, the Standards Commission concluded that it was neither proportionate, nor in the public interest, for it to hold a Hearing in respect of the complaint and determined to take no action on the referral.</p>	

<b>Case</b>	<b>LA/As/4125 – Aberdeenshire Council</b>
<b>Date of Referral</b>	<b>30 January 2025</b>
<b>Date of Decision</b>	<b>3 February 2025</b>
<p>The complaint concerned an alleged failure by the Respondent to record, on his Register of Interests, two properties to which he had a connection.</p> <p>The ESC advised that he had found the Respondent had, in fact, registered one of the properties in question as required. In respect of the other property, the ESC advised that while he had found the Respondent had resided in it between January and June 2024, this was a temporary arrangement and the Respondent neither owned nor paid rent on the property. The ESC concluded, therefore, that there was no requirement to register an interest in the second property. As such, the ESC concluded there had not been a breach of the Code.</p> <p>In considering proportionality, the Standards Commission noted the ESC did not consider the Respondent’s conduct would amount to a breach of the Code. The Standards Commission found no reason to depart from the ESC’s conclusions in that regard. In the circumstances, the Standards Commission concluded that it was neither proportionate, nor in the public interest, for it to hold a Hearing in respect of the complaint. The Standards Commission determined, therefore, to take no action on the referral.</p>	

Case	LA/H/3964 – Highland Council
Date of Referral	30 January 2025
Date of Decision	5 February 2025
<p>The complaint concerned comments the Respondent posted on his Facebook page and in an email to members of a Stakeholder Group, in June 2023. The Complainer contended that the comments concerned his integrity and, as such, were personally degrading.</p> <p>The ESC reported that he found, on one occasion, the Respondent made comments of a personal and derogatory nature about the Complainer's understanding of a matter and the way he was expressing his argument. The ESC advised that he considered, although relatively low level in the context in which they were made, these comments could, objectively, be seen as disrespectful or discourteous towards the Complainer and, as such, could amount, on the face of it, to a breach of the Code. The ESC advised he was nevertheless of the view that the Respondent was expressing an opinion and that his comments were not particularly egregious in nature. In addition, the ESC noted the Respondent had not specifically named the Complainer. In the circumstances, the ESC advised he did not consider a restriction on the Respondent's right to freedom of expression, that a formal finding of a breach of the Code would entail, could be justified.</p> <p>In considering proportionality, the Standards Commission noted the ESC did not consider a formal finding of a breach of the Code could be made in respect of the Respondent's conduct. The Standards Commission found no reason to depart from the ESC's conclusions in that regard. In the circumstances, the Standards Commission determined to take no action on the referral.</p>	


Case	LA/SI/4102 – Shetland Islands Council
Date of Referral	31 January 2025
Date of Decision	3 February 2025
<p>The complaint concerned a letter the Respondent sent the Shetland Times, which was published in February 2024, about the Israel / Gaza conflict. The ESC advised that the Respondent was identified as a councillor in respect of the letter and accepted, therefore, that the Code applied to his conduct.</p> <p>The ESC reported that he had found the Respondent's letter did not contain any personal derogatory comments about any individual. The ESC further noted that the Respondent was clear, in the letter, that his viewpoint was not one that equated with anti-Semitism. The ESC advised he was of the view that the Respondent was entitled to express an opinion on the conflict. As such, the ESC did not consider the Respondent's conduct amounted to a breach of the Code. The ESC noted, in any event, that the Respondent's comments were value judgements (as opposed to factual statements) in which he expressed his opinions about a matter of public interest. As such, it was unlikely that a restriction on his right to freedom of expression could be justified.</p> <p>In considering proportionality, the Standards Commission noted that the ESC, in his report, had reached the conclusion that the Respondent's conduct did not amount to a breach of the Code. Having reviewed the report carefully, the Standards Commission did not find any reason to depart from the ESC's conclusions in that regard. The Standards Commission concluded, therefore, that it was not proportionate for it to hold a Hearing and determined to take no action on the referral.</p>	



<b>Case</b>	<b>LA/DG/4198 – Dumfries and Galloway Council</b>
<b>Date of Referral</b>	<b>4 February 2025</b>
<b>Date of Decision</b>	<b>6 February 2025</b>

The complaint concerned two Facebook posts by the Respondent concerning fires at apparently derelict buildings. The ESC advised that he considered the implication from the posts was that the buildings’ owners were miserly, negligent and endangering the public. The ESC advised he considered this could be considered, objectively, as being disrespectful and discourteous towards them. The ESC noted, nevertheless, that the owners had, however, been referred to collectively as a group and were not immediately identifiable from the posts. As such, the ESC concluded that the posts were not directed at any specific individual and could not be construed as a personal attack. Instead, they were general observations aimed at highlighting a local concern. The ESC did not consider, therefore, that the Respondent had breached the respect and courtesy provision in the Code.

In considering proportionality, the Standards Commission noted that the ESC, in his report, had reached the conclusion that the Respondent’s conduct did not amount to a breach of the Code. Having reviewed the referral carefully, the Standards Commission did not find any reason to depart from the ESC’s conclusions. The Standards Commission concluded, therefore, that it was not proportionate for it to hold a Hearing and determined to take no action on the referral.



<b>Case</b>	<b>LA/G/4174 – Glasgow City Council</b>
<b>Date of Referral</b>	<b>7 February 2025</b>
<b>Date of Decision</b>	<b>14 February 2025</b>

The complaint concerned a comment posted by the Respondent on X in August 2024. The Complainer alleged that the comment had been disrespectful to supporters of a prominent far-right activist.

The ESC reported he had found the Respondent shared a news story regarding a proposed counter-protest due to take place on the same day as a rally promoted by the far-right activist. The ESC advised that the Respondent commented that the Council had received no notification of any rally, and suggested that the far-right activist and his supporters “don’t really care about respecting laws or public places”. The Respondent further stated that neither the activist, nor anyone who chose to align with his “poisonous rhetoric”, was welcome in Glasgow. The ESC advised he considered that while, objectively, the comment was disrespectful to individuals who supported the far-right activist, the Respondent had not identified any specific individuals. The ESC acknowledged that while it was possible to disrespect a group of people because of their political ideology, a higher threshold should be applied when considering whether such comments amounted to disrespect in terms of the Code.

The ESC advised did not consider the Respondent’s comment to be extreme, offensive, or to contain profanities. The ESC further advised that the Respondent, in her response to the complaint, had explained that she had been criticising the far right and hate crime, and objecting to those who took part in riots in July and August 2024, and contended that her comments had been made with genuine and legitimate concern for citizen safety. The ESC considered this criticism to be distinct from criticising everyone who might support the far-right activist in question, and noted that the Respondent’s post had a basis in fact, given that it had been suggested in the media that the activist, and those associated with him, had fuelled or promoted some of the riots. The ESC advised that, as such, he had concluded that the Respondent had not breached the Code.


In considering proportionality, the Standards Commission noted that the ESC, in his report, had reached the conclusion that the Respondent’s conduct did not amount to a breach of the Code. Having reviewed the referral carefully, the Standards Commission did not find any reason to depart from the ESC’s conclusions in that regard. The Standards Commission concluded, therefore, that it was not proportionate for it to hold a Hearing and determined to take no action on the referral.

<b>Case</b>	LA/NL/4214 – North Lanarkshire Council
<b>Date of Referral</b>	17 February 2025
<b>Date of Decision</b>	18 February 2025
<p>The complaint was that, during a Council meeting in November 2024, the Respondent said that what was heard from members of other political parties was “a serious dose of PGB – performative, grandstanding bollocks, absolutely bollocks”. The Complainer contended this was offensive.</p> <p>The ESC reported the Respondent accepted the term “bollocks” could be interpreted as being offensive, and apologised for its use. The ESC advised that he had found the term had two meanings; one as vulgar slang, and the other to express contempt or annoyance at perceived nonsense. The ESC advised he was persuaded, in the context in which the term had been used, that the Respondent employed the phrase to refer to nonsense or rubbish. The ESC recognised, however, that the use of a vulgar term in local politics could lower the standard of debate, and bring the Council and the role of councillor into disrepute. The ESC advised that he considered, therefore, that there could be a breach of the provision in the Code that requires councillors to always behave with respect and courtesy when acting in that capacity.</p> <p>The ESC advised that he was of the view the Respondent was expressing an opinion and that his remark was not particularly egregious in nature. In the circumstances, the ESC advised he did not consider a restriction on the Respondent’s right to freedom of expression, that a formal finding of a breach of the Code would entail, could be justified.</p> <p>In considering proportionality, the Standards Commission noted the ESC did not consider a formal finding of a breach of the Code could be made in respect of the Respondent’s conduct. The Standards Commission found no reason to depart from the ESC’s conclusions in that regard. The Standards Commission further noted that the Respondent had apologised for the language used and had advised he would refrain from using such a term at any future public meeting. In the circumstances, the Standards Commission concluded that it was neither proportionate, nor in the public interest, for it to hold a Hearing in respect of the complaint and determined to take no action on the referral.</p>	



<b>Case</b>	<b>LA/An/4107 – Angus Council</b>
<b>Date of Referral</b>	<b>25 February 2025</b>
<b>Date of Decision</b>	<b>26 February 2025</b>
<p>The complaint was that, during a Council meeting in December 2023, the Respondent asked a member of the public (a local businesswoman) whether “Hitler Street” would be an appropriate name for Cumberland Close. The Complainer contended this was disrespectful and antisemitic.</p> <p>The ESC reported that elected members of Angus Council were considering a petition to change the name of a street named after the Duke of Cumberland at the meeting in question. The ESC advised that the Respondent did not dispute making the remark as outlined above to a businesswoman, who had made submissions against renaming the street. The ESC reported that the Respondent advised that her comments were unplanned and accepted they were ‘clumsy’. The Respondent had since expressed regret for any offence caused. The ESC advised that he had found there was no evidence or suggestion that the Respondent intended to disrespect or offend the businesswoman (or anyone else). The ESC advised that, having viewed the webcast, he had formed the opinion that the businesswoman did not appear offended or concerned by the Respondent’s comment.</p> <p>The ESC reported that, on balance, he did not consider the Respondent minimised the Holocaust or the actions of Hitler. Instead, the ESC advised he was satisfied that she was simply trying to express an opinion that no one would want to live on a street named after someone responsible for “untold evil or genocide” and to express her distaste for the Duke of Cumberland, when putting forward a case for renaming the street.</p> <p>For the reasons outlined above, the ESC advised he did not consider the Respondent’s actions in making the remark reached the threshold for amounting to a breach of the Code. The ESC advised that he was of the view the Respondent was expressing an opinion and that her remark was not particularly egregious in nature. In the circumstances, the ESC advised he did not consider a restriction on the Respondent’s right to freedom of expression, that a formal finding of a breach of the Code would entail, could be justified. The Standards Commission found no reason to depart from the ESC’s conclusions in that regard. It concluded, therefore, that it was not proportionate for it to hold a Hearing and determined to take no action on the referral.</p>	

<b>Case</b>	<b>LA/AC/3990 – Aberdeen City Council</b>
<b>Date of Referral</b>	<b>25 February 2025</b>
<b>Date of Decision</b>	<b>27 February 2025</b>
<p>There were various issues of complaint alleging disrespect, discrimination, and bullying and harassment by the Respondent (the Lord Provost) against the Complainer (an independent councillor) on a number of occasions from September 2022.</p> <p>The ESC reported that while he found some factual elements of the issues to be proven, when the context and circumstances in which the conduct had occurred were considered, he did not consider the Respondent’s behaviour, in respect of any of the issues, assessed either individually or cumulatively, would meet the threshold for amounting to a breach of the respect and courtesy, or bullying and harassment provisions in the Code. The ESC advised he had not found any evidence to support the Complainer’s contention that the Respondent had discriminated against her on the grounds she was a woman, or on the basis of her religious beliefs, in respect of any of the issues. ESC reported that, as such, he had concluded there was no breach of the Code by the Respondent.</p> <p>In considering proportionality, the Standards Commission noted the ESC had not found that the Respondent’s conduct would amount to a breach of the Code. Having reviewed carefully the ESC’s factual findings and reasoning, the Standards Commission found no reason to depart from the ESC’s conclusions in that regard. In the circumstances, the Standards Commission concluded that it was neither proportionate, nor in the public interest, for it to hold a Hearing in respect of the complaint and determined to take no action on the referral.</p>	



<b>Case</b>	<b>LA/An/4044 – Angus Council</b>
<b>Date of Referral</b>	<b>26 February 2025</b>
<b>Date of Decision</b>	<b>27 February 2025</b>
<p>The complaint concerned the Respondent’s conduct at a community council meeting. The Complainer alleged the Respondent shouted at her, and had been angry, hostile and aggressive. The Complainer further alleged that the Respondent had used a raised voice to speak over members of the public and community councillors.</p> <p>The ESC advised the Respondent denied the allegations and contended the complaint was “vexatious”. The ESC advised he had found that the minutes of the meeting did not record any disagreement, heated discussions, instances of the Respondent speaking over anyone or raising his voice, or the Chair trying to intervene to take control. The ESC advised the five individuals who had attended the meeting, that he had interviewed, had provided conflicting accounts of the Respondent’s conduct. The ESC advised he considered, as such, that the evidence was inconclusive and was unable to conclude that the facts of the issue were proven. The ESC indicated, in any event, he did not consider that speaking over someone or raising one’s voice to make a point would meet the threshold to amount to a breach of the respect and courtesy provisions in the Code.</p> <p>In considering proportionality, the Standards Commission noted the ESC did not consider the Respondent’s conduct met the threshold for amounting to a breach of the Code. The Standards Commission found no reason to depart from the ESC’s conclusions in that regard. The Standards Commission concluded, therefore, that it was not proportionate for it to hold a Hearing. As such, it determined to take no action on the referral.</p>	



<b>Case</b>	<b>LA/Mo/4145 – Moray Council</b>
<b>Date of Referral</b>	<b>26 February 2025</b>
<b>Date of Decision</b>	<b>27 February 2025</b>

The complaint was that, in June 2024, the Respondent posted on Facebook a comment about seeing “rabid SNP fans gathering in square with some notable figures and attempts to hand flags to anyone who passed”. The Complainer contended this was disrespectful and discourteous.

The ESC reported that he had consulted a selection of online dictionaries and found they defined ‘rabid’ as ‘fanatical; unreasoning’ or having ‘very strong and unreasonable opinions or beliefs’. The ESC advised he had concluded, therefore, that the word ‘rabid’ contained “negative connotations which suggest a level of support for a cause which goes beyond that which is generally accepted”. The ESC advised that he had concluded, therefore, that in describing members of the public as ‘rabid’ on a public social media platform, the Respondent had expressed his disapproval “for their political views” in a disrespectful and discourteous manner, in breach of the Code. The ESC advised, nevertheless, that he was of the view the Respondent was expressing an opinion and that his remark was not particularly egregious in nature. In the circumstances, the ESC advised he did not consider a restriction on the Respondent’s right to freedom of expression, that a formal finding of a breach of the Code would entail, could be justified.

In considering proportionality, the Standards Commission noted the ESC considered the Respondent’s conduct met the threshold for amounting to a breach of the Code. The Standards Commission was not satisfied that this was the case, given the ESC’s own conclusion that the Respondent was expressing a view about the supporters’ political views, as opposed to describing them as individuals. The Standards Commission accepted that the term ‘rabid’ could reasonably be taken, in the circumstances in which it had been used, to have negative connotations and mean ‘fanatical or unreasoning’. The Standards Commission considered, however, that in a democracy, politicians are entitled, and indeed expected, to hold and express views about the policies, ideologies and beliefs of other political parties and, by extension, their supporters. The Standards Commission considered, therefore, describing such supporters as fanatical, unreasonable or unreasoning would not reach the threshold for amounting to disrespect in terms of the Code.

In any event, the Standards Commission noted that the ESC had concluded that a restriction on the Respondent’s right to freedom of expression was not justified. The Standards Commission agreed with the ESC’s conclusions in that regard. In the circumstances, the Standards Commission concluded that it was neither proportionate, nor in the public interest, for it to hold a Hearing in respect of the complaint and determined, therefore, to take no action on the referral.



Case	LA/NL/3972 – North Lanarkshire Council
Date of Referral	25 February 2025
Date of Decision	4 March 2025* *Further information was sought from the ESC and provided on 28 February 2025
<p>The complaint was that in September 2023, the Respondent disclosed confidential information about the Complainer in a Facebook comment; being that the Complainer was an employee of North Lanarkshire Council.</p> <p>In his referral, the ESC reported that he had found the Respondent disclosed the information as alleged. The ESC indicated, however, that he had found the Complainer's status as an employee of the Council could not reasonably be regarded as confidential in the specific circumstances of the case. The ESC advised, in this regard, that he had found the Complainer had shared, in a Facebook screenshot (that led to the Respondent's comment and disclosure), a portion of a private email that disclosed her professional name. The ESC explained he had found that the Complainer signed-off the email as a council employee and a constituent. While this part of the email was not in the screenshot shared on Facebook, the Complainer's professional name was already in the public domain. This was because she worked in the community for the Council and had a professional LinkedIn account in her professional name, which identified her as a social worker. The ESC noted while the Complainer contended that she had only recently set up the LinkedIn page, he had found that it had been created and a profile photo added more than a year ago.</p> <p>In considering proportionality, the Standards Commission noted the ESC concluded the information disclosed was not confidential and, as such, the Respondent had not breached the Code in sharing it. Having reviewed the ESC's report carefully, the Standards Commission saw no reason to depart from this conclusion. In the circumstances, the Standards Commission concluded that it was neither proportionate, nor in the public interest, for it to hold a Hearing in respect of the complaint and determined, therefore, to take no action on the referral.</p>	

Case	LA/NL/4187 – North Lanarkshire Council
Date of Referral	10 March 2025
Date of Decision	12 March 2025
<p>The complaint alleged that at a meeting of the Council's Education, Children and Families Committee in September 2024, the Respondent was disrespectful by referring to young people as being 'feral'.</p> <p>The ESC reported that he found the Respondent made his comment in the context of discussing children who attacked teachers and carried knives. The ESC advised he found the Respondent withdrew his comment and replaced the word 'feral' with 'wild'. The ESC advised he considered it was not disrespectful to refer to people, including children, carrying knives or involved attacks on teachers as being uncivilised. The ESC advised that he found the Respondent did not say, at any time, that he was referring to North Lanarkshire children. Instead, the ESC considered it was clear from the webcast of the meeting that he was speaking in general about youths around the United Kingdom. Therefore, no specific identifiable individual or group of individuals could be identified from the Respondent's comment. The ESC further noted that the Respondent was entitled to share his views on this matter. The ESC advised that, as such, he had concluded that the Respondent did not breach the provision in the Code that requires councillors to behave with courtesy and respect.</p> <p>In considering proportionality, the Standards Commission noted the ESC considered the Respondent's conduct would not meet the threshold for amounting to a breach of the Code. Having reviewed the report, the Standards Commission agreed with this conclusion. The Standards Commission further agreed, in any event, that a restriction on the Respondent's right to freedom of expression, that a finding of a breach of the Code and imposition of a sanction would entail, would not be justified. In the circumstances, the Standards Commission concluded that it was neither proportionate, nor in the public interest, for it to hold a Hearing in respect of the complaint and determined, therefore, to take no action on the referral.</p>	

<b>Case</b>	<b>NB/PIC/4015 – Poverty and Inequality Commission</b>
<b>Date of Referral</b>	<b>10 March 2025</b>
<b>Date of Decision</b>	<b>13 March 2025</b>
<p>The complaint alleged that at a meeting in July 2023, the Respondent (the former Chair of the Poverty and Inequality Commission (PIC) sought to unfairly influence the Complainers (also former members of the PIC) into staying on as Commissioners by using emotional blackmail.</p> <p>The ESC reported that during the investigation it found that there was no dispute that the Respondent said the statements as alleged by the Complainers. The ESC advised having found the Respondent’s efforts to persuade the Complainers to remain as Commissioners were motivated by what was best for the public body. The ESC had concluded, in the circumstances, that regardless of whether the Respondent said he would resign or whether he said he would not stand for reappointment, his conduct was not disrespectful or a breach of the Code.</p> <p>In considering proportionality, the Standards Commission noted the ESC had concluded the Respondent had not breached the Code. Having reviewed the ESC’s report carefully, the Standards Commission saw no reason to depart from this conclusion. In the circumstances, the Standards Commission concluded that it was neither proportionate, nor in the public interest, for it to hold a Hearing in respect of the complaint and determined, therefore, to take no action on the referral.</p>	

<b>Case</b>	<b>LA/WL/4205 – West Lothian Council</b>
<b>Date of Referral</b>	<b>11 March 2025</b>
<b>Date of Decision</b>	<b>13 March 2025</b>
<p>The complaint was that at a Council Executive Committee meeting in October 2024, the Respondent stated in a speech, about the murder of two MPs, that it was important for elected members to be safe at their place of work and referred to a previous alleged incident “involving violence” between councillors in chambers. The Complainer (another councillor) considered this to be disrespectful, bullying and harassing conduct as the previous alleged incident “involving violence” was when the Complainer was accused of assaulting a male Councillor after a council meeting. The Complainer was prosecuted in respect of the incident, but was found not guilty.</p> <p>The ESC reported that he had found the Respondent clearly referred to the incident between the councillors as being an “alleged” event. The ESC noted that the Complainer’s acquittal was a matter of public knowledge. In the context of the debate, the ESC advised he was persuaded that the Respondent was simply highlighting that there had been a trial, the results of which had just appeared in the public domain, and that this type of coverage may discourage people from entering into or remaining in positions in public life. As such, the ESC concluded the Respondent had not breached the Code.</p> <p>In considering proportionality, the Standards Commission noted the ESC considered the Respondent’s conduct would not meet the threshold for amounting to a breach of the Code. Having reviewed the report, the Standards Commission agreed with this conclusion. In the circumstances, the Standards Commission concluded that it was neither proportionate, nor in the public interest, for it to hold a Hearing in respect of the complaint and determined to take no action on the referral.</p>	

<b>Case</b>	<b>NB/CC/4135 – Crofting Commission</b>
<b>Date of Referral</b>	<b>17 March 2025</b>
<b>Date of Decision</b>	<b>18 March 2025</b>
<p>The complaint alleged, firstly, that the Respondent (the former Chair of the Crofting Commission) created a WhatsApp group for board members, but excluded the Complainer. The Complainer consider this to be disrespectful and bullying. The second issue of complaint was that the Respondent bullied and disrespected the Complainer during board meetings held between September 2023 and December 2024, by ignoring him and preventing him from speaking.</p> <p>The ESC reported that he had found, in respect of the first issue of complaint, that while the Respondent authorised the WhatsApp group (set up for Commission work purposes), he did not create it. The ESC advised that he found, in any event, that there was evidence, in the form of emails and meeting minutes, to indicate that the WhatsApp group was discussed at a Commission meeting attended by the Complainer, suggesting he was, or should have been, aware of its existence and that there was no attempt to exclude him. As such, the ESC advised he had not found the first issue of complaint to be factually established.</p> <p>In respect of the second issue, the ESC reported that none of the witnesses interviewed (including the two witnesses suggested by the Complainer) considered the Respondent had acted inappropriately or bullied the Complainer during the meetings. The ESC advised he had found that while the Respondent may have prevented the Complainer from speaking on occasion, he did so in his capacity as Chair to maintain order and ensure meetings ran smoothly. The ESC concluded, therefore, that the Chair’s conduct in doing so would not meet the threshold for amounting to a breach of the Code.</p> <p>In considering proportionality, the Standards Commission noted the ESC had concluded the Respondent had not breached the Crofting Commission’s Code. Having reviewed the ESC’s office’s report carefully, the Standards Commission saw no reason to depart from this conclusion. In the circumstances, the Standards Commission concluded that it was neither proportionate, nor in the public interest, for it to hold a Hearing in respect of the complaint. The Standards Commission determined, therefore, to take no action on the referral.</p>	





<b>Case</b>	<b>FEC/SL/3659 – South Lanarkshire College</b>
<b>Date of Referral</b>	<b>19 March 2025</b>
<b>Date of Decision</b>	<b>21 March 2025</b>

The complaints made by two Complainers (treated as anonymous whistleblowers), alleged contraventions of the South Lanarkshire College Board Members’ Code of Conduct by the former Chair and two other former members of the College (the Respondents).

The ESC reported that a number of complaints (including whistleblowing complaints) had been made against the first Respondent in his then role as Chair between August 2021 and October 2021. An independent investigation was undertaken, with a report on the investigation being produced on 21 November 2022. At the same time, an investigation was undertaken by the College, under its disciplinary procedures, into concerns about the conduct of the Complainers. A report on this investigation was produced on 25 November 2022. The ESC advised that both investigations were thorough, with the first report amounting to 573 pages, and the second comprising 128 pages. The first investigation concluded, essentially, that the former Chair had no case to answer in relation to the allegations.

The ESC explained he had found no reason to question the factual findings of the two reports produced by the College, given they were based on investigations and interviews undertaken closer to the time of the events in question. The ESC advised he had used the factual findings outlined in the reports on both investigations undertaken or commissioned by the College when assessing the conduct of the Respondents against the provisions in the Code. The ESC advised he had not found that any of the allegations against any of the three Respondents would amount to a breach of the Code.

In considering proportionality, the Standards Commission noted the ESC had not found any of the Respondents’ conduct would amount to a breach of the Code. Having reviewed the report, the Standards Commission found no reason to depart from this conclusion. The Standards Commission further noted that:

- ▶ The matters that were the subject of the complaints occurred a considerable time ago.
- ▶ The allegations against the former Chair had already been the subject of an extensive internal investigation at the College, the outcome of which was that he did not have a case to answer.
- ▶ None of the Respondents remained members of the College’s Board.

The Standards Commission considered it was unlikely a Hearing would result in new and further evidence to support the complaints being disclosed, given the extensive nature of the investigations undertaken to date, and given that memories will have faded with the passage of time. In addition, the Standards Commission did not consider it was fair to the former Chair to subject him to further proceedings. In the circumstances, the Standards Commission concluded that it was neither proportionate, nor in the public interest, for it to hold a Hearing about any of the Respondents in respect of the complaints and determined to take no action on the referral.



Case	LA/WL/4204 – West Lothian Council
Date of Referral	24 March 2025
Date of Decision	25 March 2025
<p>The complaint was that in February 2023, the Respondent falsely accused the Complainer of assault, which resulted in a trial before the Justice of the Peace Court in October 2024, where the Complainer was found not guilty.</p> <p>The ESC reported he considered that anyone can report alleged crimes to the police. The ESC advised that he did not consider, therefore, that the Respondent was acting as a councillor when he reported the alleged assault. As such, the ESC advised he had concluded, that the Code did not apply to the Respondent's conduct. The ESC noted, in any event, that even if the Respondent had been acting as a councillor when he reported the Complainer to the police, he was entitled to do so. There was nothing in the Code that prevents councillors from reporting alleged crimes to the police even if, ultimately, the referral does not result in a conviction.</p> <p>In considering proportionality, the Standards Commission agreed with the ESC's conclusion that the Code would not apply to the Respondent's conduct. The Standards Commission further agreed, in any event, that even if the Respondent was found to be acting as a councillor at the time he made the accusation, his conduct would not amount to a breach of the Code. This was because councillors are entitled to report any alleged assaults to the police, in the same way as anyone else. The fact that such a report does not result in a conviction (despite being prosecuted), does not, in itself mean the complaint (of assault) was malicious or unjustified. It simply means the Justice of the Peace was not satisfied of the accused's guilt beyond reasonable doubt.</p> <p>In the circumstances, the Standards Commission concluded that it was neither proportionate, nor in the public interest, for it to hold a Hearing in respect of the complaint and determined, therefore, to take no action on the referral.</p>	

Case	LA/G/4157 – Glasgow City Council
Date of Referral	26 March 2025
Date of Decision	31 March 2025
<p>The complaint was that the Respondent asked the Complainer 'is she dead yet' in respect of his mother, who had cancer. The Complainer alleged the Respondent then asked whether the Complainer's mother would vote for him if she was still alive.</p> <p>The ESC reported that the Respondent confirmed he had called at the Complainer's house. The Respondent's position was that when the Complainer came to the door and said he could not speak as his mother was ill, the Respondent apologised for disturbing him and left. The Respondent denied categorically saying the comments noted above. The ESC advised that after the complaint form was submitted to his office in June 2024, several attempts were made to contact the Complainer without success. The ESC advised that he had not found, or been supplied with, any other evidence to support the complaint, or reason to suggest, that the Respondent made the comments as alleged. As such, the ESC reported he had not found the facts of the issue to be proven.</p> <p>In considering proportionality, the Standards Commission noted that holding a Hearing would allow the Hearing Panel to take evidence, under oath or affirmation, from the two individuals present during the incident (being the Respondent and Complainer). The Standards Commission considered, however, that it was unlikely either would change their account of what had happened. The Standards Commission further considered that there would have been no reason for the Respondent to have made the comments as alleged. In the circumstances, and having taken into account the fact that it was not satisfied the complaint could be established at a Hearing, the Standards Commission concluded that it was neither proportionate, nor in the public interest, for it to hold a Hearing. It determined, therefore, to take no action on the referral.</p>	

## SECTION 24 REFERRALS

<b>Case</b>	<b>CES/3793 – College Sector Board</b>
<b>Date of Referral</b>	<b>22 April 2024</b>
<b>Date of Decision</b>	<b>24 April 2024</b>

The complaint alleged the Respondent failed to comply with the requirements of the Code that require board members to behave with courtesy and respect towards their colleagues and employees of the Colleges' Regional Board and to refrain from behaviour that could amount to bullying or harassment.

The ESC advised that the Respondent was an *ex officio* member of an IJB by virtue of a post held within another organisation. The Code nevertheless applied to him.

The ESC advised that he had not found a breach of the Code to have been established. Having considered the terms of the ESC's report, the Standards Commission sent it to the Respondent's public body, in accordance with Section 24 of the 2000 Act.



# APPENDIX B: PERFORMANCE AGAINST KEY PERFORMANCE INDICATORS 2024/25

Key performance indicators (KPIs) for the Standards Commission were agreed and first published in 2022-23. These include measuring compliance with the timescales outlined in its Hearing Rules and Service Standards, and assessing the time taken to respond to enquiries and Freedom of Information requests. The KPIs also include measurements relating to the sharing of information between staff and Members and the time taken to make decisions. Performance against these KPIs is monitored on a quarterly basis and a summary of performance for 2024-25 is provided below.

## Hearings

	Action	Target	Actual	Notes
1	Issue notification of Hearing to Respondent, Complainer, Ethical Standards Commissioner (ESC) and public body or council Chief Executive (CE) and publish on website within five working days of decision being made	100%	100%	
2	Advise Respondent, ESC and Panel of any new material information / circulate any new productions and case law within three working days of receipt	90%	100%	
3	Hearings to be held between six and 12 weeks after the date on which the Standards Commission decides to hold a Hearing	75%	100%	
4	Issue and publish written decision within 14 days of the conclusion of the Hearing	100%	100%	

## Further Investigation

	Action	Target	Actual	Notes
1	Update Respondent, Complainer and CE on timescales within three working days of receipt of progress report from ESC	100%	100%	

## Do Neither

	Action	Target	Actual	Notes
1	Issue and publish 'do neither' decision within five working days of receipt of report from ESC	75%	98%	

## Enquiries & Correspondence (incl case correspondence)

	Action	Target	Actual	Notes
1	Return any voicemail messages left within three working days.	100%	100%	
2	Respond substantively to any telephone enquiry within 14 working days	100%	100%	
3	Acknowledge correspondence (by post or email) within five working days of receipt	100%	100%	
4	Respond substantively to any postal or email enquiry within 14 working days	100%	100%	
5	Formal Complaints: Respond fully within 20 working days	100%	100%	1

## Dispensations

	Action	Target	Actual	Notes
1	Acknowledge any request within five working days of receipt	100%	100%	
2	Respond to any dispensation request within 14 days	100%	100%	

## Freedom of Information and Data Subject Access requests

	Action	Target	Actual	Notes
1	Full written response to be issued within 20 working days	100%	88%	2

## Internal information sharing

	Action	Target	Actual	Notes
1	Members to provide updates on their Register of Interests within one week of the request being received	100%	100%	
2	Members to confirm disposal of information within one week of the request being received	100%	100%	

### Notes:

1. One complaint was received in the year and was fully responded to within 20 working days.
2. Fourteen Freedom of Information requests were received in the year and all responses sent within the statutory timescales. Two significant Data Subject Access requests were received in the year where the response time was extended by a further two calendar months (as permitted by the legislation).



INTEGRITY IN PUBLIC LIFE

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