

Decision of the Hearing Panel of the Standards Commission for Scotland following a Hearing held online, on Tuesday, 4 November 2025.

Panel Members: Ms Suzanne Vestri, Chair of the Hearing Panel
Ms Helen Donaldson
Mr Malcolm Bell

The Hearing arose in respect of a report referred by Mr Ian Bruce, the Ethical Standards Commissioner (the ESC), further to complaint reference LA/H/4028, concerning an alleged contravention of the Councillors' Code of Conduct (the Code) by Councillor Michael Baird (the Respondent).

The ESC represented himself at the Hearing. The Respondent was represented at the Hearing by Mr John Campbell, KC.

REFERRAL

Following an investigation into a complaint received on 9 December 2023 about the conduct of the Respondent, the ESC referred a report to the Standards Commission on 23 April 2025, in accordance with the Ethical Standards in Public Life etc. (Scotland) Act 2000.

The Standards Commission determined to take no action in respect of some of the issues of complaint outlined in the referral report, for the reasons outlined in decisions issued on 29 July and 18 August 2025.

The Standards Commission decided to hold a Hearing in respect of the remaining issue of complaint. The substance of this was that the Respondent had contravened paragraphs 5.1, 5.2, 5.5 and 5.6 of the Code, which are as follows:

Declaration of Interests

5.1: For each particular matter I am involved in as a councillor, I will first consider whether I have a connection to that matter.

5.2: I understand that a connection is any link between the matter being considered and me, or a person or body I am associated with. This could be a family relationship or a social or professional contact.

5.5: I understand my connection is an interest that requires to be declared where the objective test is met – that is where a member of the public with knowledge of the relevant facts would reasonably regard my connection to a particular matter as being so significant that it would be considered as being likely to influence the discussion or decision-making.

5.6 I will declare my interest as early as possible in meetings. I will not remain in the meeting nor participate in any way in those parts of meetings where I have declared an interest.

EVIDENCE PRESENTED AT THE HEARING

Joint Statement of Facts

The Panel noted that a joint statement of facts had been agreed between the ESC and Respondent. This recorded that it was not in dispute that:

- The Respondent was elected as a councillor on 5 May 2022 and represents, as a member of the Scottish Liberal Democrats, the North, West and Central Sutherland area of the Council. The Complainer is a member of the public.
- The Respondent attended a meeting of the Sutherland County Committee on 23 January 2024 in his capacity as a councillor.
- The Committee considered 16 applications at its meeting on 23 January 2024. These included a grant application for £75,000 made by a Community Interest Company Limited to fund a project to establish “community activities at a new woodland hub” in the grounds of a castle.

- In support of its application, the Community Interest Company submitted a letter from the Respondent. The letter dated 4 September 2023 was addressed “to whom it may concern”. In the letter, the Respondent stated that he fully supported the “preservation” of the castle, as it “offers local employment and improves the local economy, bringing inward investment which is much needed in our local area.” The Respondent further stated that it was “important” that the castle’s owner acquired additional land adjacent to the castle from Forestry and Land Scotland and advised that he had her “full support” to do so.
- The Respondent did not declare an interest during the Committee’s consideration of the Community Interest Company’s grant application.

Submissions made by the ESC

The ESC confirmed that the only issue before the Panel was whether the Respondent had a non-financial interest in the application for funding that was being considered by Sutherland County Committee at its meeting on 23 January 2024, that arose from any connection between him and Ms A, who was an individual involved in the Community Interest Company.

The ESC explained that Ms A had purchased, in October 2022, the castle referenced in above and in the Respondent’s letter of 4 September 2023. The ESC advised the Respondent sent a letter from his home address, addressed to whom it may concern, in which he stated he supported fully the project to preserve the castle as it offered local employment and could bring inward investment to the local area. The Respondent noted that it was important for Ms A, as the property owner, to be able to purchase adjacent land from Forestry and Land Scotland, and advised that he would support this.

The ESC contended that the Respondent’s letter was written in such a way as to enable Ms A to use it both for the land acquisition and for any other purpose. The ESC advised that Ms A’s agents included the letter in the documents submitted in support of the grant application that was before the Committee at its meeting on 23 January 2024.

The ESC advised that the Community Interest Company had been incorporated in October 2023. The ESC advised that Ms A was its sole director and the individual with significant control over the company.

The ESC contended there was an established non-financial connection between the Respondent and Ms A at the time of the meeting. The ESC explained this was because:

- By then, it was evident the Respondent was advocating strenuously on her behalf, both by supporting the proposed land purchase and by defending her as an individual.
- There was evidence that both a social and a lawyer / client relationship existed between them.

In support of this, the ESC drew the Panel’s attention to two emails, the content of which was reproduced in the productions, sent by the Respondent to a member of the public. The ESC noted that in the first of these, sent in September 2023, the Respondent urged the member of the public to ‘make sure’ that other individuals did not continue to make ‘malicious accusations’ about Ms A. In the second email, sent later the same month, the Respondent threatened to withhold support for a Village Hall Committee to receive funding from the Council if it did not support Ms A’s proposed land purchase.

The ESC also drew the Panel’s attention to an article in a local newspaper, also from September 2023 and referenced in the productions, in which the Respondent expressed his strong support for Ms A’s proposed land purchase. The ESC advised the Respondent sent a letter to Forestry and Land Scotland in which he voiced his support for the land acquisition.

The ESC referred to two Facebook posts published by Ms A that were also included in the productions. In the first, posted on 2 September 2023, Ms A included a photograph of her and the Respondent at Braemar

Highland Games, accompanied by the comment “I had a great day at Braemar Highland Games with Councillor and games official Michael Baird”. In the second post of 21 September 2023, Ms A included another photograph of her with the Respondent at her castle. The ESC accepted it was not clear when, why, or in what capacity the Respondent had been at Ms A’s castle. The ESC contended, nevertheless, that when taken together, the posts amounted to credible and public evidence of a social connection between the Respondent and Ms A that existed before the Committee meeting on 23 January 2024. The ESC additionally noted a further photograph, provided by the Complainer, of the Respondent sitting directly next to Ms A at a Burns Supper held at her castle a few days after the meeting in question.

The ESC advised that the Respondent had confirmed Ms A represented him in a legal capacity from 24 November 2023. The ESC drew the Panel’s attention towards a letter of engagement Ms A had sent the Respondent outlining the services that she would provide. The ESC noted this was evidence that a client / lawyer relationship existed between the Respondent and Ms A at the time of the meeting in question.

The ESC advised that, at its meeting on 23 January 2024, the Committee was asked to consider an application from the Community Interest Company for a grant of £75,000 to fund a project for a new woodland hub in the grounds of the castle that was to be used for community activities.

The ESC contended that the Respondent’s letter of 4 September 2023, a copy of which was included in the paperwork submitted in support of the application that was before the Committee, made it clear that he supported the proposed land acquisition as he considered it was a key part of the project to restore the castle. The ESC contended that the activities of the Community Interest Company and Ms A were inextricably linked as, not only was she the company’s director, but any application the company submitted in respect of the project to preserve or develop the castle would also benefit her as its owner. The ESC suggested that the Respondent had “gone to some lengths” to support both the project (including work to the castle and its grounds) and Ms A as an individual.

The ESC noted that the Respondent had advised, during the investigation, that he was unaware, before the meeting, that his letter was included in the paperwork submitted in support of the application. While the ESC accepted that may have been the case, he noted that it was apparent from the video recording of the meeting that the Convener of the Committee drew the Respondent’s attention to it and asked him whether, given its inclusion in the papers, he intended to declare an interest. The ESC advised the Respondent chose not to make a declaration and, instead, explained that he considered the application being considered was entirely separate from his support for the castle’s development.

Turning to the Code, the ESC noted that there was no dispute that the Respondent attended the meeting in his capacity as a councillor and, as such, the Code applied to his conduct.

The ESC contended that there was a clear link between Ms A, as the castle’s owner, and the Community Interest Company and that it was evident a benefit received by one would advance the interests of the other. The ESC noted that the Committee was considering a grant application from the Community Interest Company for funding for activities to be run in the castle grounds. The ESC advised that although the application was for funding to construct a ‘woodland hub’, the Council officer who spoke to the application at the meeting had made it clear that the activities would be run, initially, from the castle itself.

The ESC noted that, given the objective test was one of perception, the motivation of the Respondent at the meeting was irrelevant to the question of whether the Code has been breached.

The ESC argued that the objective test was met. This was because, as a member of the public with knowledge of the relevant facts would regard the Respondent’s connections (being that a social and client / lawyer relationship existed between the Respondent and Ms A at the time of the meeting and the fact the Respondent’s letter of support of 4 September 2023 was included in the paperwork submitted in support of

the grant application), to be so significant as to be likely to influence his discussion or decision-making on the matter. The ESC contended the Committee was being asked at the meeting to make a determination on a matter to which the Respondent had a direct connection, through his relationships with, and as a supporter of, the director of the applicant company. The ESC argued that any decision made on the application at this meeting would have had an impact on the Community Interest Company and its activities and, by extension, on Ms A. The ESC contended that given the nature of the relationship that was known to exist between the Respondent and Ms A at the time of the meeting, it would be reasonable for members of the public to consider he would not be able to remain impartial when determining a matter that directly affected her interests.

The ESC contended, therefore, that the Respondent should have declared an interest and withdrawn from consideration of the agenda item at the meeting on 23 January 2024. The ESC contended that by failing to do so, the Respondent breached paragraphs 5.5 and 5.6 of the Code.

The ESC noted that in a written submission provided to the Standards Commission, included in the productions, the Respondent stated that when the Committee considered the application at a later meeting, he had declared an interest and withdrawn from participating in the discussions and decision-making. The ESC argued that as the Respondent's connection to the application had not changed between the meetings in question, his decision to declare at the later meeting amounted to a tacit admission that he had breached the Code in failing to declare an interest at the one held on 23 January 2024.

In response to a question from the Panel, the ESC accepted that the photograph of the Respondent attending a Burns Supper at Ms A's property was taken after the meeting. The ESC suggested, nevertheless, that it was evident the event would not have been organised overnight [inferring the Respondent would have been aware he was due to attend it when he took part in the consideration the application at the meeting].

In summing up, the ESC confirmed that he did not accept that the Community Interest Company was entirely distinct from Ms A and her property. The ESC reiterated that Ms A was the owner of both the property and the Community Interest Company and that she had a controlling interest in the latter. While the ESC accepted that Ms A's agents may have submitted the application on behalf of the Community Interest Company, she was responsible, as its director, for its activities. The ESC further noted that the Respondent's letter of 4 September 2023 supported not only the acquisition of grounds for the property, but Ms A as an individual and her activities in respect of its development.

Submissions made by the Respondent's Representative

The Respondent's representative referred the Panel to the written arguments he had submitted before the Hearing.

In particular, the Respondent's representative noted that while the ESC had investigated other issues of complaint, the Standards Commission had determined that the Panel would only need to consider the one issue regarding the Respondent's failure to declare an interest at the meeting of Sutherland County Committee on 23 January 2024. The Respondent's representative argued, therefore, that the Panel was required to confine its considerations solely to the one matter identified by the ESC in his report as being directly relevant to the specific issue. The Respondent's representative noted that this was the letter written by the Respondent that was included in the paperwork in support of the application.

The Respondent's representative argued that despite this, the ESC had raised a number of matters at the Hearing that were relevant to the other issues of complaint that had been investigated, in respect of which the Standards Commission had determined to take no action. The Respondent's representative suggested that if the Respondent's conduct was the subject of criminal proceedings, the matters that concerned the other issues would be excluded from any jury. The Respondent's representative contended that the Panel was in an analogous position and should not, therefore, take into account any matters the ESC had not

specifically considered when reaching his conclusion on the one issue of complaint that was before it, to be determined at the Hearing.

Turning to the meeting of Sutherland County Committee on 23 January 2024, the Respondent's representative advised that the Respondent accepted that his name appeared on the letter that had found its way into the papers submitted in support of the Community Interest Company's application. The Respondent's representative noted, however, that the Respondent had not been involved in the preparation of this paperwork and had no involvement whatsoever with the Community Interest Company. The Respondent's representative advised it appeared the application had been prepared by other individuals and not Ms A. The Respondent's representative contended, in any event, that the key point was that the letter had nothing to do with the application under consideration at the meeting in question.

The Respondent's representative suggested that by referencing events both before and after the meeting, the ESC had "painted a picture" of a both a friendship and a client / lawyer relationship between the Respondent and Ms A. The Respondent's representative advised the Respondent would not deny such relationships existed. The Respondent's representative argued, however, that for the reasons outlined above, he considered the Panel was only entitled to consider whether the Respondent's letter of 4 September 2023 established a connection which, in turn, amounted to a declarable interest in terms of Section 5 of the Code.

The Respondent's representative accepted it was evident, from the recording of the meeting, that the Committee Convener had asked the Respondent whether he had an interest to declare. The Respondent's representative noted that while the quality of the audio in the recording was poor, it appeared that the Respondent had explained, or tried to explain, that he had not supported, and had no interest in, the application from the Community Interest Company. The Respondent's representative noted that the Convener had confirmed that he was content with this explanation.

The Respondent's representative advised that the Committee had not received the application "warmly" and had continued its consideration to a later meeting, from which the Respondent had withdrawn. The Respondent's representative contended that, as such, the Respondent had acted openly, promptly and properly. The Respondent's representative further noted that there was no evidence or suggestion of the Respondent gaining any financial benefit whatsoever from his participation at the meeting on 23 January 2024.

The Respondent's representative contended that there was no relevant connection between the Respondent and the Community Interest Company. The Respondent's representative suggested that any such link was only inferred from other, unrelated connections and from the knowledge that the Respondent had provided support for Ms A and her other endeavours.

The Respondent's representative noted the Respondent could not be in breach of the Code unless it was established that he had an interest to declare. The Respondent's representative argued that for a declarable interest to exist, a real and material link must be established between the Respondent and the specific matter under discussion. The Respondent's representative accepted that while it was evident the Respondent and Ms A knew each other and had social interactions, as a councillor and constituent, this did not amount to a connection to the Community Interest Company's application. The Respondent's representative suggested that a finding of a breach of the Code by the Respondent would amount, essentially, to a punishment for another individual's error in including an irrelevant letter in the paperwork submitted in support of the application.

In response to a question from the Panel about whether he accepted that the Respondent had a connection to Ms A, who was the Community Interest Company's director and principal shareholder, the Respondent's representative advised that it was not denied that the Respondent and Ms A had a friendship and that he

had also been supportive of her as a constituent. The Respondent's representative accepted the Respondent had supported, and attempted to assist, Ms A in her attempts to acquire land from Forestry and Land Scotland.

The Respondent's representative further accepted that there was a client / lawyer relationship between the Respondent and Ms A at the time of the meeting, albeit he argued this was in respect of a matter that was wholly unrelated to Ms A's property. The Respondent's representative reiterated, however, that the Panel could only consider the evidence of a connection to the application that had been highlighted by the ESC, in his reports, in respect of the specific issue of complaint being considered at the Hearing.

The Panel asked whether it was reasonable to conclude that a friendship with the director of the applicant company could potentially influence the Respondent's decision-making in respect of the grant application. In response, the Respondent's representative accepted that it could, when considered objectively. The Respondent's representative argued, however, that the only evidence the ESC had relied on, in his referral, to support his conclusion that there was a declarable interest, was the Respondent's letter of 4 September 2023. The Respondent's representative again argued that this letter concerned a wholly unrelated matter.

The Panel noted that the Respondent had advised the ESC, during the investigation, that had he known in advance that his letter would be included in the papers submitted in support of the application, he would have declared an interest at the meeting on 23 January 2024. The Panel asked whether this contradicted the submissions made at the Hearing to the effect that the Respondent did not have a declarable interest. In response, the Respondent's representative suggested that the Respondent had meant that had he known in advance his letter would be included, he would have provided a clear explanation as to the difference between the matters for which he had indicated support in his letter and the project that was the subject of the funding application. The Respondent's representative noted that the Respondent had attempted to provide such an explanation at the meeting.

The Panel asked whether, even if the letter had not been included in the paperwork before the Committee, it was likely that members of the public, with knowledge of the relationship between the Respondent and Ms A (as the Community Interest Company's director and principal shareholder) would reasonably regard his connection to the application as being sufficiently significant as to be likely to affect his discussion and decision-making at the meeting. In response, the Respondent's representative suggested that the relevant facts to be considered, as part of the objective test, would include the nature and extent of the application (which was for funding for a specific purpose) and the fact that the Respondent's relationship with Ms A had nothing to do with the Community Interest Company or the project for which it was seeking funding. The Respondent's representative suggested, in support of this, that interpretation of the objective test required some degree of flexibility and a sensible approach. This was because most councillors would be expected to have relationships of some sort with their constituents, and it was not realistic or fair to expect them to declare interests and withdraw from decision-making on that basis alone.

The Panel noted that while the Committee Convener may have accepted the Respondent's explanation as to why he was not declaring an interest, it was a councillor's personal responsibility to comply with the Code and to declare interests when required. The Respondent's representative accepted this, but reiterated that the Respondent had provided an explanation as to why he did not consider he had a declarable interest in respect of the application as a result of the inclusion of his letter in the supporting paperwork.

In summing up, the Respondent's representative reiterated that the Respondent never had any involvement with the Community Interest Company. The Respondent's representative further reiterated that the application before the Committee at its meeting on 23 January 2024 was limited in scope and had absolutely nothing to do with his friendship with Ms A or their client / lawyer relationship. The Respondent's representative contended that the fact that Ms A had a controlling interest in the Community Interest Company and was acquainted with the Respondent did not mean he had an interest that should have been

declared in respect of the application before the Committee. The Respondent's representative contended that for a breach of the Code to be established, there had to be a clear connection between the matter to be considered and the councillor who was alleged to have failed to declare an interest. The Respondent's representative submitted that, in this case, there was no such clear connection.

DECISION

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

1. The Councillors' Code of Conduct applied to the Respondent, Councillor Baird.
2. The Respondent had breached paragraphs 5.5 and 5.6 of the Code

Reasons for Decision

1. The Panel was satisfied, and noted there was no dispute, that the Respondent attended the meeting of Sutherland County Committee on 23 January 2024 in his capacity as a councillor. The Panel was satisfied, therefore, that the Code applied to his conduct at the meeting.
2. The Panel noted that it was also not in dispute that the Respondent did not declare an interest at the meeting and, instead, took part in the discussion and decision-making on the grant application submitted by the Community Interest Company for funds from the Council's Community Regeneration Fund.
3. The Panel further noted it was accepted that a member of the public and constituent of the Respondent, Ms A, was the sole director of, and had a controlling interest in, the Community Interest Company.
4. The Panel noted that while there was some debate over the relevance and weight to be given to some of the evidence led by the ESC in respect of the relationship between the Respondent and Ms A and, potentially, over the nature and extent of this, it was accepted, nevertheless, that a friendship existed between Ms A and the Respondent at the time of the meeting. The Panel further noted that it was accepted that Ms A had sent the Respondent a letter of engagement on 24 November 2023 to provide him with legal representation and, as such, a client / lawyer relationship also existed between them at the time the application was considered by the Committee on 23 January 2024.
5. The Panel noted the Respondent's representative had contended that it could not take the friendship and client / lawyer relationship between the Respondent and Ms A into account when considering whether the Respondent had a declarable interest. This was because these considerations had not formed part of the ESC's conclusions on the specific issue, as outlined in his initial referral report to the Standards Commission. The Panel was satisfied, however, that the ESC had both commented and submitted evidence on both matters as part of the referral. The Panel agreed it could, therefore, take the existence of these relationships into account when determining whether the Respondent should have declared an interest at the meeting on 23 January 2024. In deciding it could do so, the Panel noted it had been explained to the Respondent, from the outset, that it was for the Panel (not the ESC) to make the decision on whether the Code had been breached and, further, that it would do so based on the written evidence in the productions and any further evidence led, and submissions made, at the Hearing. It had also been made clear to the Respondent that, in making such a decision, it was entirely possible the Panel could reach a different conclusion to the ESC and, therefore, that it would not necessarily adopt his reasoning. The Panel agreed that, in making a decision on whether the Code had been breached, it was obliged to take into account and assess all relevant evidence that had been submitted for its consideration.
6. The Panel noted the paperwork considered at the meeting in support of the application included a letter of support from the Respondent in respect of a proposed land acquisition by Ms A. The Panel accepted the Respondent's representative's submission that the application had been prepared by Ms A's agents. It agreed with the ESC, however, that as Ms A was the company's director, it would be reasonable for anyone considering the application to regard her as being ultimately responsible for its contents.

7. The Panel accepted that the Respondent had not been involved in the preparation of the paperwork and, further, that he had no involvement with, or interest in, the Community Interest Company.
8. The Panel was satisfied, however, that the Respondent made it clear in his letter of 4 September 2023 that he was supporting the land acquisition as he considered it was an important part of the project to restore Ms A's property as a whole. While the Panel accepted the project for which the Community Interest Company was seeking funds from the Council's Community Regeneration Fund was distinct from the land purchase, it found both related to the development of Ms A's overall property. As such, the Panel did not accept the Respondent's representative's contention that the letter was wholly irrelevant to the application under consideration at the meeting in question or, indeed, any suggestion that it may have been included in error by the agents who prepared the application and supporting paperwork.
9. The Panel was satisfied that, when taken together, the Respondent's letter, the friendship, and the client / lawyer relationship could reasonably be considered as a connection that existed between the Respondent and Ms A (as the sole director of the Community Interest Company) at the time of the meeting.
10. Having found there was a connection, the Panel proceeded to consider the objective test outlined at paragraph 5.5 of the Code. The Panel accepted the Respondent may not have been aware, before the meeting, that his letter had been included in the papers before the Committee. The Panel further accepted that the Respondent's connection to Ms A may not have influenced or had any bearing on his decision-making at the meeting. The Panel noted, nonetheless, that the objective test is just that – objective. It is not about what a councillor might know about their own motivations and whether any connection would unduly influence them (or even their contribution to any discussion or how they ultimately vote). Instead, it is what others would reasonably think, if they were in possession of the relevant facts.
11. The Panel accepted the Respondent's representative's argument that the existence of a friendship, in itself, may not always mean there is a declarable interest (as the objective test is entirely dependent on the individual and specific facts and circumstances that arise in any given situation).
12. The Panel further accepted that a relationship between a councillor and their constituent might not, in itself, amount to a declarable interest. This was because most councillors would be expected to have relationships of some sort with their constituents and, therefore, they may not necessarily have a declarable interest on that basis alone.
13. The Panel considered it was likely, however, that the existence of a friendship that went beyond that of an ordinary everyday interaction between a councillor acting in that capacity, and a constituent, would be perceived as having the potential to influence the councillor as a decision-maker, given they may consider an application from a friend more favourably. The Panel agreed this was regardless of whether the friendship related to, or had a bearing on, any application the councillor was due to consider and determine.
14. In any event, as stated below, the Panel noted that its decision was not based solely on the existence of a friendship between the Respondent and Ms A.
15. In this case, the Panel concluded that the relevant facts to be considered, as part of the objective test, were:
 - The extent and nature of the Respondent's involvement with Ms A (being both a friendship and a client / lawyer relationship).

- That the papers before the Committee on the application contained a letter from the Respondent expressing support for Ms A's project to develop her property.
- That the application for funding was being made by a Community Interest Company of which Ms A was the sole director and person with significant control.
- That the funding was for a project associated with the development of Ms A's property.

16. The Panel was satisfied that a member of the public, with knowledge of these facts, would reasonably regard the Respondent's non-financial connection to the application being considered at the meeting on 23 January 2024 as being sufficiently significant as to be likely to influence his discussion or decision-making. This was regardless of the fact that there was no evidence or suggestion that the Respondent would gain any financial benefit or personal advantage whatsoever from his participation in the consideration of the matter.

17. In support of this conclusion, the Panel noted it was evident from the fact that the Committee Convener had questioned, at the meeting, whether the Respondent should declare an interest, that he (the Convener), had such a perception. Indeed, the Panel noted that the Respondent appeared to have advised the ESC, during the investigation process, that he would have declared an interest had he been aware before the meeting that the letter was included in the paperwork submitted in support of the application.

18. The Panel noted that, at its meeting on 23 January 2024, the Committee decided to continue its consideration of the matter in order for the Community Interest Company to submit further information. The Panel noted it had understood from correspondence submitted to the Standards Commission that the information requested was never submitted meaning, essentially, the application was withdrawn. The Panel accepted, however, that both parties had confirmed at the Hearing that the application had been reconsidered at a subsequent meeting, and that the Respondent had declared an interest and withdrawn from discussion and decision-making. The Panel did not agree with the ESC that this was a tacit admission by the Respondent that he had breached the Code in failing to declare an interest at the meeting on 23 January 2024. This was because the Panel noted it was equally possible that the Respondent could have decided not to take part at the later meeting in order to avoid a further complaint being made (regardless of merit).

19. The Panel agreed nevertheless that, for the reasons outlined above, the Respondent should have declared a non-financial interest at the meeting on 23 January 2024 and should not have taken part in the discussion and decision-making on the application. The Panel concluded, therefore, that in failing to do so, the Respondent had breached paragraphs 5.5 and 5.6 of the Code.

Evidence in Mitigation

The Respondent's representative noted that it was evident that the Respondent was not trying to conceal any connection he may have had. The Respondent's representative further noted there was no evidence or suggestion that the Respondent's failure to declare an interest was made in bad faith or that he had been motivated by a desire for secrecy.

The Respondent's representative asked the Panel to take into account the fact that the Respondent was unaware, until the meeting, that his letter had been included in the paperwork in support of the application.

The Respondent's representative noted that it was clear the Respondent did not stand to gain personally from the failure to declare and, indeed, that there was no evidence he or anyone else had done so. The Respondent's representative noted that consideration of the application was adjourned to a later meeting and that the funding being sought was never granted.

The Respondent's representative advised that the Respondent had been a councillor since 2022 and was, known as being diligent and interested in all aspects of his constituents' lives. This was despite the significant size of his constituency.

SANCTION

The decision of the Hearing Panel was to suspend the right of the Respondent, Councillor Baird, to attend full Council meetings of Highland Council, for a period of two months. The sanction was made under the terms of section 19(1)(b)(i) of the Ethical Standards in Public Life etc. (Scotland) Act 2000. The suspension will be effective from 12 November 2025.

Reasons for Sanction

1. In making its decision on sanction, the Panel had regard to the Standards Commission's Policy on the Application of Sanctions. A copy of the policy can be found on the Standards Commission's website at: <https://www.standardscommissionscotland.org.uk/cases/hearing-rules>
2. The Panel began by assessing the nature and seriousness of the breaches of the Code. The Panel noted that it had found the Respondent had breached the provisions in the Code that require councillors to declare interests and, having done so, to refrain from participating in any discussion and decision-making on the relevant agenda item.
3. The Panel noted that the requirement for councillors to declare interests is a fundamental requirement of the Code as it gives the public confidence that decisions are being made in the public interest, and not the personal interest of any councillor or their friends, family or close associates. A failure to comply with the Code's requirements in this regard can erode confidence in the Council, damage its reputation and leave its decisions open to legal challenge. The Panel emphasised that it is a councillor's personal responsibility to identify and declare certain interests and to thereafter withdraw from the decision-making process. The Panel noted that the Respondent had agreed, as part of his acceptance of office as a councillor, that he would abide by the terms of the Code, which includes the requirement to declare certain interests.
4. 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, had the potential to have an adverse impact on the public's confidence both in councillors and the Council's decision-making processes. The Panel was of the view, therefore, that the breach of the Code was relatively serious in nature and, as such, did not consider that a censure was an appropriate disposal option.
5. The Panel then considered the aggravating and mitigating factors as set out in the Policy on the Application of Sanctions, beginning with those in mitigation. The Panel noted that mitigating factors are those which may lessen the severity or culpability of the breach.
6. The Panel acknowledged the Respondent had not voted in favour of the application and accepted there was no evidence of any benefit to him, Ms A or the Community Interest Company from his failure to declare an interest at the meeting in question. The Panel was also pleased to note that the Respondent had co-operated with the investigation and adjudication processes and acknowledged his commitment to his constituency and constituents.
7. Given these mitigatory factors, the Panel did not consider that a disqualification or lengthy suspension was warranted.
8. The Panel then proceeded to consider whether there were any aggravating factors; being ones that may increase the severity or culpability of the breach.

9. The Panel agreed that the Respondent should have been aware that the objective test was one of perception and that he should have considered how members of the public might reasonably view his connection to the director of the applicant company and whether this was likely to influence his discussion and decision-making at the meeting. The Panel agreed this was particularly the case given the Respondent had been prompted by the meeting's Convener to consider whether he needed to declare an interest in light of the fact that his letter of 4 September 2023 was included in the papers submitted in support of the application.
10. The Panel noted that the Respondent appeared to have indicated during the investigation that, had he been aware in advance of the meeting that his letter was included in the paperwork, he would have declared an interest. The Panel was concerned that, despite this, he had nevertheless not demonstrated any remorse in respect of his failure to do so or any insight into how this might be perceived.
11. The Panel accepted that the Committee Convener appeared to have confirmed that he was content with the explanation the Respondent provided at the meeting as to why he was not declaring an interest. The Panel reiterated, nevertheless, that it was councillor's personal responsibility to apply the objective test in order to identify whether they had a declarable interest that would preclude them from taking part in consideration and any decision-making on the matter in question. The Panel noted that this was because others cannot be expected to be fully aware of an individual councillor's personal circumstances.
12. The Panel acknowledged that the Hearing was the second time the Respondent had been before a Standards Commission Panel and found to have breached the Code in the past calendar year. The Panel accepted, however, that the Respondent's previous contravention concerned an entirely different part of the Code, with the events in question in respect of the complaint before it now having taken place before the previous Hearing was conducted. The Panel noted this meant that there was no suggestion the Respondent had engaged in the type of conduct that had been found previously to have been a breach of the Code.
13. Having taken into account all the factors and matters outlined above, the Panel agreed that it was necessary to impose a suspension in order to:
- reflect the nature and seriousness of the breach;
 - 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; and
 - promote adherence to the Code and act as a deterrent against similar conduct.
14. The Panel determined that a two-month partial suspension was appropriate and proportionate in the circumstances.

RIGHT OF APPEAL

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

Date: 11 November 2025



**Suzanne Vestri
Chair of the Hearing Panel**