

## **Decision of the Standards Commission for Scotland**

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

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

### **Background**

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

### **Referral to the Standards Commission**

Following his investigation into complaints received on 13 May and 18 October 2024 (reference LA/G/4139) concerning an alleged contravention of the Councillors' Code of Conduct dated December 2010, being the version in place at the time of the alleged conduct (the Code), by an elected member of Glasgow City Council (the Respondent), the ESC referred the matter to the Standards Commission on 27 November 2025.

The complaint concerned an alleged failure by the Respondent, in her capacity as a board member of a housing association to which she had been appointed, following nomination, by the council, to declare certain interests. The ESC reported that:

1. At a meeting of the housing association held in May 2017, the Respondent failed to declare an interest when a list of approved contractors and contract terms for those on the list were being considered. This was despite her son's company being included on the list. The ESC advised that he had found this failure to declare amounted to a contravention of the housing association's governance code and, as such, it also amounted to a breach of the provision in the Code that requires councillors to adhere to the rules of conduct of outside organisations to which they have been appointed or nominated by their Council. The ESC further advised that, following an investigation in 2020, the Scottish Housing Regulator had found the Respondent had failed to manage her conflict of interest.
2. It had been alleged that the Respondent had also failed to declare that three members of her family were employed by the housing association. The ESC advised, however, that the Respondent's declaration of interest forms noted her relatives' employment throughout the relevant period. As such, the ESC concluded the Respondent had not breached the Code.

### **Admissibility of the Complaint**

The ESC's Investigations Manual states that complaints made more than 12 months after the alleged breach of the Code has occurred are not normally accepted for investigation. It notes, however, that the ESC may decide to investigate a late complaint if there is an overriding public interest or other justifiable circumstances.

In this case, the Standards Commission noted that the complaints had been made some seven years after the alleged breach of the Code had occurred. It therefore asked the ESC's office whether it was considered there was some form of overriding public interest or other justifiable circumstance that explained why the complaints had been accepted as admissible for investigation. In response, the ESC's office advised that it had considered there was an overriding public interest given the apparent failure on the part of the Respondent to follow the housing association's policies on declarations of interest (being, on its face, a breach of the Code) and the involvement of the Scottish Housing Regulator. The ESC's office further advised that such a failure had the potential to bring the post of a councillor into disrepute, regardless of its historic nature.

### **Standards Commission's Decision and Reasons**

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

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

In assessing the public interest, the Standards Commission noted that a breach of provision in the Code requiring councillors to adhere to the rules of outside bodies they are nominated to by their councils could have the potential to bring the role of a councillor and the Council or outside body itself into disrepute. The Standards Commission further 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.

The Standards Commission acknowledged that the ESC considered the Respondent's conduct in failing to declare an interest relating to her son's company could potentially amount to a breach of the Code. The Standards Commission nevertheless noted:

- the alleged conduct took place in 2017;
- the decision to include her son's company on the approved list of contractors was taken by the full board and not by the Respondent as an individual;
- the matter had been dealt with by another regulatory body; and
- the Respondent had not been a member of the housing association since 2021.

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

In making its decision, the Standards Commission noted the ESC had investigated the complaint, despite it being out of time, on the basis that there were exceptional circumstances which was identified as being that the conduct could amount to a breach of the Code and had the potential to bring the role of a councillor into disrepute. The Standards Commission did not agree that these were exceptional circumstances as it considered that all but the most minor, technical of breaches of the Code (such as a delay of one day in registering an interest) could potentially bring the role of a councillor into disrepute.

The Standards Commission considers the requirement to act in accordance with an outside's body's policies and to declare interests as a member of that body when required is a key element of the Code as it promotes transparency and provides confidence that councillors are making decisions in the public interest, and not the interests of themselves or their friends, family or associates. The Standards Commission nevertheless noted, in this case and as outlined above, the Respondent was not the sole decision-maker on what companies were to be included on the list of approved contractors and the contract terms for any contractors who were subsequently engaged. The Standards Commission did not consider the alleged conduct, even if established at a Hearing would be likely, in the circumstances, to be considered so serious and egregious as to warrant a lengthy suspension (such as one that was for more than six months), or a disqualification. As such, the Standards Commission did not consider the nature of the alleged breach was an exceptional circumstance that warranted it being accepted for investigation, despite the complaint being made significantly after the expiry of the normal one-year time limit. This was particularly the case in circumstances where the matter had already been the subject of an investigation by another regulator.

**Date: 2 December 2025**



**Lorna Johnston  
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