

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 a complaint received on 26 June 2025 (reference LA/Fi/4351) concerning an alleged contravention of the Councillors' Code of Conduct (the Code) by an elected member of Fife Council (the Respondent), the ESC referred the matter to the Standards Commission on 3 December 2025.

The complaint concerned an allegation that the Respondent had used her position as a councillor in order to influence council officers to overturn a decision to issue, to her mechanic, a fixed penalty notice (FPN) for dumping waste unlawfully. The ESC reported that:

1. Two FPNs had been issued to two individuals in February 2025. The ESC advised that, having been contacted by a third individual, being the son of one of the FPN recipients, the Respondent made representations to a Council officer regarding their issuing. The ESC further advised that he could find no evidence to substantiate the Complainer's allegation that one of the individuals was the Respondent's mechanic, or that, other than them being constituents, she had any connection to the FPN recipients.
2. In her correspondence with the officer, the Respondent simply passed on information from her constituent and asked the officer to contact them directly to clarify the position, in accordance with the Council's normal process for dealing with constituent enquiries. The ESC advised that the officer had confirmed she did not feel that she had been pressured by the Respondent to make any decision on the matter. The officer confirmed that a subsequent decision to void all the FPNs was taken by her alone.
3. Given the above, there was no evidence to support the Complainer's allegation that the Respondent had used her position as a councillor to influence council officers, or that she had become inappropriately involved in operational matters. As such, the ESC concluded the Respondent had not breached the Code.

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 the provisions in the Code requiring councillors to refrain from using their position to seek influence and to avoid becoming inappropriately involved in operational matters, could have the potential to bring the role of a councillor and the Council itself into disrepute, and to affect the mutual bond of trust and confidence between elected members and Council officers.

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

The Standards Commission noted that the ESC stated, in his report, that the crux of the complaint was whether the Respondent had become inappropriately involved in operational issues relating to the FPNs. The Standards Commission disagreed with this and instead considered the crux of the complaint was whether the Respondent used, or attempted to use, her position or influence as a councillor to improperly confer on or secure an advantage for someone with whom she had a connection.

In considering proportionality, the Standards Commission nevertheless 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. Indeed, the Standards Commission noted that the fact that one of the recipients of the FPN may have been the Respondent's mechanic was not, in itself, an indication that the Respondent may have been seeking preferential treatment. It noted that it would not be unusual, for councillors who lived locally, to have interactions with constituents as part of their daily lives, and that doing so did not mean any such a constituent would necessarily be someone whose interests the Respondent might be perceived reasonably as being likely to want to support, such as a friend or close associate. 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.

Date: 4 December 2025



**Lorna Johnston
Executive Director**