

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 May 2025 (reference LA/H/4330) concerning an alleged contravention of the Councillors' Code of Conduct (the Code) by an elected member of Highland Council (the Respondent), the ESC referred the matter to the Standards Commission on 9 December 2025.

The ESC reported that:

- He had investigated two issues of complaint. One was that the Respondent failed to declare an interest at a Planning Applications Committee meeting in August 2024, and a full Council meeting in September 2024, when two applications for permission to build two fish farms in the north-east of Skye were being considered. This was despite working in a limited, freelance capacity in the tourist industry on Skye.
- He had found that while the Respondent's employment would be considered a connection in terms of the Code, it would not amount to a declarable interest in terms of the objective test. The ESC explained this was because he did not consider members of the public, with knowledge of the relevant facts, would consider it sufficiently significant as to be likely to influence the Respondent's discussion and decision-making on the applications in question.
- The other issue was that the Respondent failed to register, as an interest, his occasional remunerated work speaking to tourists about the history of Skye, from around April 2024 to August 2025. The ESC advised that he had found the issue proven and, as such, that the Respondent had breached the Code's requirement to register any paid work, no matter how trivial or casual. The ESC advised that the Respondent had now updated his register of interests. The ESC noted that the Respondent had explained that as his freelance activity was entirely sporadic, he had not considered it to be of importance. As such, the breach of the Code was inadvertent. The ESC further advised that the Respondent nevertheless accepted he should have registered the interest and had apologised for his failure to do so.

Reasons for Standards Commission's Decision

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 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 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 the ESC had not found the Code had been breached in respect of the first issue. Having reviewed the ESC's report and analysis, the Standards Commission found no reason to depart from his conclusions in this regard.

Turning to the second issue, the Standards Commission noted that the Respondent accepted that he should have registered his casual, limited employment. The Standards Commission noted the Respondent had now registered the work and apologised for his previous failure to do so. The Standards Commission had no reason to doubt that the breach of the Code was inadvertent.

In the circumstances, and having taken into account the above factors, the Standards Commission concluded that it was not proportionate for it to hold a Hearing in respect of the complaint.

The Standards Commission determined, therefore, to take no action on the referral. The Standards Commission nevertheless agreed that the Respondent should be reminded of the importance of adhering to provisions in the Code concerning the timeous registration of interests, as these allow for transparency and help ensure the public can have confidence that elected members are making decisions in the public interest.

Date: 10 December 2025



**Lorna Johnston
Executive Director**