

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 10 October 2025 (reference LA/Fa/4441) concerning an alleged contravention of the Councillors' Code of Conduct (the Code) by an elected member of Falkirk Council (the Respondent), the ESC referred the matter to the Standards Commission on 13 January 2026.

The ESC reported that:

- He had investigated whether the Respondent failed to record a shareholding in a development company in his Register of Interests within one month of the interest arising.
- There was no dispute that the Respondent was allotted one share representing approximately 33.3% of the issued share capital of the company at incorporation. There was also no dispute that the Respondent did not update his Register within one month of the share being allocated.
- He noted the Respondent's response and explanation, including that, at the time of incorporation, he did not appreciate that a shareholding of this type required registration. The ESC accepted there was no evidence the Respondent had attempted to conceal his shareholding. Following the complaint, the Respondent sought advice from the Council's Monitoring Officer and, based on this, arranged for his Register to be updated accordingly.
- As there was no dispute about the material facts, he found that the Respondent's failure to register the interest timeously amounted to a breach of paragraphs 4.2 and 4.20 of the Code.

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 that the Respondent recognised that he should have registered his shareholding timeously following incorporation. There was no evidence to suggest the Respondent had tried

to conceal his interest and the Standards Commission, therefore, had no reason to doubt that the breach of the Code was an oversight, rather than a deliberate omission. The Standards Commission noted the company never traded, currently owns no land or assets, and has not sought any permissions from or done any business with the Council. As such, it considered the breach was insignificant with little or no practical consequence. The Standards Commission noted the Respondent recorded the interest promptly when he advised of the need to do so.

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. 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: 14 January 2026



**Lorna Johnston
Executive Director**