

Decision of the Hearing Panel of the Standards Commission for Scotland following the Hearing held at the Municipal Chambers, Buccleuch Street, Dumfries, on Tuesday, 3 February 2026.

Panel Members: Mr Malcolm Bell, Chair of the Hearing Panel
Mrs Morag Ferguson
Dr Lezley Stewart

The Hearing arose in respect of a report referred by Mr Ian Bruce, the Ethical Standards Commissioner (the ESC), further to complaint reference LA/DG/4041, concerning an alleged contravention of the Councillors' Code of Conduct (the Code) by Councillor John Denerley (the Respondent).

REFERRAL

Following an investigation into a complaint received on 11 January 2024 about the conduct of the Respondent, the ESC referred a report to the Standards Commission on 20 October 2025, in accordance with the Ethical Standards in Public Life etc. (Scotland) Act 2000.

The substance of the referral was that the Respondent had failed to comply with the provisions of the Code and, in particular, that he had contravened paragraphs 3.1, 3.3 and 3.10, which were as follows:

Respect and Courtesy

3.1: I will treat everyone with courtesy and respect. This includes in person, in writing, at meetings, when I am online and when I am using social media.

3.3: I will not engage in any conduct that could amount to bullying or harassment (which includes sexual harassment). I accept that such conduct is completely unacceptable and will be considered to be a breach of this Code.

3.10: I will follow the Protocol for Relations between Councillors and Employees at Annex A and note that a breach of the Protocol will be considered a breach of this Code. I will also comply with any internal protocol the Council has on councillor / employee relations.

Annex A paragraph 2: Councillors and employees should work in an atmosphere of mutual trust and respect, with neither party seeking to take unfair advantage of their position and influence'.

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 the Respondent. This recorded that it was not in dispute that:

- At the time of the alleged conduct that is the subject of the Hearing, the Respondent was a Conservative councillor. He now sits as an independent.
- The Respondent is profoundly deaf.
- The Respondent and the then Council Leader both attended a Conservative Party Group meeting at the Council's Headquarters on 14 December 2023.
- The Respondent was present in the Council Chamber immediately prior to the Council meeting on 14 December 2023.
- The Respondent was acting in his capacity as a councillor at the time of the alleged conduct.

Introductory Remarks by the ESC

The ESC advised that the Respondent was first elected as a councillor in May 2022. The ESC advised that the complaint to be considered by the Panel considered three incidents that took place before a Council meeting on 14 December 2023. The ESC contended that the Respondent's conduct in respect of the three incidents

caused alarm and distress to other elected members and to council officers. The ESC advised that the incident arose following a misunderstanding about whether interpreters were required and available for a meeting of the Respondent's then party group, which was being held immediately before the full Council meeting on 14 December 2023.

The ESC contended that the Respondent's conduct caused the council meeting to be delayed by an hour. Before it recommenced, the Respondent was asked and had agreed to leave. The ESC explained that a referral about the Respondent's conduct on the day was subsequently made to Police Scotland and that this resulted in the Respondent being given, and accepting, a formal police warning.

Witness Evidence on behalf of the ESC

The ESC led evidence from Councillor Gail MacGregor (the then Council Leader) and the Council's Monitoring Officer.

Councillor MacGregor: Councillor MacGregor advised that she had arrived early for the party group meeting on 14 December 2023. Councillor MacGregor advised that when she entered the Council building, she was surprised to see the Respondent as she had been advised, by Council officers, that he had proffered apologies for the Council meeting that day. Councillor MacGregor advised she had been told that and, as such, the two BSL (British Sign Language) interpreters who had been booked to interpret for the Respondent had been told that, while they were still required to join the Council meeting online (to interpret for the recording that the Respondent could then watch), they did not need to be there in person. Councillor MacGregor noted this meant that no interpreters were present for the party group meeting being held immediately before the Council meeting.

Councillor MacGregor explained that the Respondent was aghast to learn no interpreters were present and denied, via an exchange of written notes with her, that he had submitted apologies for the Council meeting that day. Councillor MacGregor advised that she therefore telephoned the Monitoring Officer, who confirmed his position that apologies had been received. Given that, regardless of whether apologies had been proffered, no interpreters were present, Councillor MacGregor said she suggested to the Respondent that he use a translation app on his tablet. Councillor MacGregor advised that the Respondent refused to do so and continued to deny having given apologies for the meeting that day.

Councillor MacGregor advised she was conscious that as the group only had limited time to get through several agenda items, she needed to start the meeting. Councillor MacGregor advised that she was under a time pressure as it was her normal practice, as the then Council Leader, to also go round the other party groups before the Council meeting itself, to determine before it started whether agreement could be reached on any matters.

Councillor MacGregor advised that when the Respondent expressed concerns that he would not be able to contribute, she again suggested he use the translation app. Councillor MacGregor advised that when she then sat down to start the meeting, the Respondent followed her round to the opposite end of the room, threw his papers on the table and stated that the meeting could not start until an interpreter was present. Councillor MacGregor contended that she advised the Respondent calmly, via a note, that she had to start the meeting, in order for the group to have time to discuss all the agenda items.

Councillor MacGregor stated that the Respondent proceeded to stand behind her, in her personal space, and to lean over her left shoulder, while continuing to insist he had not proffered apologies. Councillor MacGregor explained that, in doing so, the Respondent was preventing her from starting the meeting. Councillor MacGregor advised that the Respondent then video called his son, for his son to translate, so the conversation could be conducted verbally, rather than in writing. Councillor MacGregor advised, however, that during the approximately 20-minute conversation that followed, the Respondent remained standing over her while continuing to repeat his contention that as he had not submitted apologies for the Council

meeting, interpreters should be present. Councillor MacGregor contended that as this exchange dominated her time, she had to ask another councillor to start the meeting and was prevented from going around the other party groups in accordance with her normal practice.

Councillor MacGregor advised that she eventually said to the Respondent, via his son, that she needed to move on and that they both should prepare for the Council meeting. Councillor MacGregor stated that when she then stood up to try to demonstrate the conversation was finished, the Respondent lost his temper and barged past her. Councillor MacGregor contended that, in doing so, the Respondent made physical contact that pushed her forward and on to the table. Councillor MacGregor conceded the contact was possibly inadvertent but was none-the-less forceful enough to push her forward on to the table. Councillor MacGregor advised that, at that point, another colleague, Councillor Bell, pulled her into the corridor. Councillor Bell said he had done so to get her away from the Respondent for her own safety.

Councillor MacGregor advised that she then heard a loud bang as a chair propping open the door to the room she had been in slammed against the wall. Councillor MacGregor stated that she then pressed a release button to open a set of double doors that led to the Council Chamber. Councillor MacGregor contended that when she did so, the Respondent marched passed and pushed one of the doors so hard that it banged against the wall.

Councillor MacGregor advised that she was 'gobsmacked', by the Respondent's behaviour and it had left her stunned, shaken and in tears. Councillor MacGregor explained that, by then, she had been a councillor for some 19 years but had never previously been in a situation that had left her feeling as vulnerable. Councillor MacGregor advised that she remained shaken and in tears and could not take part in the Council meeting when it was finally convened later that morning. Councillor MacGregor explained that as she did not want to end up alone in a room with the Respondent, she was fearful about going to the Council building in case she met him and to some extent still feels this way.

When asked by the Respondent, in cross-examination, whether she was aware that another councillor present was trying to organise for an interpreter, Ms A, to join the party group meeting via video call (but was unable to do so due to a difficulty with the Council's Wi-Fi), Councillor MacGregor advised that her understanding at the time was that no interpreter was available as the Respondent had proffered apologies. Councillor MacGregor noted the Council's Members' Services Team were responsible for booking interpreters.

In response to a question from the Respondent as to whether he was kneeling beside, rather than leaning over, her during the meeting (in order to exchange written notes), Councillor MacGregor stated she was adamant that while he may have knelt at some point, he had spent the majority of the time standing and leaning over her. Councillor MacGregor reiterated that the Respondent was angry and agitated during their exchange.

When asked by the Respondent if she was aware he was the first Deaf individual, who used BSL, to be elected as a member of Dumfries and Galloway Council, Councillor MacGregor confirmed she was both aware and very proud of that fact. Councillor MacGregor accepted that Deaf individuals communicate differently, use far more movements and visual signs and take up more space than those who hear fully. Councillor MacGregor further accepted that it was far easier for the Respondent to communicate when interpreters were present in person, and that using a translation app would have made it much more difficult for him to have participated in the meeting.

Councillor MacGregor accepted that the Respondent may not have intended to make physical contact with her during the meeting but reiterated that, in pushing into her back when barging past her, he had done so.

In response to questions from the Panel, Councillor MacGregor advised that the Respondent had not, at any stage, acknowledged or apologised for his alleged behaviour towards her. Councillor MacGregor contended that she gave the Respondent sufficient time in the meeting to explain that he had not proffered apologies and, therefore, that interpreters should have been booked and present that day. Councillor MacGregor reiterated that she had understood his position in respect of this at the time, but that she could not do anything about it due to the limited time available and, instead, felt she had to proceed with the meeting. Councillor MacGregor contended that as she spent at least 20 minutes discussing the matter with the Respondent, she had been forced to ask another elected member present to step in chair the meeting.

The Council's Monitoring Officer: The Council's Monitoring Officer advised that the Respondent had decided, some one or two weeks before the events on 14 December 2023, that he was no longer willing to email Council officers and, instead, was only going to communicate via BSL videos. The Monitoring Officer advised this was despite the Respondent being aware that no members of staff were conversant in BSL and, therefore, that the Council would have to pay for the videos to be translated. The Monitoring Officer advised that when they sent a video from the Respondent to a translation agency, it advised that he was proffering apologies both for a planning meeting on 13 December 2023 and for the Council meeting the following day. The Monitoring Officer stated that when he was advised by colleagues that they had accordingly cancelled a booking for two interpreters to attend the Council meeting, he directed this be reinstated (with them joining online), so the Respondent could watch the video recording that would be made. The Monitoring Officer advised, therefore, that he had not been expecting the Respondent to come in to the Council building that day and accordingly was surprised when Councillor MacGregor advised him that the Respondent was present and was expecting to attend both the party group meeting and the Council meeting.

The Monitoring Officer confirmed that he had advised Councillor MacGregor that while interpreters would be present online for the Council meeting, officers had understood the Respondent had submitted apologies and, as such, no arrangements had been made for any interpreters to be present at the party group meeting beforehand.

The Monitoring Officer advised that, in order to have time to set up and prepare, he entered the Chamber well in advance of the time the Council meeting on 14 December 2023 was due to start. The Monitoring Officer explained that he was undertaking his preparations when the Respondent entered the room and proceeded to point at him and shake his fist at him in an aggressive manner [the Monitoring Officer demonstrated to the Panel the way he alleged the Respondent did so]. The Monitoring Officer advised that the Respondent then threw his papers and laptop or tablet on to a desk, before storming out and going into a nearby kitchen. The Monitoring Officer contended that, despite it being soundproofed and despite him remaining in the Chamber, he had then heard loud banging from the kitchen and something smashing,. He contended that it sounded like someone was wrecking the kitchen and it worried him.

The Monitoring Officer advised that it was very evident from her demeanour when she entered the Chamber that Councillor MacGregor was upset. The Monitoring Officer stated that as Councillor MacGregor was crying and saying the Respondent needed to go, another senior manager led her away to try to console her. The Monitoring Officer explained that, in light of Councillor Macgregor's obvious distress, and as the commotion in the kitchen was ongoing, he approached the Council's Convener to tell him the situation had to be addressed.

The Monitoring Officer advised that he, the Convener and the Chief Executive then checked the Standing Orders to determine whether they made any provision to remove an elected member or prevent them from attending a meeting even if it was yet to start. The Monitoring Officer advised that they determined the available options were either to start the meeting and put forward a motion to remove the Respondent from the Chamber, or to ask him to leave voluntarily.

The Monitoring Officer advised that when Convener then started the meeting, he adjourned it immediately afterwards so that a discussion with the Respondent could be held in a separate room. The Monitoring Officer advised that, during the discussion, the Respondent agreed to leave and, as such, did not attend or participate in the Council meeting that was then resumed in his absence.

When asked by the ESC how the Respondent's conduct made him feel, the Monitoring Officer advised he was shocked, distressed and fearful. The Monitoring Officer advised that having thought "long and hard" about whether to report the incident to the police, he ultimately decided to do so both because he did not think any employee or elected member should be made to feel distressed and fearful in a professional setting, and because he considered the Respondent's conduct could amount to a breach of the peace. The Monitoring Officer advised that, having spoken to various witnesses, the police concluded there was a case to answer. The police then issued the Respondent with a warning, which he accepted (and did not appeal).

In response to cross-examination from the Respondent, the Monitoring Officer confirmed that his recollection was that the Respondent had thrown, rather than placed, his possessions on to a desk in the Chamber. The Monitoring Officer accepted that Deaf individuals lack auditory senses and, instead, use gestures to communicate. The Monitoring Officer agreed he had only limited knowledge of BSL but stated he was sympathetic to the communication barriers Deaf individuals faced. The Monitoring Officer advised, however, that he was clear in his recollection both that the Respondent was obviously angry when he entered the Chamber and that he had shaken his fist at him in an aggressive manner.

The Monitoring Officer accepted that the agency the Council had used to translate the Respondent's video message had misinterpreted what he had said in respect of his attendance on 14 December 2023. The Monitoring Officer advised, however, that he had not been aware of this until after the events that day.

The Panel noted that, in submissions made to the ESC during the investigation into the complaint against him, the Respondent described the gesture he made towards the Monitoring Officer when entering the Chamber as a "shrug". The Panel asked the Monitoring Officer whether he could have been mistaken in his perception of the gesture. In response, the Monitoring Officer reiterated that he was clear in his recollection that the Respondent had pointed and shaken his fist at him in an aggressive and angry manner.

When asked by the Panel about how the Respondent's alleged conduct had made him feel, the Monitoring Officer advised that as he had found the behaviour intimidating, had felt distressed and fearful. The Monitoring Officer advised that since then, he avoided being alone in a room with the Respondent and had put protocols in place to ensure that at least two officers were present when meeting with him. The Monitoring Officer noted that it was very unusual for him to make a report to the police, and indeed had never done so before, but had felt obliged to do so in this case.

Witness Evidence on behalf of the Respondent

The Respondent gave evidence himself and led evidence from two witnesses, being a Senior Operations Manager of the Council, and a BSL Interpreter (Ms A).

The Respondent advised that, while he faced barriers (including that BSL was his first language, not English), he always tried to communicate clearly. The Respondent advised that despite his efforts to do so, he found the emails he exchanged with officers about administrative issues and arrangements for interpreters to contain dense text. As such, he decided to send them a video message to explain that while he was unable to attend the planning meeting on 13 December 2023, he would be at the Council meeting the following day.

The Respondent advised that when he arrived at the Council building on 14 December 2023, it was evident that those present were surprised to see him. The Respondent stated that Councillor MacGregor had appeared furious and, as she ignored him, he had proceeded to walk to the room where the party group meeting was being held. The Respondent advised he had approached other elected members present in the

room, but they also ignored him and failed to make any attempt to include him in their conversation. The Respondent advised that, without any interpreters present at the meeting, he was unaware of what was being said or what was happening.

The Respondent advised that when he used hand gestures to ask another elected member what was going on, he was told the meeting was to continue. The Respondent explained he had, therefore, walked around to where Councillor MacGregor was sitting to ask her why no interpreters were present. The Respondent advised that it was evident to him that, by that point, Councillor MacGregor was already agitated and flustered as, clearly, she had not expected him to be there. The Respondent contended that he then exchanged written notes with Councillor MacGregor in which she explained that she considered he, rather than council officers, was at fault for the situation as he had chosen to communicate with them via video message instead of email.

The Respondent advised that while he was attempting to discuss the matter with Councillor MacGregor, another elected member tried to set up a video call to allow an interpreter, Ms A, to join the meeting online, but that these attempts proved unsuccessful due to issues with the Council's Wi-Fi. The Respondent explained that as he could not make Councillor MacGregor understand that the lack of interpreter provision was not his fault, he called his son via Facetime so he could translate and explain that he [the Respondent] had not proffered apologies for that day. The Respondent contended that when he did so, Councillor MacGregor stated she did not have time to discuss the matter and again blamed him for having sent officers a video message rather than an email.

The Respondent advised that when Councillor MacGregor and others then left the room, he was left by himself, unaware of what was happening. The Respondent advised he then gathered his papers and laptop and walked down the corridor towards the Chamber. The Respondent advised that when he then went through an open double door, he "brushed past" Councillor MacGregor and two other elected members who were talking together. The Respondent contended that when he entered the Chamber, he made eye contact with the Monitoring Officer and directed a "shrugging" motion towards him, to convey that he was questioning why no interpreters were present [the Respondent demonstrated to the Panel the way he alleged he had done so].

The Respondent advised that he was upset, confused and frustrated as he still did not know what was going on. The Respondent advised when he then went to the kitchen to make a drink and began opening cupboards to look for a mug, one fell out and broke when it landed the floor. The Respondent advised that he had collected the pieces and put them in the bin, before proceeding to look for tea bags and milk. The Respondent advised that the Senior Operations Manager entered the kitchen and, on seeing him looking for milk, went to fetch some. The Respondent advised that when she came back with the milk, he made his drink and returned to the Chamber, where he sat and waited for the meeting to start.

The Respondent stated that he was then asked to go to another room where the Council's Convener, Chief Executive Officer and Democratic Services Manager were waiting. The Respondent advised that he was told at this meeting (via Ms A who was by then on a video call) that as concerns had been raised about his behaviour, it would be better if he went home and did not attend the Council meeting. The Respondent confirmed that he had agreed to do so. The Respondent advised he was crying when leaving the building as the events that had occurred had left him feeling upset and belittled.

Turning to the question as to why he had accepted a police warning if he did not consider he had done anything wrong, the Respondent advised that he had not been interviewed or questioned by the police during their investigation as they had been unable to secure the services of an interpreter. The Respondent explained that his solicitor had advised him it would be best to just accept the warning, as doing so would mean he could continue with his duties as a councillor, which included meeting and assisting constituents.

In response to cross-examination from the ESC, the Respondent accepted his description and demonstration of the gesture he had directed towards the Monitoring Officer was very different to the one the Monitoring Officer had demonstrated and described. The Respondent confirmed he was frustrated and upset at the time, but denied being angry, having lost his temper or having thrown his belongings on the desk. The Respondent further confirmed that he had not smashed the mug intentionally and reiterated that it had fallen out of the cupboard.

When asked what was discussed in his meeting with the Council's Convener, Chief Executive Officer and Democratic Services Manager, the Respondent advised he tried to establish why no interpreters were present in-person for the party group and Council meetings. The Respondent stated that no one there accused him of having been aggressive, but that he was nevertheless advised it would be better for his safety and well-being if he left and did not attend the Council meeting. The Respondent advised he was upset and confused by this, as he had been prepared to participate in the meeting with the assistance of the interpreters present online. The Respondent advised he understood he was being advised to leave for his own wellbeing as doing so would allow him to remain calm.

When pressed by the ESC about whether any reason was provided for why he was being asked to leave, the Respondent advised he was told that while those present could understand his frustration and could see he was upset, his behaviour had been inappropriate. The Respondent stated that he while explained why he was frustrated by the events that had occurred, he nevertheless agreed to leave.

Turning to the question of why he had accepted a police warning if he did not think he had done anything wrong, the Respondent reiterated that he did so on the advice of his solicitor. The Respondent advised that while his solicitor did not consider there had been any breach of the peace, he was concerned there was a possibility the Respondent would be charged if he did not accept the warning. The Respondent indicated that, to avoid the potential of more serious consequences, he felt he had no option but to accept the warning.

The Panel asked the Respondent whether he accepted the contention that he made physical contact with, and knocked into, Councillor MacGregor in the room where the party group meeting was being held. In response, the Respondent contended that he had been kneeling beside Councillor MacGregor, and to get past, he had been forced to walk behind her chair. The Respondent advised, however, that he had no recollection of any physical contact.

The Respondent denied being angry during the events in question, albeit advised that he was an emotional person and accepted he had been upset. The Respondent stated he was not aggressive by nature and noted he was often referred to as a "gentle giant". The Respondent advised, however, that he was occasionally misunderstood due to the language barrier he faced and the expressive nature of BSL.

When asked whether he understood, during his meeting with the Council's Convener, Chief Executive Officer and Democratic Services Manager, that he was being asked to leave because of concerns that he had behaved in an aggressive and inappropriate manner, the Respondent confirmed he had. The Respondent explained, however, that as he did not think he had done anything wrong, he had not admitted fault or offered any apology.

Ms A, the BSL Interpreter: Ms A advised that she had been booked to attend both the Council and party group meetings to be held on 14 December 2023. Ms A advised, however, that Council officers advised her, a few days beforehand, that she would not be needed as the Respondent was not attending. Ms A confirmed that Council officers subsequently asked her to attend online and translate the Council meeting, so that the Respondent could watch the video recording in his own time.

Ms A advised that the Respondent contacted her as she was getting ready to join the Council meeting on 14 December 2023. Ms A advised that she explained it appeared there had been some kind of misunderstanding,

as Council officers had understood he would not be in attendance that day. Ms A stated that she advised the Respondent she was available and could attend the party group meeting online if he sent her a joining link. Ms A advised, however, that while she understood one of the Respondent's colleagues was trying to send her a link, technical issues prevented it from being received.

Ms A explained that she had made contact directly with the Respondent, via a Facetime call on his mobile phone, to try to sort out the technical issues. Ms A advised that she did not observe anything in terms of the Respondent's demeanour or body language, or in anything he said during the call, that would indicate he was angry or was being aggressive in any respect. Ms A advised that her recollection was that her video call with the Respondent lasted around five to 10 minutes.

Ms A confirmed that she was then asked to attend, via another video call, the subsequent meeting between the Respondent and the Council's Convener, Chief Executive Officer and Democratic Services Manager. Ms A again advised that while it was evident the Respondent was upset and disappointed about being misunderstood, she had not observed him doing or saying anything in that meeting that could be perceived reasonably as being angry or aggressive.

In response to cross-examination by the ESC, Ms A advised that the only person she had observed as being angry while on her Facetime call with the Respondent during the party group meeting was another male who appeared to be being aggressive towards him. Ms A advised she had been quite shocked by this.

The Council's Senior Operations Manager: The Senior Operations Manager advised that she was qualified in BSL to a level two standard and, as such, was able to communicate reasonably well with the Respondent. The Senior Operations Manager advised that when she went into the kitchen on 14 December 2023 and encountered the Respondent it appeared he was frustrated and was evidently searching for something. The Senior Operations Manager advised that after asking the Respondent whether he was ok, she offered to fetch him some milk as it was apparent there was none in the fridge. The Senior Operations Manager advised that the only noise she heard when she initially entered the kitchen was the sound of cupboards being opened and closed as the Respondent looked for items he needed to make himself a drink. The Senior Operations Manager confirmed she had not heard any mug breaking or smashing. When questioned, she confirmed that she had only been in the kitchen with the Respondent for a few minutes.

The Senior Operations Manager advised that, after returning and giving the Respondent the milk, she proceeded to enter the Chamber. The Senior Operations Manager advised it was apparent to her, from the Respondent's body language, that he was unaware of what was going on. The Senior Operations Manager indicated she had, therefore, explained to the Respondent that the meeting had been halted and that he would need to wait for it to start. The Senior Operations Manager advised that, by then, the Respondent appeared to be fine and calm.

Submissions made by the ESC

The ESC referred the Panel to a written statement provided by the Council's Democratic Services Manager and to a note of an interview conducted with him during the investigation into the complaint. The ESC noted the Democratic Services Manager confirmed in these that, on the date of the incident, he:

- Witnessed the Respondent slamming his laptop down on his desk in the Chamber.
- Heard a massive crash, which sounded like crockery breaking after the Respondent entered the kitchen.
- Noted Councillor MacGregor appeared to be shaken and advised that she asked him for advice on how to proceed.
- Was aware the Council meeting was postponed due to the Respondent's conduct.
- Attended a meeting with the Chief Executive and Council Leader at which an allegation that the Respondent pushed Councillor MacGregor as he was leaving the party group meeting was discussed.

- Attended a subsequent meeting with the Respondent during which the Respondent admitted to breaking an item of crockery and agreed not to attend the full Council meeting.

The ESC also referred the Panel to a written statement provided by Councillor Bell and a note of an interview conducted with him during the investigation. The ESC noted Councillor Bell advised that, during the party group meeting, the Respondent “exploded”, threw his laptop down and pushed Councillor MacGregor to one side. Councillor Bell stated he then advised Councillor MacGregor that he needed to get her out of the room for her own safety. Councillor Bell states that when he then took Councillor MacGregor down a corridor the Respondent barged ahead of them in the direction of the kitchen. Councillor Bell confirmed that Councillor MacGregor was very upset, and he had been concerned about her safety.

The ESC submitted these accounts confirmed evidence heard at the Hearing. The ESC contended it was evident, and had been established on the balance of probabilities, that the Respondent had:

- Been angry or agitated during the party group meeting and had pushed or barged past Councillor MacGregor, causing her to collide with the table.
- Thrown his possessions onto a desk and gestured in an angry manner towards the Monitoring Officer on entering the Chamber.
- Slammed cupboard doors open and shut when in the kitchen and, whether intentionally or otherwise, smashed either a mug or a cup (and in doing so damaged Council property).

The ESC noted that, having heard the evidence from the Monitoring Officer at the hearing, he had changed his position on Issue 2 in his report and now believed that the Respondent had gestured in an angry manner towards the Monitoring Officer, as had been alleged.

The ESC contended that the Respondent’s representations and version of these events was entirely at odds with the testimony of others and, accordingly, was neither plausible nor credible.

The ESC noted that Councillor MacGregor’s account of what she experienced was supported by three other councillors when interviewed during the investigation. The ESC argued that the accounts of these witnesses indicated that Councillor MacGregor became the focus of the Respondent’s self-admitted frustration about the lack of interpretation services on the day. The ESC noted that whilst Councillor MacGregor had indicated, in her evidence, that the physical push could have been accidental, it was nevertheless apparent that the Respondent had been clearly frustrated throughout the entirety of the party group meeting.

The ESC noted that a push involved a sudden and abrupt invasion of personal space, with physical force. As it was physically violent, it necessarily carried a threat of harm. The ESC contended, therefore, that the Respondent’s conduct amounted to threatening behaviour. In support of this, the ESC noted that it left Councillor MacGregor feeling threatened and led Councillor Bell to be concerned about her physical safety.

The ESC argued that the Respondent’s colleagues are entitled to expect to both be and feel physically safe in their place of work and when conducting council business. The ESC contended that the Respondent had seriously undermined this feeling of safety by physically pushing Councillor MacGregor.

The ESC observed that bullying can encompass one-off incidents and physicality. The ESC submitted the Respondent’s actions clearly had a physical impact on Councillor MacGregor that adversely affected her wellbeing at work. The ESC concluded, therefore, that the Respondent, whether intentionally or not, exhibited bullying and harassing behaviour when he physically pushed past her. The ESC suggested this was both because it included unwanted physical contact and the invasion of her personal space, and also because the impact was intimidating and frightening.

The ESC argued that the Respondent also acted in an angry manner towards the Monitoring Officer. The ESC contended that in light of this, and the fact that he then heard the Respondent making banging noises in the kitchen and crockery smashing, it would be objectively reasonable for the Monitoring Officer to have felt fear, distress and alarm. The ESC submitted that any behaviour that could cause such distress was not only bullying and harassing, but also inherently disrespectful.

The ESC suggested that both the Monitoring Officer and Democratic Services Manager were exposed to intimidating conduct on the part of the Respondent. The ESC argued that this was disrespectful and undermined the atmosphere of mutual trust between elected members and officers that is required for a Council to function effectively.

The ESC further suggested that it was clear the Respondent's conduct caused or contributed to the Council meeting being delayed by approximately one hour. In addition, protocols had to be put in place to ensure staff members did not meet with the Respondent alone. The ESC argued that, as such, it also undermined directly the Council's ability to undertake its democratic duties efficiently.

The ESC argued, therefore, that the Respondent's conduct amounted, on its face, to a breach of paragraphs 3.1, 3.3 and 3.10 of the Code.

The ESC advised that, as a finding of a breach of the Code would interfere with it, he was nevertheless obliged to consider the Respondent's right to freedom of expression under Article 10 of the European Convention on Human Rights (ECHR). The ESC noted that the concept of freedom of expression is broad and covers various forms of communication; not just spoken or written words, but also non-verbal forms such as gestures and acts of protest.

The ESC advised that he considered the Respondent's conduct would attract enhanced protection in respect of this right as it occurred in a political context (the party group meeting and on Council premises). In addition, the ESC noted that a lack of interpreter provision and consequent inability of an elected representative to participate fully in Council business was a matter of public interest.

The ESC submitted that a restriction on the Respondent's enhanced right to freedom of expression was justified in order to protect the right of others to be safe. The ESC further contended that the physically threatening and intimidating behaviour exhibited by the Respondent was offensive and gratuitous. The ESC argued the Respondent's conduct exceeded what would be considered tolerable in a political context as it had an adverse impact on the ability of other elected members to fulfil their duties in a safe working environment and on the ability of officers to undertake their tasks without undue disturbance.

The ESC concluded, therefore, that there were relevant and sufficient reasons to justify an interference with the Respondent's enhanced right to freedom of expression and argued, as such, that a formal finding of a breach of the Code could be made.

Submissions made by the Respondent

The Respondent noted that BSL was his first language. The Respondent further noted that his role was to represent his constituents effectively and appropriately. The Respondent suggested Councillor MacGregor, his then party group, and the Council as a whole failed to engage appropriately with him, as a Deaf individual, and failed to demonstrate any understanding of the impact that the lack of in-person interpretation services would have on him, both in terms of his ability to comprehend what was going on and in respect of his ability to engage and participate in the meetings. Instead, Councillor MacGregor insisted the situation was his fault and that he was causing issues unnecessarily. The Respondent contended that the Council had failed to meet and address his simple requests in respect of engagement since the day he was elected and that it was this failure that resulted in the events on 14 December 2023.

The Respondent acknowledged others had described his conduct as intimidating but noted the barriers and difficulties he faced in terms of communication meant he often experienced similar feelings while on Council premises. The Respondent suggested that as the Council had never addressed these issues properly, and contrary to what had been alleged, it was in fact him who was the subject of any bullying or harassment that had occurred.

The Respondent contended that, on the day, he communicated with Councillor MacGregor and Council officers in a calm manner. The Respondent argued that by failing to address the communication barriers he had faced since becoming a councillor, and by refusing to understand or accept he had not submitted apologies on the day (and was not therefore responsible for the lack of interpreter provision), Councillor MacGregor and officers engaged in intimidatory behaviour towards him.

The Respondent advised that he disagreed with the contention that his demeanour on the day was aggressive. The Respondent suggested that the situation had been misinterpreted and noted, in support of this, that Councillor MacGregor herself had indicated the physical contact she alleged had occurred may have been accidental. The Respondent further suggested that if the police had considered that he had posed a danger to others, they would have escalated the matter beyond simply issuing him with a warning. The Respondent advised that he had subsequently enjoyed meetings with numerous other individuals without any issues about his conduct being noted or raised. The Respondent contended that while he may have been a bit flustered on the day, he had not been aggressive and, instead, had tried to communicate effectively to the best of his abilities.

The Respondent submitted that the allegations made were likely the result of his actions and gestures being misunderstood. The Respondent contended that he had a good reputation, and enjoyed positive relationships, with his colleagues and officers. The Respondent noted that this was demonstrated by his good relationship with the Senior Operations Manager who, as someone with an understanding of BSL, had an insight into his position and been able to understand, and give evidence to the effect, that his demeanour on the day was not aggressive. The Respondent noted that Ms A's testimony supported this.

The Respondent suggested the noises made by the door being pushed, and from the kitchen, had been misinterpreted, due to those hearing them having a lack of awareness of Deaf culture and the experiences of Deaf individuals. The Respondent noted, as an example, as Deaf families lack awareness of how loud certain actions (such as the closing of doors) can be, their houses would often be described by others as very noisy. The Respondent advised that he had been shaking and nervous when reaching for the cup, which was why it may have slipped and fallen, and reiterated that he did not break it intentionally. The Respondent expressed concern that his actions, in going into the kitchen and searching for the items he needed to make a cup of tea, had been interpreted as him creating a scene and causing distress to other people, when it was a perfectly normal course of events. The Respondent suggested this was symptomatic of the poor and distrustful culture at the Council, and argued that it needed to address various equality, access and human rights issues.

The Respondent reiterated that the police did not interview him or ask him for his version of events, before issuing him with the warning. The Respondent further submitted that he acted proactively (through his solicitor) with officers to try to resolve matters.

The Panel asked the Respondent whether he could explain why his version of the events on 14 December 2023 was so at odds with the accounts given by various other witnesses. In reply, the Respondent said he did not understand why that was the case. When it was suggested by the Panel that it was possible there could have been some misunderstandings as a result of a lack of Deaf awareness, which meant others perceived the events and conduct in different way to him, the Respondent did not disagree. The Respondent further noted that the issues with the Wi-Fi and time pressures in respect of the upcoming Council meeting contributed to the tense atmosphere in the party group meeting.

When asked by the Panel about what training on the Code he had undertaken as a councillor, the Respondent advised he had been provided with little to none (although he suggested that such training had been offered to other elected members). The Respondent indicated it was only in October 2025 that training on the Code had been offered to him. The Respondent noted that, in contrast to his previous experiences as a senior social worker and of running his own business, he had not received any induction or training in respect of his responsibilities under the Code.

When asked by the Panel whether he accepted that, in signing his declaration of office, he had confirmed he would abide by Code, the Respondent confirmed that was the case but advised this did not mean he had a detailed knowledge and understanding of its provisions. The Respondent confirmed he understood, nonetheless, that the Code applied to his conduct.

The Panel noted that it was every councillor's personal responsibility to ensure they were familiar with and abide by the Code and asked if the Respondent had taken any steps to familiarise himself with its provisions. In response, the Respondent confirmed that he had, albeit he had experienced some difficulties in doing so given that English was not his first language.

When asked by the Panel whether there had been any direct contact between him and the police about the events on 14 December 2023, the Respondent advised that all interactions were via his solicitor. The Respondent stated that when advised the police intended to issue him with a warning, his initial reaction was to try and seek further information and details in respect of the accusations made against him. The Respondent advised, however, that he ultimately acceded to his solicitor's advice to accept the warning although he did not know exactly what conduct he was accepting it for.

DECISION

The Hearing Panel considered 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 Denerley.
2. The Respondent breached paragraphs 3.1, 3.3 and 3.10 of the Code and a restriction on his right to freedom of expression that such a finding would entail could be justified.

Reasons for Decision

1. The Panel noted the complaint before it concerned the Respondent's alleged conduct at a party group meeting on 14 December 2023 and before a Council meeting the same day. The Panel noted there was no dispute that the meetings took place on Council premises and that the Respondent attended or was due to attend both in his capacity as a councillor. The Panel was satisfied, therefore, that the Code applied to his conduct at the time of the events in question.
2. The Panel noted that the Courts have determined that communications protected by Article 10 of the ECHR are not limited to speech and include communications of any kind that are made in a public way¹. While the Panel did not consider this would not include any physical act of violence towards someone else, it noted it could include other gestures and actions. The Panel considered, on balance and when taken together, some of the Respondent's conduct could be considered objectively as him expressing his anger and frustration about the fact that interpreters were not present at the party group meeting and would not be present in-person at the Council meeting to be held immediately afterwards. The Panel was of the view, therefore, that the Respondent's right to freedom of expression should be considered, to a certain extent, in determining whether he had breached the Code.

¹ Ibrahimov and Mammadov v Azerbaijan (2020) EHRR 165

3. As such, in reaching its decision as to whether there had been a breach of the Code, the Panel took the following three-stage approach, as outlined in the Standards Commission's Advice Note on the Application of Article 10 of the ECHR:
- Firstly, it would consider whether the facts found led it to conclude, on the balance of probabilities, that the Respondent had failed to comply with the Code.
 - Secondly, if so, it would then consider whether such a finding in itself was, on the face of it, a breach of the Respondent's right to freedom of expression under Article 10.
 - Thirdly, if so, the Panel would proceed to consider whether the restriction involved by the finding was justified by Article 10(2), which allows restrictions that are necessary in a democratic society (and, in particular, in this case, for protect the rights of others).

Stage 1: Whether the Respondent's conduct amounted, on the face of it, to a breach of the Code

4. Having considered carefully the evidence led at the Hearing and provided to the ESC during his investigation, from various witnesses, the Panel concluded, on the balance of probabilities, the Respondent had:
- Behaved in an aggressive and intimidating manner towards the then Council Leader, Councillor MacGregor, during the party group meeting held immediately before the Council meeting on 14 December 2023, by standing over her in her personal space, and by physically pushing past her in an angry manner that resulted in her losing her balance and falling against the table.
 - Brushed past Councillor McGregor and two other elected members through a doorway in an angry manner and caused the door leading to the Chamber to bang against a wall.
 - Threw his papers and possessions on a table upon entering the Council Chamber before pointing and shaking his fist at the Monitoring Officer in an angry and aggressive way.
 - Opened and closed cupboard doors in the kitchen, after leaving the Chamber, in a manner that was sufficiently loud as to be heard in the Chamber, during which time a mug or cup fell and broke.
5. The Panel agreed it would have been entirely understandable for the Respondent to have felt frustrated because, due to a misunderstanding as to whether he had given apologies for that day, interpretation services were not available. He was, therefore unable to participate in the party group meeting, with interpreters for the Council meeting itself only being available online. The Panel accepted that this meant the Respondent was unable to communicate effectively during the party group meeting and was unaware of the content of any discussions taking place. It further accepted that as it was far easier for the Respondent to communicate if interpreters are physically present, he would have been concerned about being unable to participate fully in the following Council meeting.
6. The Panel acknowledged that the Respondent considered the Council had failed to address or resolve the issues he had raised since being elected, in terms of barriers to communication. The Panel further acknowledged that, as a BSL user, the Respondent communicated in an expressive way that involved a considerable use of body language. It agreed that it was possible some of his actions could be misconstrued to an extent, and that he may not have been aware of the noises he caused when pushing open the door or when in the kitchen. The Panel accepted the Respondent's contention that he had not intended to break the cup or mug and that this had been an accident.
7. Notwithstanding this, the Panel was satisfied from the evidence before it that the Respondent was angry (and not just frustrated) about the fact that interpreters were not present and that, as a result, he lost his temper and then behaved in a manner that was entirely inappropriate for a workplace. The Panel was of the view that it would be reasonable for those who were subjected to, or witnessed, his conduct (cumulatively throughout the events described under paragraph 3 above and also individually in respect of how he behaved towards Councillor MacGregor in the party group meeting and subsequently towards the Monitoring Officer upon entering the Chamber), to have perceived his behaviour as being aggressive

and intimidating. The Panel noted, in support of this conclusion, that both Councillor MacGregor and the Monitoring Officer had confirmed, in evidence, they had found that to be the case.

8. The Panel further noted that the Respondent had accepted a police warning in respect of his behaviour on the day. The Panel did not accept the Respondent's position that he did not know what the police warning concerned (and that he accepted it solely on, and because of, the advice he received from his solicitor). The Panel considered it was unlikely the Respondent would have accepted such a warning if he had he not lost his temper and was aware that he had behaved entirely appropriately.
9. The Panel acknowledged that Ms A and the Senior Operations Manager gave evidence to the effect that they had not witnessed the Respondent being aggressive on the day in question. It noted both had knowledge of BSL and accepted this would allow them to better understand the Respondent's perspective and what he was trying to communicate. The Panel noted, however, that there was no suggestion that either Ms A or the Senior Operations Manager witnessed the full events, including the Respondent's actions when in and when leaving the party group meeting and when initially entering the Chamber. The Panel further noted that the Respondent was using his phone when he was on Facetime with Ms A in the party group meeting and agreed that this would mean she would have had only a very limited view of what occurred. Ultimately, the Panel was persuaded by the version of events provided by Councillor MacGregor and the Monitoring Officer at the Hearing, which were supported by the statements and interview evidence from other witnesses obtained by the ESC during his investigation.
10. The Panel considered that politicians and senior officers are accustomed to working in a political environment. As such, they may be used to some acrimony and may even be expected to have some tolerance in respect of displays of anger or frustration. The Panel was nevertheless of the view that everyone has a right to work in a safe and respectful environment where they are free from fear, bullying and harassment. The Panel considered this was particularly the case in respect of any actions involving physical contact.
11. The Panel agreed that in behaving in the manner as found, the Respondent was disrespectful and discourteous towards Councillor MacGregor, the Council's Monitoring Officer and other officers and elected members who witnessed (and were therefore subjected to) his conduct. This was because the Panel considered his conduct and actions were aggressive and threatening. The Panel determined, as such, the Respondent had failed to comply with the requirement in the Code for councillors to behave with courtesy and respect at all times and to work with officers in an atmosphere of mutual trust and respect. The Panel determined, therefore, that the Respondent had, on the face of it, breached paragraphs 3.1 and 3.10 of the Code.
12. The Panel acknowledged the complaint before it only concerned the Respondent's conduct on the one day. The Panel noted, nevertheless, that his conduct had left both the Council Leader and the Monitoring Officer feeling intimidated, uncomfortable and frightened. Given the Panel found the Respondent had made unwelcome physical contact with the Council Leader and had been visibly angry both at the time and during the course of the events that followed, the Panel considered this was an understandable reaction. Even accepting this may not have been the Respondent's intention, the Panel further considered that he should have realised his actions would likely have such an impact and, indeed, should have observed they did so. The Panel therefore agreed, on balance, that it would meet the threshold for amounting to a breach of the harassment provision under paragraph 3.3 of the Code.

Stage 2: Whether a finding of a contravention of the Code would be a breach of the Respondent's right to freedom of expression under Article 10 of the ECHR

13. The Panel noted that enhanced protection of freedom of expression under Article 10 applies to all levels of politics, including local politics. Therefore, if the conduct being considered concerns behaviour by a councillor in a political forum or context, or in respect of matters of public concern, it is likely that they

will attract enhanced protection in respect of their right to freedom of expression. The Panel further noted that the Courts have held that political expression is a broad concept and that there is little distinction between political discussion and discussion of matters of public concern².

14. In this case, the Panel noted the events in question took place on council premises, both at a party group meeting and in advance of a Council meeting (being political forums). The Panel further noted that it arose in connection with a lack of interpretation services and the associated barrier to participation (being matters of public interest). In the circumstances, therefore, the Panel considered that the Respondent would attract the enhanced protection of freedom of expression afforded to politicians, including local politicians, under Article 10.

Stage 3: Whether any restriction on the Respondent's right to freedom of expression involved by a finding of a contravention of the Code would be justified by Article 10(2) of the ECHR

15. The Panel nevertheless noted that the right to freedom of expression is not absolute. Article 10(2) states that restrictions can be imposed, provided they are necessary in order to achieve a legitimate aim. The Panel noted that legitimate aims can include:

- protecting the rights and reputations of others;
- protecting the mutual bond of trust and confidence between councillors and officers that enables local government to function effectively; and
- ensuring public confidence in local government is not undermined and that a council is not brought into disrepute.

16. The Panel accepted, however, that the Courts have found any restriction on freedom of expression must also be proportionate to the legitimate aim being pursued. As such, the Panel was required to undertake a balancing exercise, weighing the enhanced protection to freedom of expression enjoyed by the Respondent against any restriction imposed by the application of the Code and the imposition of any sanction. In doing so, the Panel had regard to the following findings that have been made by the Courts:

- The necessity of any restriction on the exercise of freedom of expression must be established convincingly and be in response to a pressing social need³.
- In a political context, a degree of the offensive, shocking, exaggerated, emotive, non-rational and even aggressive, that would not be acceptable outside that context, should be tolerated⁴.
- The less egregious the conduct in question, the harder it is for a Panel, when undertaking its balancing exercise, to conclude justifiably that a restriction on an individual's right to freedom of expression is required⁵.

17. While noting this was the result of a misunderstanding, the Panel accepted that the Respondent had a right to raise concerns about the provision of interpretation services. The Panel noted it had found, however, that he had behaved in an aggressive, intimidating and threatening manner. In determining whether the Respondent's conduct was excessive and egregious, the Panel considered that the degree of latitude that should be afforded to it was narrow. This is because, as previously noted, it considered other elected members and officers have a right to work in a safe and respectful environment, without being subjected to disrespectful and intimidating behaviour. The Panel considered, therefore, there was a clear pressing social need for a restriction to prevent this from occurring.

18. The Panel considered, however, that it would have been entirely possible for the Respondent to have raised issues about the lack of interpreter provision and the effect on him, in terms of being able to contribute and participate in the meetings, in a courteous and respectful manner. While the Panel had

² Thorgeirson v Iceland (1992) 14 EHRR 843

³ Heesom v Public Service Ombudsman for Wales (2014) EWHC 1504 (Admin)

⁴ Heesom (ibid)

⁵ R (Calver) v Adjudication Panel for Wales (2012) EWHC 1172 (Admin)

sympathy for how frustrating the situation would have been for the Respondent, it considered he could have expressed this in a manner that was compatible with the Code and without losing his temper. The Panel noted it had found, instead, that he had behaved in a manner that was intimidating and aggressive, which made others feel uncomfortable and threatened. As such, the Panel was satisfied that a finding of breach, and imposition of a sanction, was sufficient and proportionate and could not be said to have a chilling effect on the ability of the Respondent to raise concerns about barriers to communication and any failure on the part of the Council, his colleagues or officers to acknowledge and address these.

19. Taking all the foregoing into account, the Panel concluded the Respondent's conduct was gratuitous, shocking and aggressive. The Panel agreed that a restriction on the Respondent's right to freedom of expression was proportionate, relevant and necessary, in the circumstances, in order to meet the aims outlined above, and in particular to:

- protect the reputation and rights of others;
- act as a deterrent to the Respondent and others from engaging in similar conduct;
- protect the mutual bond of trust and confidence between councillors and officers that enables local government to function effectively; and
- prevent public confidence in local government and the Council from being undermined.

20. As such, the Panel concluded that the finding of a breach of the Code would not contravene Article 10 and determined that a finding of a breach of paragraphs 3.1, 3.3 and 3.10 of the Code could be made.

Evidence in Mitigation

The Respondent advised that his relationship with the Council's Monitoring Officer was already strained before the events on 14 December 2023. The Respondent advised, by way of context and background, that he considered there had been systemic difficulties in the way the Council engaged with him as a Deaf person. The Respondent indicated this contributed to any frustration he had experienced on the day.

The Respondent stated that, having been the victim of such behaviour in the past, he recognised that any harassment and bullying was unacceptable and a serious matter. The Respondent advised that he hoped his experiences and the work he had undertaken at the Council had improved access for those in a similar position. The Respondent described the conduct attributed to him as uncharacteristic and advised that he looked forward to continuing to serve his constituents with respect and integrity in the future.

SANCTION

The decision of the Hearing Panel was to suspend, for a period of three months with effect from 11 February 2026, the Respondent, Councillor Denerley, from all meetings of the council and of any committee or sub-committee thereof and of any other body on which the councillor is a representative or nominee of the council or body.

This sanction was made under section 19(1)(c) terms of the Ethical Standards in Public Life etc. (Scotland) Act 2000.

Reasons for Sanction

1. In determining the appropriate sanction, the Panel considered:
 - firstly, whether the interference (i.e. the proposed sanction) was the minimum necessary, or whether less restrictive means could be employed; and then
 - secondly, whether the benefit of that least restrictive measure outweighs its adverse impact on the Respondent's right to freedom of expression. For example, whether any benefit in applying a sanction in respect of protecting the rights and reputations of others, and to ensure good administration which enables local government to function effectively, would outweigh any impact on the Respondent.

2. 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, here: <https://www.standardscommissionscotland.org.uk/cases/hearing-rules>
3. The Panel began by assessing the nature and seriousness of the breach of the Code. The Panel noted that the requirement for councillors to treat everyone with whom they come into contact in their capacity as elected members with respect, and to refrain from any conduct that could amount to bullying or harassment, are key provisions of the Councillors' Code. The Panel noted that a failure to comply with the Code's provisions in this regard can have a detrimental impact on working relationships that enable a Council to function effectively. It can also erode public confidence in the role of a councillor and the local authority itself.
4. The Panel noted it had found the Respondent had behaved in an aggressive and intimidating manner towards Councillor MacGregor and the Monitoring Officer. The Panel agreed that councillors and officers have a right to work in a safe and respectful environment, without being subjected to disrespectful and intimidating behaviour.
5. The Panel noted that it had heard how the Respondent's conduct had left both Councillor MacGregor and the Monitoring Officer feeling intimidated, uncomfortable and frightened. Given the Panel found the Respondent had made unwelcome physical contact with Councillor MacGregor and had been visibly angry both at the time, and during the course of the events that followed, the Panel considered this was an understandable and reasonable reaction. The Panel further agreed that even if the Respondent had not intended to push Councillor MacGregor, he must have realised he had done so and, therefore, should have apologised immediately.
6. The Panel recognised the Respondent had described his ongoing frustration with how the Council engaged with him as a Deaf individual and BSL user. The Panel acknowledged that the Respondent had every right to raise concerns he had about the provision of interpreting services. The Panel was concerned, however, that in doing so the Respondent had gone far beyond what was acceptable and, instead, had acted disrespectfully and discourteously, in a wholly inappropriate manner that was incompatible with the Code.
7. The Panel noted the Respondent's conduct adversely affected Councillor MacGregor's ability to conduct effectively the party group meeting and to then discuss matters with other groups before the Council meeting. The Panel further noted that it contributed to a lengthy delay in the progress of the Council meeting, which in turn impacted upon the Council's ability to undertake its democratic duties efficiently.
8. For the reason outlined above, the Panel was of the view that the breach of the Code was serious in nature.
9. 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.
10. The Panel noted, in mitigation, that the conduct in question was limited to the one day and resulted from the Respondent being frustrated at the misunderstanding which led to the interpreters not being present. As noted above, the Panel acknowledged and sympathised with the ongoing communication challenges the Respondent faced and accepted that this would have contributed to his overall feeling of frustration. The Panel further noted that the Respondent had co-operated fully with the investigative and Hearing processes and had not been the subject of any previous finding of a contravention of the Code.

11. The Panel noted the Respondent had suggested he had not been offered any induction or refresher training on the Code. While the Panel found this contention surprising, it noted it had no evidence before it to refute it. The Panel noted, however, that it was not in dispute that the Respondent had signed a declaration of office stating he would abide by the Code. The Panel further noted that the Code clearly states that elected members have a personal responsibility to ensure they are familiar with, and will adhere to, its provisions. The Panel agreed that the Respondent could have asked for training if he did not understand the content, extent or nature of these and what was required of him. The Panel agreed, in any event, that it would have been obvious to the Respondent that he should behave in a respectful manner in a workplace and should refrain from any conduct that could amount to bullying and harassment, even if he was unaware that such matters were covered by the Code. As such, the Panel did not consider the fact that the Respondent may not have been offered training on the Code to be a mitigatory factor.
12. The Panel then proceeded to consider whether there were any aggravating factors; being ones that may increase the severity or culpability of the breach.
13. The Panel agreed that, as an experienced member, the Respondent should have been able to raise concerns about the provision of interpretation services without being disrespectful or engaging in any conduct that would likely be perceived as being threatening or intimidating. The Panel was concerned that the Respondent had not shown any insight into how his decision to send officers a video message (knowing they would have to get this translated), rather than a simple email outlining when he would and would not be present, had contributed to the misunderstanding that occurred.
14. The Panel was further concerned that while this may not have been the Respondent's intent, he had not demonstrated any insight or understanding either at the time or at the Hearing, into how his conduct could be perceived reasonably, and the serious impact it both could and, indeed, did have on others; or of the importance of building and maintaining good relations with officers. The Panel considered that even if the Respondent did not witness the impact of his conduct on Councillor MacGregor or the Monitoring Officer, he should have been aware that it was likely it would have caused them upset.
15. The Panel was of the view that a censure, being the minimum sanction available to it, was not appropriate in light of the seriousness of the conduct and impact it had on the Council Leader and Monitoring Officer, as well as others who experienced or witnessed the conduct in question.
16. The Panel agreed that a censure, or the shortest suspension of one month, would not achieve the aims, as outlined in the Policy on the Application of Sanctions, of:
 - preserving the ethical standards framework;
 - promoting adherence to the Councillors' Code of Conduct and, in particular, to the requirement to treat members of the public with courtesy and respect and to refrain from harassment;
 - maintaining and improving the public's confidence that councillors will comply with the Code and will be held accountable if they fail to do so; and
 - achieving credible deterrence.
17. Having considered the nature and seriousness of the breach, as well as any aggravating and mitigating factors identified, the Panel concluded that a three-month suspension was the appropriate sanction in the circumstances. The Panel did not consider that a disqualification or lengthier suspension was warranted or justified.
18. The Panel was satisfied that the imposition of a three-month suspension was the minimum necessary to achieve the aims outlined above and to reflect the seriousness of the breach. The Panel determined to suspend the right of the Respondent to attend all meetings of the Council and of any committee or

subcommittee thereof, and of any other body on which he was a representative or nominee of the Council, for a period of three months with effect from 11 February 2026.

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: 9 February 2026



**Malcolm Bell
Chair of the Hearing Panel**