

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 made on 8 October 2025 (reference LA/NL/4437) concerning an alleged contravention of the Councillors' Code of Conduct (the Code) by an elected member of North Lanarkshire Council (the Respondent), the ESC referred the matter to the Standards Commission on 23 February 2026.

The ESC reported that:

- He had investigated one issue of complaint alleging that, in October 2025, the Respondent repeated confidential information to the Complainer (being information about the criminal offences with which the Complainer had been charged) that he obtained from a third party.
- Both the Respondent and the third party denied the contention that the third party had disclosed the information to the Respondent. The ESC reported in any event that, despite requests to do so, the Complainer failed to clarify why he considered the information allegedly repeated to him was confidential, other than to indicate it concerned the criminal charges against him.
- He had not found evidence to support the contention that the Respondent disclosed information that was confidential in nature. As such, he had concluded that the Respondent had not breached 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 a breach of the confidentiality provisions in the Code could have the potential to bring the role of a councillor and the Council itself into disrepute. The Standards Commission also 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.

In considering proportionality, the Standards Commission noted that the ESC, in his referral, had reached the conclusion that the Respondent's conduct did not amount, on the face of it, to a breach of the Code. Having

reviewed the report, the Standards Commission found no reason to depart from the ESC's conclusion in this regard. It noted that as the Complainer had been charged, he would already be aware of the criminal offences he faced (meaning that the information allegedly disclosed would not be of a confidential nature).

In the circumstances the Standards Commission concluded that it was neither proportionate, nor in the public interest, for it to hold a Hearing. The Standards Commission determined, therefore, to take no action on the referral.

Date: 25 February 2026



**Lorna Johnston
Executive Director**