

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 31 December 2025 (reference LA/G/4505) concerning an alleged contravention of the Councillors' Code of Conduct (the Code) by an elected member of Glasgow City Council (the Respondent), the ESC referred the matter to the Standards Commission on 5 May 2026.

The ESC advised that he had investigated one issue of complaint, concerning comments the Respondent made in a video posted on TikTok in October 2025 about an interview given by another councillor. The comments were that another councillor was "hitting out with shite" and that claims she had made in the interview were "utter bollocks".

The ESC reported that:

- He considered the Respondent's comments were disrespectful. This was because while the ESC accepted the comments concerned the other councillor's views and claims (as opposed to her as an individual), he was nevertheless of the view they were "derogatory and demeaning".
- He was nevertheless of the view that it was evident the Respondent's comments were opinions, made in good faith. The ESC advised he considered, in the context in which they had been made, the Respondent's comments were not so egregious, as to justify a restriction on his right to freedom of expression (that a finding of a breach of the Code and imposition of a sanction would entail).

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 provisions in the Code that require councillors to behave with courtesy and respect could have the potential to lower the tone of political discourse and 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 reached the threshold for amounting to a breach of the Code. Having reviewed the report, the Standards Commission had reservations in this regard. The Standards Commission agreed with the ESC, however, that it was evident the Respondent was commenting on the other councillor's views and claims, rather than her as an individual. The Standards Commission considered the real issue was that the Respondent used language that might be perceived reasonably as inappropriate, offensive or profane. The Standards Commission noted the Respondent had advised the ESC that he regretted using the language in question.

In any event, the Standards Commission nevertheless agreed with the ESC that even if the Respondent's conduct was found, on the face of it, to be disrespectful at a hearing, it was highly unlikely that a restriction on his right to freedom of expression, that a formal finding of breach and imposition of a sanction would entail could be justified.

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.

The Standards Commission nevertheless wishes to remind the Respondent that the requirement for councillors to lead by example and behave in a respectful and courteous manner at all times, including when engaging on social media, is a fundamental requirement of the Code. The Standards Commission notes that a failure to do so can lower the standards of public debate and undermine public confidence in the role of an elected member and the councils they represent.

Date: 6 May 2026



**Lorna Johnston
Executive Director**