

## **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 8 April 2025 (reference LA/Fi/4293) concerning alleged contraventions of the Councillors' Code of Conduct (the Code) by an elected member of Fife Council (the Respondent), the ESC referred the matter to the Standards Commission on 13 May 2026.

The ESC reported that:

- He had investigated seven issues of complaint. The first four of these concerned the alleged conduct of the Respondent towards some objectors at a meeting of the Council's Regulation and Licensing Committee in early April 2024. The ESC advised that the other remaining issues all concerned the same meeting. The fifth issue was that the Respondent told 'lies' at it. The sixth issue was that he failed to declare an interest, and the seventh issue was that he failed to take into account relevant information provided by the objectors.
- Having interviewed various parties present at the meeting in question he had not found evidence to support the Complainer's contention in respect of the first five issues, or that even where the alleged conduct had been found to be established to a certain extent, it would not amount to a breach of the Code.
- In respect of the sixth issue, he did not consider the Respondent had a declarable interest in respect of the application being considered. The ESC further advised that he had not found the information in question, in respect of issue seven, to be relevant to the application being considered. The ESC reported that, in the circumstances, he had not found any breach of the Code by the Respondent.

### **Reasons for 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 Code could have the potential to bring the role of a councillor and the Council itself into disrepute.

The Standards Commission further 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 also 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 had not found any breach of the Code had occurred. Having reviewed the evidence before it, the Standards Commission found no reason to depart from that conclusion.

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. The Standards Commission determined, therefore, to take no action on the referral.

**Date:** 18 May 2026



**Lorna Johnston  
Executive Director**