

## **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 19 November 2025 (reference LA/NL/4478) 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 10 June 2026.

The complaint concerned the participation of the Respondent in a podcast in November 2025 where sexual offence allegations against the former Council Leader and how these were handled by his former party group were discussed.

The complaint was that the Respondent made discourteous comments about other councillors during the podcast and breached confidentiality by sharing screenshots of WhatsApp messages that displayed the private telephone numbers of two members of his former party group.

The ESC reported that:

- The Respondent's position was that he had appeared on the podcast as a guest in a private capacity and, as such, disputed that the Code applied to his conduct. The ESC advised he considered, however, that the Respondent could be perceived objectively by members of the public as acting as a councillor during the podcast as it concerned the Council and its operations. In addition, participants referred to matters they could only be aware of due to their roles as councillors and their former membership of the Council party group.
- During the podcast, the Respondent made comments to the effect that another party group member was a supporter of the former Council Leader, that the Complainer (another councillor) and party group had tried to protect the former Council Leader, were stupid and could not organise themselves.
- He considered that, in doing so, the Respondent was implying members of the party group were incompetent, had not acted in respect of allegations of serious criminal activity about the then Council Leader (one of its then members) and had refused to condemn his conduct. The ESC advised he had concluded this was, on the face of it, a breach of the provisions in the Code that require councillors to behave with respect towards their colleagues. The ESC advised that he considered, nevertheless, that a restriction on the Respondent's right to freedom of expression that a formal finding to this effect would entail could not be justified. This was because the Respondent was expressing a value judgment, or opinion, that had some basis in fact (even if untrue or incorrect) and because his comments were not particularly egregious or offensive.
- The recording demonstrated the Respondent had shared the screenshots of the WhatsApp messages displaying the telephone numbers in question. The ESC advised he considered, therefore, that the

Respondent, had breached the confidentiality provisions in the Code. The ESC advised he further considered that a restriction on the Respondent's right to freedom of expression, that a formal finding to this effect would entail, could be justified as disclosing publicly the private mobile numbers of other councillors had the potential to put them at risk of harm.

### **Standards Commission's Decision and Reasons**

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 respect and 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 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 agreed with the ESC that the Code would apply to the Respondent's conduct. The Standards Commission had some reservations, however, as to whether the Respondent's comments would reach the threshold for amounting to disrespectful or discourteous behaviour under the Code. This was because the Standards Commission noted it was not uncommon for politicians at all levels to criticise others for a lack of intelligence or for being slow or reluctant to act. The Standards Commission further considered that the suggestion someone was a supporter of another individual did not necessarily mean they were implying they supported any criminal activity in which that individual had engaged.

The Standards Commission considered, in any event, that even if the Respondent's conduct was found at a Hearing to amount, on the face of it, to a breach of the Code, it was highly likely that he would enjoy enhanced protection in respect of his right to freedom of expression, given his comments concerned a matter of public interest (being how sexual offence allegations were handled). The Standards Commission agreed with the ESC that it was very unlikely that the conduct in question would be found to be sufficiently offensive, gratuitous or egregious as to justify a restriction on this right.

The Standards Commission acknowledged that the Respondent was responsible for displaying on the screen, during the podcast, the screenshots of the WhatsApp messages. The Standards Commission noted, from the video recording of the podcast, that the screenshots of the WhatsApp messages were only displayed for a very short time, meaning the telephone numbers at the top of these could only be seen and noted if someone viewing it paused the recording at an exact spot, took a screenshot and zoomed in on the image. The Standards Commission considered this demonstrated that there may not have been any intent to disclose the numbers. It further noted that they now appeared to be 'blurred out' on the version of the recording that remained in the public domain. In the circumstances, the Standards Commission did not consider it was proportionate to hold a Hearing in respect of the Respondent's conduct in relation to the second issue.

The Standards Commission agreed, for the reasons outlined above, that it was not proportionate to hold a Hearing in respect of the Respondent's conduct on the podcast. It determined, therefore, to take no further action on the referral.

The Standards Commission nevertheless reminded the Respondent of the importance of adhering to the respect provisions in the Code, in order to ensure public confidence in the role of a councillor and the Council itself is maintained. The Standards Commission also reminded councillors to be careful at all times not to inadvertently disclose the private information of others.

**Date: 17 June 2026**

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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 19 November 2025 (reference LA/NL/4478) 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 10 June 2026.

The complaint concerned the participation of the Respondent in a podcast in November 2025 where sexual offence allegations against the former Council Leader and how these were handled by his former party group were discussed.

The complaint was that the Respondent made discourteous comments about other councillors during the podcast and breached confidentiality by sharing screenshots of WhatsApp messages that displayed the private telephone numbers of two members of his former party group.

The ESC reported that:

- The Respondent's position was that he had appeared on the podcast as a guest in a private capacity and, as such, disputed that the Code applied to his conduct. The ESC advised he considered, however, that the Respondent could be perceived objectively by members of the public as acting as a councillor during the podcast as it concerned the Council and its operations. In addition, participants referred to matters they could only be aware of due to their roles as councillors and their former membership of the Council party group.
- During the podcast, the Respondent made comments to the effect that the Complainer (another councillor) had "no employment history" and that she and the party group had done nothing about the sexual offence allegations against the former Council Leader. The ESC advised he considered that, in doing so, the Respondent was implying the Complainer was either incompetent or not qualified for public office, and that the wider party group had not acted in respect of allegations of serious criminal activity about one of its then members. The ESC advised he had concluded this was, on the face of it, a breach of the provisions in the Code that require councillors to behave with respect towards their colleagues. The ESC advised that he considered, nevertheless, that a restriction on the Respondent's right to freedom of expression that a formal finding to this effect would entail could not be justified. This was because the Respondent was expressing a value judgment, or opinion, that had some basis in fact (even if untrue or incorrect) and because his comments were not particularly egregious or offensive.
- The Respondent had not shared the screenshots of the WhatsApp messages that displayed the telephone numbers. The ESC advised he considered, however, that as the co-host of the podcast, the Respondent was complicit in what was being displayed on screen and, as such, had breached the

confidentiality provisions in the Code. The ESC advised he further considered that a restriction on the Respondent's right to freedom of expression, that a formal finding to this effect would entail, could be justified as disclosing publicly the private mobile numbers of other councillors had the potential to put them at risk of harm.

### **Standards Commission's Decision and Reasons**

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 respect and 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 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 agreed with the ESC that the Code would apply to the Respondent's conduct. The Standards Commission had some reservations, however, as to whether the Respondent's comments would reach the threshold for amounting to disrespectful or discourteous behaviour in terms of the Code. This was because the Standards Commission noted it was not uncommon for politicians at all levels to criticise others for a lack of experience or for being slow or reluctant to act.

The Standards Commission considered, in any event, that even if the Respondent's conduct was found at a Hearing to amount, on the face of it, to a breach of the Code, it was highly likely that he would enjoy enhanced protection in respect of his right to freedom of expression, given his comments concerned a matter of public interest (being how sexual offence allegations were handled). The Standards Commission agreed with the ESC that it was very unlikely that the conduct in question would be found to be sufficiently offensive, gratuitous or egregious as to justify a restriction on this right.

The Standards Commission was further of the view that while the Respondent may have been co-host of the podcast, this did not necessarily mean he was complicit in agreeing everything that was displayed on screen. The Standards Commission noted, from the video recording of the podcast, that the screenshots of the WhatsApp messages were only displayed for a very short time, meaning the telephone numbers at the top of these could only be seen and noted if someone viewing it paused the recording at an exact spot, took a screenshot and zoomed in on the image. The Standards Commission considered this demonstrated that there may not have been any intent to disclose the numbers. It further noted that they now appeared to be 'blurred out' on the version of the recording that remained in the public domain. In the circumstances, the Standards Commission did not consider it was proportionate to hold a Hearing in respect of the Respondent's conduct in relation to the second issue.

The Standards Commission agreed, for the reasons outlined above, that it was not proportionate to hold a Hearing in respect of the Respondent's conduct on the podcast. It determined, therefore, to take no further action on the referral.

The Standards Commission nevertheless reminded the Respondent of the importance of adhering to the respect provisions in the Code, in order to ensure public confidence in the role of a councillor and the Council itself is maintained. The Standards Commission also reminded councillors to be careful at all times not to inadvertently disclose the private information of others.

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### **Referral to the Standards Commission**

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The complaint concerned the participation of the Respondent in a podcast in November 2025 where sexual offence allegations against the former Council Leader and how these were handled by his former party group were discussed.

The complaint was that the Respondent made discourteous comments about other councillors during the podcast and breached confidentiality by sharing screenshots that displayed the private telephone numbers of two members of his former party group.

The ESC reported that:

- The Respondent's position was that he had appeared on the podcast as a guest in a private capacity and, as such, disputed that the Code applied to his conduct. The ESC advised he considered, however, that the Respondent could be perceived objectively by members of the public as acting as a councillor during the podcast as it concerned the Council and its operations. In addition, participants referred to matters they could only be aware of due to their roles as councillors and their former membership of the Council party group.
- The Respondent suggested the Complainer and wider party group were in denial about the sexual offence allegations against the former Council Leader. He had further suggested the Complainer personally did not have the character to make a "professional decision" in respect of the risks before her, in her then role as the leader of the party group. The ESC advised he considered that, in making such comments, the Respondent had, on the face of it, breached the provision of the Code that requires councillors to behave with respect towards their colleagues.
- He nevertheless was of the view that the Respondent was expressing, in the context of a debate about a matter of public concern, value judgements (or opinions) that had a sufficient basis in fact (even if incorrect). He further noted the Respondent's comments were not particularly egregious or shocking in nature. As such, he was of the view that a restriction on the Respondent's right to freedom of expression that a formal finding of a breach of the Code would entail could not be justified.
- The Respondent had not shared the screenshots. The ESC advised he accepted that as he had appeared on the podcast as a guest only, the Respondent also did not have any role in its editorial production. The

ESC advised he had concluded, therefore, that the Respondent had not breached the confidentiality provisions in the Code.

### **Standards Commission's Decision and Reasons**

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 respect and 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 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 the ESC had not found the Respondent had breached the confidentiality provisions in the Code. The Standards Commission had no reason to depart from the ESC's conclusions in this regard. In addition, the Standards Commission had some reservations as to whether the Respondent's comments would reach the threshold for amounting to disrespectful or discourteous behaviour. This was because the Standards Commission noted it was not uncommon for politicians at all levels to criticise others for a lack of experience or for being slow to act or not fit to be a leader.

The Standards Commission considered, in any event, that even if the Respondent's conduct was found at a Hearing to amount, on the face of it, to a breach of the Code, it was highly likely that he would enjoy enhanced protection in respect of his right to freedom of expression, given his comments concerned a matter of public interest (being how sexual offence allegations were handled). The Standards Commission agreed with the ESC that it was very unlikely that the conduct in question would be found to be sufficiently offensive, gratuitous or egregious as to justify a restriction on this right.

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.

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- He noted that, while the Respondent participated in the podcast, he did not make any of the comments that were considered disrespectful by the Complainer. The ESC advised he had concluded, therefore, that the Respondent had not breached the respect provisions in the Code.
- The Respondent had not shared the screenshots. The ESC advised he accepted that as he had appeared on the podcast as a guest only, the Respondent did not have any role in its editorial production. The ESC advised he had concluded, therefore, that the Respondent had not breached the confidentiality provisions in the Code.

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In considering proportionality, the Standards Commission agreed with the ESC that the Code would apply to the Respondent's conduct. The Standards Commission nevertheless noted the ESC had not found any breach of the Code by the Respondent. The Standards Commission found no reason to depart from the ESC's conclusions in that regard. 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: 17 June 2026**