

Decision of the Hearing Panel of the Standards Commission for Scotland following the Hearing held at Aberdeenshire Council Headquarters, Woodhill House, Aberdeen on Wednesday, 24 June 2026.

Panel Members: Mr Malcolm Bell, Chair of the Hearing Panel
Ms Helen Donaldson
Ms Suzanne Vestri

The Hearing arose in respect of a report referred by Mr Ian Bruce, the Ethical Standards Commissioner (the ESC), further to complaint reference LA/As/4458, concerning an alleged contravention of the Councillors' Code of Conduct (the Code) by Councillor Alan Buchan (the Respondent).

REFERRAL

Following an investigation into a complaint received on 27 October 2025 about the conduct of the Respondent, the ESC referred a report to the Standards Commission on 15 April 2026, in accordance with the Ethical Standards in Public Life etc. (Scotland) Act 2000.

The ESC advised that he had considered whether the Respondent had failed to comply with the Code and, in particular, whether he had contravened paragraphs 3.1 and 3.3, 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.

Preliminary Matters

The Hearing Panel noted that the ESC had concluded the Respondent had, on the face of it, breached paragraph 3.1 of the Code. The ESC had concluded, however that, a restriction on the Respondent's right to freedom of expression, under Article 10 of the European Convention on Human Rights (ECHR), that a formal finding of breach and imposition of a sanction would entail, could not be justified.

The Panel noted the Standards Commission had decided, nevertheless, that it was both proportionate and in the public interest to hold a Hearing. This was because it considered that holding a Hearing (and the associated publicity) could promote the provisions in the Code of Conduct and the ethical standards framework. It further considered that as the complaint concerned an allegation of aggressive behaviour, it was not insignificant or of a technical, minor nature.

The Panel noted the issue, as referred by the ESC was that:

"On 03 October 2025, the Respondent attended the Peterhead Port Authority Fishing for Litter Awards (held in the Port Authority's boardroom) and spoke aggressively when the Complainer was escorting him out of the event. The Respondent stated that the Peterhead Port Authority is operating illegally or the harbour was illegally taken from the Peterhead community 300 years ago."

The Panel noted it had advised the parties, in advance of the Hearing, that it would be considering the allegation outlined in the first sentence of the issue only. This was because the second sentence purported to be a statement of fact and did not allege any wrongdoing or breach of the Code.

The Panel confirmed that it had watched video footage obtained by the ESC, of a part of the interaction between the Respondent and Complainer that occurred at the bottom of a set of stairs leading down from the Port Authority's boardroom.

EVIDENCE PRESENTED AT THE HEARING

Introductory remarks by ESC

The ESC advised that the Respondent represents the Peterhead North and Rattray ward and was first elected in May 2007. As such, he was an experienced councillor.

The ESC advised that the awards event was held in the boardroom at the Port Authority's headquarters. The ESC explained that the exchange between the Complainer and Respondent arose as a result of the Complainer drawing the Respondent's attention to, and challenging him about, accusations he had made about the Port Authority in newsletters published and circulated locally.

Witness evidence on behalf of the ESC

The ESC led evidence from the Port Authority's Chief Executive Officer (the Complainer), Finance Manager (Officer A), Office Administrator (Officer B) and Accounts Assistant (Officer C). He also led evidence from another elected member, Councillor Anne Stirling, who had attended the awards event.

The Complainer: The Complainer advised that he was aware that the Respondent had made a number of accusations in the newsletters about the Port Authority, including that it was responsible for child poverty in Peterhead. The Complainer advised that as these accusations were baseless, he sought to have a conversation with the Respondent to find out both why he believed them and why he considered it was appropriate to make them in the manner he had. The Complainer explained, therefore, that he left the boardroom at the conclusion of the event and followed the Respondent down the stairs. The Complainer advised that he introduced himself and shook hands with the Respondent before initiating a discussion that took place at the bottom of the stairs. The Complainer advised that, when doing so, he took a copy of one of the newsletters out of his pocket and showed it to the Respondent.

The Complainer stated that, during their discussion at the bottom of the stairs, the Respondent became increasingly angry and aggressive, and started accusing the Port Authority of illegal activity going back some 300 years. The Complainer stated that the Respondent then began to talk about the ongoing recruitment process for Port Authority board members and why he was the most suitable person for the role of Convener or Deputy Convener. The Complainer stated that while he initially challenged this contention, by pointing out that the Complainer would not have any knowledge about who else had applied for the roles, he realised it was not appropriate to discuss an ongoing recruitment process and, accordingly, tried to end the conversation.

The Complainer explained that when he realised quickly that no positive outcome would be achieved by trying to engage further with the Respondent, he moved to escort him from the building. The Complainer advised that, in doing so, he opened the door and walked with the Respondent along the long winding corridor at the bottom of the stairs, through the open plan administration office and out of the exit door via the reception area at the front of the building. The Complainer contended that throughout this sequence of events, the Respondent "continued to rant" in an aggressive manner about historical issues with the Port, how it was operating illegally and how its constitution had been drafted unlawfully by its external legal advisers. The Complainer contended that the Respondent's conduct continued as he [the Complainer] opened the front door and they moved together into the car park.

The Complainer stated that he asked the Respondent, in the car park, whether he would be prepared to work constructively with the Port Authority to ensure a positive outcome for community. The Complainer contended that, in response, the Respondent indicated he would continue to do what he considered best for

his community. The Complainer advised that he ended the conversation at that point and walked back inside the building.

The Complainer advised that while no one else had been present during his interaction with the Respondent at the bottom of the stairs, staff members sitting in the open plan administration office (which was just before the door to the exit), witnessed the part of the interaction that occurred when he and the Respondent were walking through it and out of the front door. The Complainer stated that a member of the public, Mr A, who had been at the awards, was leaving the building when he re-entered it.

The Complainer advised that, when he returned to the office, another elected member present at the awards, Councillor Stirling, was waiting for him. The Complainer contended that Councillor Stirling indicated that, having followed him and the Respondent down the stairs towards the exit, she was concerned about what she had overheard and had wished to make it clear that the Respondent's views were his own and were not shared by the Council.

The Complainer advised that he considered he had remained calm throughout the duration of the interaction with the Respondent. The Complainer indicated he considered the Respondent was angry, aggressive and irrational when reacting to what the Complainer considered to be a reasonable enquiry (about to why he had been making derogatory public comments about the Port Authority and others in the newsletters).

When asked by the ESC as to why he felt the Respondent had been angry and aggressive, the Complainer explained it was because he had raised his voice and been confrontational in manner.

The ESC asked the Complainer how he had obtained the CCTV footage of part of the interaction. In response, the Complainer explained that the Port Authority had a wide CCTV system for safety related issues around the port, which was controlled by its Marine Department. The Complainer explained that when he was asked, by the ESC's office, during the investigation into his complaint, for his version of what occurred on the day of the awards events, he had asked the Marine Department whether it had any CCTV footage. The Complainer advised that the Marine Department supplied the CCTV footage of the bottom of the stairs, via a pen drive. The Complainer explained that as the CCTV system was bespoke, it was not available in any readily usable format or application and, in order to see it in the original format, he had been required to download an executable (exe) file. The Complainer advised that, unfortunately, it was not normally possible to send exe files by email as they tended to be rejected by any recipient organisation's server. The Complainer advised that when the ESC's office had confirmed that this would be the case, he had made a recording on his phone of the CCTV video footage playing on his laptop. The Complainer advised that when the Respondent reported the matter to the police (alleging the video had been faked), the police had also been unable to receive the exe file of the footage. As such, the police had viewed the original footage at the Port Authority's premises.

When asked how the Respondent's conduct had made him feel, the Complainer advised that, in his role, he had frequent contact with various individuals in public office at all levels. The Complainer contended, however, that he had never previously experienced a similar interaction and that it had made him feel uncomfortable and confused. The Complainer advised he considered that he should have been able to have had a reasonable adult conversation with the Respondent that did not degenerate into ranting. The Complainer advised that he had realised there was no point in trying to have a rational conversation with the Respondent and, as such, he had followed up on the matter by sending him an email on 7 October 2025 in which he reiterated his concerns about the accusations the Respondent was making about the Port Authority. The Complainer explained he had noted, in this email, that it was clear from their discussion on 3 October 2025 that the Respondent intended to continue to make such public allegations. The Complainer advised that, in a response email of 21 October 2025, the Respondent referred to the recruitment process as being 'illegal'.

The Respondent asked, in cross-examination, why the Complainer had not simply made an appointment to see him if he was concerned about the content of the newsletters. In response, the Complainer advised he had not realised he could do so. The Complainer reiterated that as it was the first time he had met or been at the same event as the Respondent, he had taken the opportunity to introduce himself with a view to trying to have a constructive conversation about the newsletters.

The Respondent asked the Complainer why he had created and shared a 'deep fake' video. The Complainer denied having done so and stated that such a contention was "utter nonsense". The Complainer confirmed that Police Scotland now had the original format of the CCTV footage of the interaction at the bottom of the stairs.

When asked by the Respondent why the video footage supplied to the ESC during his investigation, and viewed at the Hearing, covered only the part of the interaction that took place at the bottom of the stairs and not when they were outside, the Complainer explained that the CCTV camera covering the door and reception area had been broken at the time. The Complainer denied categorically having 'concealed' any video footage from outside the building.

The Respondent asked the Complainer whether the presence of a six-foot blond man during the entirety of the interaction had been a ploy to try to intimidate him. The Respondent stated that this was also nonsense and that no such individual had been present.

The Respondent asked whether the Complainer recalled stating during their interaction, that the Respondent would be barred from being a member of the Port Authority Board until he "shuffled off his mortal coil". The Complainer denied having made any such a statement.

In response to questions from the Panel, the Complainer acknowledged that he did not allege, in his follow-up email to him of 7 October 2025, that the Respondent's conduct during their interaction on 3 October 2025 had been aggressive. The Complainer explained this was because he was seeking to keep his correspondence professional in tone and that his sole intention, in sending the email, had been to make it clear why he had sought to have a conversation with the Respondent (being to outline his concerns about the newsletters). The Complainer advised that, as such, he was not attempting to address the Respondent's conduct in the email. The Complainer noted that he was aware this could be addressed separately through the ESC's complaint process.

The Complainer confirmed that the majority of his conversation with the Respondent took place at the bottom of the stairs. The Complainer advised that, when the Respondent started to rant, he felt embarrassed and had just wanted the Respondent to leave quickly, which was why he then escorted him along the corridor and out of the front door. The Complainer advised that the whole interaction had taken approximately five minutes and he had not felt physically threatened by the Respondent, or unsafe, at any point.

When asked by the Panel whether he had given any thought as to whether the Respondent might become defensive when he produced the newsletter, the Complainer advised that he had simply wanted to introduce himself and open up a dialogue. The Complainer confirmed that he had taken the newsletter out of his pocket a few times, as seen on the video, because he had been trying to steer the conversation back to that and to why the Respondent was making baseless accusations about the Port Authority (including that it was somehow responsible for child poverty in the town).

When asked why he had not submitted a complaint to the ESC until 25 October 2025, some three weeks later, the Complainer explained he had sent the Respondent a follow up email on 7 October 2025. The Complainer advised that it was only when he received the Respondent's reply of 21 October 2025 (in which he continued to make accusations about the Port Authority acting illegally), that he decided to submit a

complaint to the ESC. The Complainer explained this was because he realised the matter was not going to be resolved without external intervention.

The Panel asked why the Complainer had a copy of one of the newsletters in his pocket. In response, the Complainer advised that as the Port Authority was only hosting the event (and was not its organiser), he was unaware of who would be attending until they arrived on the day. The Complainer advised that when someone pointed out the Respondent to him, he returned to his office and picked up the newsletter with a view to seeking an opportunity to discuss it with him.

Officer A: Officer A, the Port Authority Finance Manager, confirmed that the statement she had given to the ESC, as included in the productions, was her most contemporaneous account of what she had witnessed in respect of the incident in question.

Officer A advised that, in order to leave the building from the boardroom, attendees at the awards event had to descend the stairs, walk through a winding corridor and into the open plan administration office where her desk was located. Officer A advised it was not possible to hear conversations that took place at the bottom of the stairs, from her office, as there was a door that was kept closed between the stairwell and the corridor. Officer A explained, however, that as the door from the corridor into the open plan office was kept open, she was able to hear anyone in the corridor from her desk. Officer A further explained that there was an open window to the adjacent reception area and front door, so she was also able to hear and see anyone entering and leaving the building.

Officer A advised that, following the conclusion of the event on 3 October 2025, she heard a raised voice from someone coming down the corridor. Officer A advised she had not recognised it as being the voice of any of her colleagues. Officer A advised that the Complainer arrived in the administration office followed by the Respondent who was “still shouting” and “visibly angry”. Officer A explained she recognised the Respondent as he was her local councillor. Officer A contended that the Respondent continued to shout, as he walked through the office and to the door, about the Port Authority having been established illegally and controlling the area unlawfully. When asked, Officer A confirmed that she considered the Respondent was shouting (as opposed to merely speaking with a raised voice).

Officer A advised that the Complainer escorted the Respondent through the exit door and followed him out and into the car park. Officer A stated she was unsure as to how long the Complainer and Respondent remained outside together, as she could no longer hear them and also because her attention was diverted by Councillor Stirling’s arrival in the office. Officer A advised that as Councillor Stirling was visibly upset, she had focused on making sure she was ok. Officer A stated that the Complainer then came back into the building a minute or so later and took Councillor Stirling into his office.

Officer A advised that the incident had left her feeling “extremely uncomfortable”, quite shaken, unnerved and upset. Officer A advised this was because while she had occasionally experienced individuals being angry when appearing at the reception area, she did not expect a councillor to engage in such behaviour.

In response to a question from the Respondent in cross examination, Officer A confirmed that while there were CCTV cameras at the bottom of the stairs and at the exit, there was not one inside the open plan office. When asked why she had not retained footage that may have been caught by the CCTV camera outside the building, Officer A advised doing so would not fall within the responsibilities or remit of her role. Officer A further confirmed that she had been unaware that the CCTV camera outside the building was not working at the time.

In response to questions from the Panel, Officer A recalled that when Councillor Stirling entered the office she indicated she had overheard the interaction between the Respondent and Complainer and advised this

had left her shocked and upset. Officer A stated that Councillor Stirling explained that the Respondent's views were not shared by the Council and that she had apologised both for his actions and for what he had said.

Officer A advised that as the Complainer had remained very calm and composed during the incident and as she knew he would not put himself in danger, she had not been worried about his safety and had not considered it was necessary to intervene or call the police.

When asked by the Panel about the Respondent's demeanour, Officer A stated that he was visibly angry, had a "scarlet face" and was shouting. Officer A described the Respondent as being irate and unhappy, and aggressive, both in his manner and tone.

Officer B: Officer B, the Port Authority Office Administrator, confirmed that the statement she had given to the ESC, as included in the productions, was her most contemporaneous account of what she had witnessed in respect of the incident in question.

Officer B advised that she was at her desk (which was the one in the administration office that was nearest the reception area) when she heard a raised voice coming from someone walking along the corridor. Officer B explained she had not recognised the voice initially but recognised the Respondent when he entered the office and walked past her desk on his way to the exit. Officer B described the Respondent as being argumentative and agitated towards the Complainer, while making comments to the effect that the Port needed to be given back to the people. Officer B confirmed that the Complainer remained very calm during the interaction.

Officer B stated that she was taken aback and shocked at what she described as an outburst on the part of the Respondent. Officer B reported that the Complainer quickly escorted the Respondent out of the office area and into the car park. Officer B contended that the Respondent was raising his voice and motioning with his hands towards the Complainer in an agitated manner that was "not nice". Officer B further contended that the Respondent had a "red face" during the interaction. Officer B described being taken aback and in disbelief and explained this was because she did not consider it was the type of normal conduct which she would expect someone in a workplace to engage, that she had not liked it and that it had made her feel uncomfortable.

Officer B advised that while she could see the Respondent and Complainer in the car park when she turned and looked through a glass partition behind her desk and while she could hear that the Respondent's voice was still raised, she had been unable to make out exactly what he was saying after he left the building. Officer B advised she considered the Respondent appeared to still be argumentative, as he was facing the Complainer, remained red in the face and was moving his hands in a "theatrical" manner. Officer B advised she did not recall seeing anyone else leaving the building or being in the car park at the time.

Officer B advised that when Councillor Stirling then arrived, she apologised profusely for the Respondent's behaviour both on her own behalf and on behalf of the Council. Officer B advised that Councillor Stirling made it clear that the Respondent's views were his own and were not shared by the Council.

Officer B advised she did not consider the matter was going to escalate or could become violent as the Complainer had remained calm throughout the incident and she felt he had matters under control. Officer B advised she had not heard the Respondent swearing or using any bad language.

Officer C: Officer C, the Port Authority Accounts Assistant, confirmed that the statement she had given to the ESC, as included in the productions, was her most contemporaneous account of what she had witnessed in respect of the incident in question.

Officer C advised she had been sitting at her desk, which was located in the open plan administration office, between the entrance to the corridor, and the reception area and front door. Officer C advised she could hear a raised voice coming from the corridor and as the individual entered the office, it was apparent it was the Respondent. Officer C advised that the Respondent continued to shout as he and the Complainer walked through the office and that it was evident he [the Respondent] was both angry and agitated. Officer C contended that the Respondent was stating that the Port Authority was operating illegally and that it should belong to the people of Peterhead.

When asked why she had reached the view that the Respondent was angry, Officer C advised his arms were raised, his face was “quite red” and that he was shouting. Officer C stated that she had been very taken aback as she had never previously witnessed behaviour of that nature in an office environment.

Officer C advised that Councillor Stirling arrived a few moments later, stood by her desk and apologised for the Respondent’s remarks.

When asked by the Panel whether the Respondent was being emphatic or shouting, Officer C confirmed her view was that he had been shouting. When asked whether she felt that the Respondent was out of control, Officer C advised she considered he was very “worked up” and had been waving arms aggressively to emphasise the points he was making. Officer C confirmed, however, that she did not feel there was any risk of violence or that anyone was unsafe.

Councillor Stirling: Councillor Stirling confirmed that the statement she had given to the ESC, as included in the productions, was her most contemporaneous account of what she had witnessed in respect of the incident in question.

Councillor Stirling advised that she became aware of the interaction between the Respondent and Complainer after she left boardroom and started to go downstairs, as she could hear them speaking and recognised their voices. Councillor Stirling advised that the volume and tone of the conversation changed, with the Respondent’s voice getting progressively louder, as she followed them through the building and into the administration office. Councillor Stirling confirmed that the volume at which the Complainer was speaking did not change.

Councillor Stirling advised that she had not witnessed anyone else at the bottom of the stairs or in the corridor. Councillor Stirling advised that while she was following the Respondent and Complainer down the corridor, she was not right behind them and could not see them due to the corridor being zigzagged in shape.

Councillor Stirling stated that the Complainer and Respondent were at the front door when she arrived in the administration office. While they had their backs to her, Councillor Stirling reported that the Respondent’s tone was antagonistic and “quite forceful”. Councillor Stirling advised that she heard him say something to the effect that he had been elected by the people of Peterhead and would do whatever it took. Councillor Stirling advised that, when they left the building, she could see the Respondent and Complainer standing outside the front door and that no one else was in the car park in their vicinity at the time.

Councillor Stirling explained that as she could see from their demeanours, that the staff members present in the administration office were shocked and taken aback, she had apologised to them. Councillor Stirling confirmed the reason why she had apologised to the staff present was because she heard the Respondent raising his voice and behaving in a disrespectful and antagonistic manner. Councillor Stirling indicated that she considered elected members should treat everyone they come into contact with, in that capacity, with courtesy and respect and that, as a representatives of the Council attending an event being hosted by the Port Authority and as the Council’s co-leader, she had felt obliged to show the staff members present that a failure to meet these standards had not gone unnoticed and was not being ignored.

Councillor Stirling advised she said sorry to the staff members present and expressed the hope that they were okay. Councillor Stirling advised she had then gone into the Complainer's office to reiterate her apology. Councillor Stirling explained she had said to the Complainer that the Council considered the Port Authority to be a valued partner and that it wanted the good relationship between the two organisations to continue.

When asked whether she was saying sorry for the remarks the Respondent had made or his behaviour, Councillor Stirling confirmed it was not for her to apologise for someone else's views. Instead, she was apologising for the fact that the Respondent expressed these in a confrontational, unreasonable and antagonistic manner, and for his failure to be respectful while representing the Council at an event.

The Respondent asked Councillor Stirling, in cross-examination, why she had not reported her concerns to the ESC or Council's Monitoring Officer immediately after the event, if she felt there had been a breach of the Code. In response, Councillor Stirling advised that she considered it was sufficient for her to have expressed them to the Complainer and to leave it to him to decide how to proceed.

When asked by the Panel whether the Respondent's behaviour was analogous to the normal conduct of elected members when debating contentious issues at council meetings, Councillor Stirling said it was not, as a meeting chair would intervene if anyone started shouting or became antagonistic.

Councillor Stirling confirmed that she was apologising to the Port Authority staff who were present for the Respondent's behaviour and tone and the impact of this. While she could not recall exactly, Councillor Stirling advised it was possible she would have said the views he had espoused were his own and not those of the Council.

Witness evidence on behalf of the Respondent

The Respondent gave evidence himself and also led evidence from a member of the public, Mr A, who had been present at the awards event.

Mr A: Mr A advised that while he left the boardroom at the same time as the Respondent, he then went to the toilet and, as such, exited the building alone. Mr A advised that while he did not recall passing any other attendees on the way out, he saw the Complainer and Respondent standing together outside the building. Mr A advised that while it was likely that the staff would have been present when he passed through the administration office, he did not recall making eye contact with anyone so did not notice whether any individuals present appeared to be shocked or disturbed. Mr A advised that while he was often in the Port Authority Headquarters, he did not usually have any contact with its staff. Mr A stated that, as he was leaving on the day, he was focused on returning to work. While he could not recall his exact thoughts, it was likely his mind would have been on work, meaning that he would not have been aware of anything out of the ordinary in terms of the mood or atmosphere in the office.

Mr A advised that he was aware that the Complainer and Respondent were engaged in a conversation, but that he had no recollection of what they were discussing. Mr A confirmed that he had not paused and, instead, had simply left the car park to return to work. Mr A advised that he thought he may have spoken to another event attendee, whom he knew, in the car park but indicated this individual was neither six-foot, nor an employee of the Port Authority.

When asked by the Panel whether there was anything about the behaviour or demeanour of the Complainer or Respondent that suggested they were angry or agitated, Mr A advised that while it looked there was potentially discord between them and they did not appear friendly, it did not appear as though the interaction was one that could be described as getting out of hand.

The Respondent: The Respondent advised that when the awards event ended, he left the boardroom with Mr A but, when Mr A went to the toilet, he descended the stairs by himself. The Respondent advised it was

at that point that he encountered the Complainer, who was standing with a six-foot man who had bushy blond hair.

The Respondent advised that as he had submitted an application to be a Port Authority board member and was aware that speaking to its employees while the recruitment process was ongoing could cause a conflict of interest, he did not say anything to either man. The Respondent confirmed he had no intention of speaking to the Complainer and only did so after the Complainer chased after him, produced a newsletter and challenged him about its content.

The Respondent advised that the Complainer behaved very aggressively towards him while stating the Port Authority was aware he [the Respondent] had been writing to the Minister for Transport, and that it regarded all his accusations as false and abusive. The Respondent advised he had tried to get away from both men, and the only thing he had said in response was that the Scottish Government had advised him he should be suing the Port Authority. The Respondent contended it was at that stage the Complainer stated he was barred from being a board member.

The ESC noted, in cross-examination, that Mr A was the only witness who recalled seeing anyone other than the Complainer and the Respondent in the car park, and that individual was someone Mr A knew, who was not tall or blond. When asked why he considered no one else present recalled seeing a tall blond man, the Respondent contended this must be because the man did not say or do anything of any significance.

The Respondent contended that the video of the interaction between him and the Complainer at the bottom of the stairs was a fake. In support of this, the Respondent advised it had taken no more than two minutes for him to leave the boardroom and enter the car park. As such, a video purporting to show an interaction of nearly three minutes taking place at the bottom of the stairs must be a forgery.

The Respondent advised he had reported, in writing, the interaction between him and the Complainer to the Council's Monitoring Officer and the Minister for Transport only two hours after it occurred. The Respondent explained he had done so both because he was so taken aback by the threats the Complainer had made and also to cover himself in the event that a dispute arose. When challenged by the ESC, the Respondent denied having done so because he realised, in retrospect, that his conduct had been unacceptable.

When asked by the Panel what had occurred at the bottom of stairs if, as he contended, the video was a fake, the Respondent advised nothing had happened and there had been no interaction whatsoever between him and the Complainer either there, in or along the corridor, or in the administration office. The Respondent advised that he had not said anything to the Complainer while he was inside the building. The Respondent contended he had only made the one comment when he and the Complainer were outside the building. The Respondent advised that he had not even wanted to make a comment then, because of the potential risk of creating a conflict of interest in respect of his outstanding application to be a board member.

The Panel noted that five witnesses had given contrary evidence and asked the Respondent why he considered that may be the case. In response, the Respondent advised he considered the witnesses were fabricating their accounts, committing perjury and reiterated his contention that the video evidence had been faked. The Respondent advised he could understand why the Panel might have difficulty accepting this but stated that he was telling the truth. The Respondent noted, in support of this, that none of these witnesses had testified that they recalled Mr A leaving, when it was evident from Mr A's own evidence that he had done so shortly afterwards. The Respondent contended this demonstrated the witnesses were lying.

The Panel asked whether the blond man, that the Respondent alleged was with the Complainer when he was leaving, had been present at the awards event. The Respondent advised in response, that he did not know and that he had only seen the man because he had been standing directly behind the Complainer in the reception area. The Respondent advised that he had passed both men while exiting the building. The

Respondent stated that when the Complainer came out behind him, holding a newsletter, the blond man followed him. The Respondent advised he was then blocked in by both, which is why he had no choice but to speak to the Complainer. The Respondent stated that the Complainer was 'red in the face' and becoming increasingly irate during this discussion. The Respondent reported that he felt he was accosted or ambushed, and that he was "just short of getting hit". The Respondent advised he had been shocked that he did not expect a Chief Executive to behave in such a manner (or indeed to speak to him at all, knowing the board member application process was ongoing).

When asked what he hoped to achieve by putting his concerns in writing to the Monitoring Officer and Minister, the Respondent advised he had written to the Minister both because he wanted to cover his back and also because he was seeking a review of the recruitment process. The Respondent advised he had written to the Monitoring Officer as he had been accosted while acting in his role as an elected member and, as such, considered the interaction to be a Council matter.

Submissions made by the ESC

The ESC contended that the witness and video evidence supported the following factual findings being established on the balance of probabilities:

- That the Complainer spoke to Respondent about the contents of a newsletter that were critical of the Port Authority.
- The Complainer was calm and alone when speaking to the Respondent at the bottom of the stairs and that no other staff members were present or had ambushed him.
- The Respondent had raised his voice or shouted, and had been aggressive, red in the face, and gesticulating when escorted by the Complainer out of the building.
- Councillor Stirling had felt obliged to apologise to Port Authority staff for the Respondent's conduct.
- The Respondent's conduct made Port Authority staff (being members of the public) feel uncomfortable.

The ESC noted that the Complainer's reflection could be seen in the video footage and that this showed him using his mobile phone to record the CCTV footage of the incident at the bottom of the stairs, while it was playing on his laptop. The ESC contended that, as such, the Complainer's version of how this video was captured was entirely credible and accordingly the footage should be accepted as real.

The ESC contended it was evident from the testimonies from various other witnesses and the video footage, that the Respondent's version of events was neither reliable nor credible. The ESC suggested that while the Respondent's contention that he had written to the Monitoring Officer and Minister after the incident to cover his back was correct, he suggested the Respondent had done so because he knew or realised his conduct had been inappropriate.

The ESC argued that the Respondent's conduct, in interacting with a member of the public in the manner he had, as described above, was inherently disrespectful and discourteous and, therefore represented, on the face of it, a breach of paragraph 3.1 of the Code.

The ESC advised, nevertheless, that he was not persuaded the Respondent's conduct reached the threshold for amounting to a breach of the bullying and harassment provision at paragraph 3.3 of the Code. The ESC explained this was because there had not been any significant personal element to what the Respondent was alleging during the interaction and, further, there was no evidence or suggestion anyone had felt threatened by his conduct.

The ESC then turned to the question of whether a restriction on the Respondent's right to freedom of expression, under Article 10 of the European Convention on Human Rights, (that a formal finding of a breach of the Code and imposition of a sanction would entail) could be justified.

The ESC accepted that the issue before the Panel was not what the Respondent said during the incident, but how he expressed himself. The ESC noted, nevertheless, that the Respondent was expressing his views on how the Port Authority operated and its governance arrangements, both of which were matters of public interest. In the circumstances, ESC argued that the Respondent would be entitled to the enhanced protection in respect of the right to freedom of expression that is afforded to politicians when discussing matters of political or public concern.

The ESC noted that the right to freedom of expression is not absolute, and that restrictions be imposed, if necessary and proportionate, to:

- protect the rights and reputations of others;
- ensure the standards of public debate do not fall below a minimum level;
- ensure public confidence in local government is not undermined and that a council is not brought into disrepute; and
- act as a deterrent.

The ESC noted, nonetheless, that the Courts have held that there is little scope for restrictions on political speech or on debates on questions of public interest. The ESC further noted that in a political context, a degree of the immoderate, offensive, shocking, disturbing, exaggerated and even aggressive that would not be acceptable outside that context is tolerated¹.

The ESC advised that he was not persuaded, on balance, that a restriction on the Respondent's enhanced right to freedom of expression could be justified, as proportionate, in this case. This was because the Respondent's conduct:

- Did not involve the use of any profanities, or offensive or abusive language.
- Did not amount to a personal attack (given what he was expressing were concerns about the Port Authority as an entity and not the Complainer as an individual).
- Was not particularly egregious or shocking.
- Was not intended to cause harm or alarm.
- Involved him expressing genuinely held views.
- Arose as a result of him being confronted by the Complainer.

The ESC advised, as such, that he had reached the view, on balance, that a formal finding of a breach of the Code could not be made.

In response to questions from the Panel, the ESC acknowledged that staff members present had testified to feeling shocked and concerned as a result of the Respondent's conduct. The ESC further accepted that as the Respondent had been red in the face and shouting, it was reasonable to conclude that he had lost his temper and was not entirely in control of himself.

Submissions made by the Respondent

The Respondent advised his only submission was that the evidence presented by the Complainer and other members of Port Authority staff (including both their evidence and the video footage), was "totally false and fake". The Respondent advised that he had reported his concerns in this regard to Police Scotland and that an investigation was underway.

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 Buchan.

¹ Heesom v Public Service Ombudsman for Wales (2014) EWHC 1504 (Admin)

2. The Respondent had breached paragraph 3.1 of the Code and a restriction on his right to freedom of expression that such a finding would entail could be justified.
3. The Respondent had not breached paragraph 3.3 of the Code.

Reasons for Decision

1. The Panel noted the complaint concerned an allegation that the Respondent had behaved disrespectfully towards the Chief Executive Officer of the Peterhead Port Authority (the Complainer) following an event at its headquarters in October 2025. The Panel noted there was no dispute that the Respondent had been invited to and attended the event 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. 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, to protect the rights of others and to maintain public confidence in the role of a councillor and the local authority they represent).

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

3. Having reviewed the video of the CCTV footage of the interaction between the Respondent and Complainer, at the bottom of the stairs that led from the boardroom, the Panel found that they had engaged in a conversation for some three minutes, before moving off together. The Panel noted that while someone else could be seen descending the stairs, towards the end of the video, the footage did not record anyone else being present at this stage of the interaction between the Respondent and Complainer. No sound was recorded on the video, so the Panel could not establish what was said by either party during their conversation.
4. The Panel noted the Respondent's assertion that the video had somehow been faked or forged. The Panel did not consider there was any evidence to support this contention. The Panel agreed the footage recorded in the video was broadly consistent with the Complainer's account of events. The Panel noted that while the Respondent initially contended, in his evidence at the Hearing, that the Complainer had been standing with a blond man at the bottom of the stairs, he later stated he only saw this man because he had been standing directly behind the Complainer in the reception area. The Panel considered this discrepancy further cast doubt on the Respondent's version of events.
5. In any event, the Panel found the Complainer's explanation as to how the video had been captured and sent to the ESC to be entirely credible. As such, the Panel accepted, at face value, it accurately recorded the part of the interaction that took place at the bottom of the stairs. The Panel agreed, this showed:
 - The Complainer and Respondent shaking hands before engaging in a conversation.
 - The Complainer bringing a piece of paper out of his pocket and showing it to the Respondent during the conversation.
 - That the interaction between the Respondent and Complainer at the bottom of the stairs lasted just under three minutes before they could be seen walking off together in the same direction.
6. The Panel considered that while the Respondent's demeanour seemed animated and while, without the benefit of sound, it was impossible to know what was being said, it did not appear he was being

particularly aggressive or antagonistic at that stage. The Panel agreed, as an aside, that if the video had been faked in any respect, it would surely have been doctored to make him appear that way.

7. Having considered carefully the evidence led both at the Hearing and provided to the ESC during his investigation, from various witnesses, the Panel nevertheless concluded, on the balance of probabilities, that during his subsequent interaction with the Complainer as they walked along the corridor, and when in the administration office, exiting the building and standing in the car park, the Respondent made a number of accusations about the Port Authority and, in doing so, shouted and behaved in an angry, argumentative and antagonistic manner.
8. The Panel noted that, when giving evidence, none of the staff members of the Port Authority (other than the Complainer), recalled Mr A leaving just after the Complainer and Respondent, despite it appearing, from Mr A's own evidence, that he had done so. The Panel did not agree with the Respondent's contention that this demonstrated any of the witnesses was lying. This was because the Panel accepted they may have been so taken aback by the Respondent's conduct that they did not notice Mr A or that they did not recall his presence given it was not particularly significant to the question of whether the Respondent had behaved as alleged. Equally, the Panel noted that the staff members may not have mentioned Mr A if they thought they were only being asked whether they had seen the 'blond man' that the Respondent alleged was present.
9. The Panel acknowledged that the interaction had been initiated by the Complainer, who had approached the Respondent about previous public criticisms he had made about the way the Port Authority operated and its governance arrangements. While the Panel recognised that the Respondent's reaction was spontaneous in nature, it considered there was no reason why he could not have responded calmly and courteously.
10. The Panel was satisfied that, instead, the Respondent shouted and behaved in a manner that was aggressive and entirely inappropriate in a professional context. The Panel was of the view that it would be reasonable for those who were subjected to, or witnessed, his conduct to have perceived it as being antagonistic. The Panel noted, in support of this conclusion, that witnesses to the interaction (being another councillor and other Port Authority employees) confirmed, in evidence, that was the case. While the Panel accepted it may not have been the Respondent's intention, it found he had been disrespectful and discourteous. The Panel agreed this represented, on the face of it, a breach of paragraph 3.1 of the Code.
11. The Panel acknowledged the impact that being the subject of aggressive behaviour would, and indeed did, have on the Complainer and others who witnessed it. It nevertheless noted the relatively limited duration of the interaction. The Panel further noted that there was no suggestion the Respondent had engaged in any verbal abuse or directed any personal remarks towards the Complainer. In the circumstances, the Panel concluded that the Respondent's conduct did not reach the threshold as to amount to a breach of the bullying and harassment provision at 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

12. The Panel noted that enhanced protection of freedom of expression under Article 10 applies to all levels of politics, including local. 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. In this case, the Panel agreed that the Respondent's conduct occurred while he was being asked about public accusations he had made about the Port Authority and while he was expressing his view on its operations and governance arrangements, being matters of public interest and concern. While

² Thorgeirson v Iceland (1992) 14 EHRR 843

the Panel accepted the interaction between the Complainer and Respondent started as a private conversation, it noted that the Respondent was expressing views publicly on these matters while leaving an event to which he had been invited as a local politician. In the circumstances, the Panel was satisfied, on balance, that the Respondent would attract the enhanced protection of freedom of expression under Article 10 that is afforded to politicians, including local politicians, when discussing matters of public interest or concern.

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

13. 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 to:

- protect the rights and reputations of others;
- maintain a minimum standard of public debate;
- ensure public confidence in elected members and local government was not undermined; and
- ensure that a council is not brought into disrepute.

14. 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 a sanction.

15. 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 need.
- In a political context, a degree of the offensive, shocking, exaggerated, emotive, non-rational and aggressive, that would not be acceptable outside that context, should be tolerated³.
- While there is no doubt that Article 10(2) enables the protection of the reputation of others, and that this protection extends to politicians, the requirements of such protection have to be weighed in relation to the interests of open discussion of political issues⁴.

16. The Panel accepted that the Respondent had every right to respond to the Complainer's challenge about the accusations he [the Respondent] had made in the newsletters concerning how the Port Authority was operating. The Panel noted it had found, however, that in doing so, the Respondent had behaved in an aggressive and antagonistic manner that was inherently intimidating, even if no one who was subject to, or witnessed it, felt physically threatened.

17. 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 was because it considered employees of public bodies and members of the public have a right to work in a safe and respectful environment, without being subjected to disrespectful and aggressive behaviour. The Panel considered, therefore, there was a clear pressing social need for a restriction to prevent this from occurring.

18. The Panel considered that it would have been entirely possible for the Respondent to have raised concerns about how the Port Authority was operating, or its board member recruitment process, in a courteous and respectful manner. While the Panel accepted the Respondent did not initiate the interaction with the Complainer and, instead, was responding to being challenged unexpectedly about

³ Heesom (ibid)

⁴ Lingens v Austria (1986) Series A 103

the views he had expressed in the public newsletters, it considered he could have replied, and expressed any other opinions he had, in a courteous and respectful manner that was compatible with the Code. The Panel noted it had found, instead, that the Respondent behaved in a manner that was antagonistic and aggressive, and which made others feel shocked and uncomfortable.

19. 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 the Port Authority.

20. Taking all the foregoing into account, the Panel concluded the Respondent's conduct was sufficiently shocking and aggressive as to justify, as proportionate, a restriction on his enhanced right to freedom of expression. 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 to work in a safe and positive environment;
- maintain a minimum standard of public debate;
- ensure public confidence in elected members and local government is not undermined;
- ensure the Council the Respondent was representing is not brought into disrepute; and
- act as a deterrent to the Respondent and others from engaging in similar conduct;

21. As such, the Panel concluded that a formal finding of a breach of paragraph 3.1 of the Code could be made.

Impact statement and evidence in mitigation

The Panel noted that the Complainer had submitted a written impact statement. The Panel advised the Respondent that it would take into account the fact that this statement was not given under oath or tested.

The Panel noted that the Complainer advised, in his impact statement, that the Respondent's conduct had a material impact both on him personally, in his role as Chief Executive Officer, and on the Port Authority more broadly. The Complainer stated that what should have been a positive occasion, recognising environmental and community contributions, was overshadowed by a confrontation that was uncomfortable, disruptive and witnessed by staff.

The Complainer advised that the incident had been unsettling not only for him as a senior officer but also for other Port Authority employees, who later expressed concern about both the Respondent's tone and manner. The Complainer advised he did not consider it was conducive to a safe or respectful working environment for Port Authority staff to be exposed to such behaviour.

The Complainer expressed concerns about the Respondent's version of events and stated this further undermined trust and caused additional distress. The Complainer advised that, as a result, he felt he had to defend his integrity and that of the Port Authority and contended doing so has had a damaging effect on his professional reputation.

The Respondent declined to make any specific submissions in mitigation and, instead, stated that the facts and events, as found by the Panel, had not taken place. The Respondent advised that he believed his position in this regard would be vindicated by the investigation being undertaken by Police Scotland. The Respondent advised that his only motivation, as ever, had been to act in the best interests of his community.

SANCTION

The decision of the Hearing Panel was to censure the Respondent, Councillor Buchan. The sanction was made under the terms of section 19(1)(a) 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 maintain public confidence in elected members and a council itself, 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 at: <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 agreed that the requirement for councillors to treat everyone with whom they come into contact in their capacity as elected members, with respect, is a key provision of the Councillors' Code. The Panel noted that a failure to comply with the Code's provision in this regard can adversely affect the rights and reputations of others. It can also erode public confidence in the role of a councillor and the local authority itself. In this case, the Panel noted that the Respondent had agreed, as part of his acceptance of office as a councillor, that he would abide by the terms of the Code, which clearly included the requirement to behave with courtesy and respect at all times while acting in that capacity.
4. The Panel noted it had found that the Respondent had shouted and behaved in a manner that was aggressive and entirely inappropriate for a professional context.
5. The Panel noted, nevertheless, that the Respondent's conduct had been a one-off incident, occurring after he had been challenged and that it had been limited in duration. The Panel further noted that there was no suggestion the Respondent had engaged in any verbal abuse or directed any personal remarks towards the Complainer or anyone else.
6. 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.
7. As noted above, the Panel acknowledged the Respondent's conduct was limited in duration to the one short interaction and was not personal in nature. It further noted that the Respondent was reacting to being challenged unexpectedly and, as such, his conduct was entirely spontaneous (rather than planned or premeditated).
8. The Panel noted that the Respondent had co-operated fully with the investigative and Hearing processes. It further noted that he had not been the subject of any previous finding of a contravention of the Code.
9. The Panel then proceeded to consider whether there were any aggravating factors; being ones that may increase the severity or culpability of the breach.
10. The Panel agreed that, as an experienced councillor who was attending the event as a representative of the Council, the Respondent should have been able to engage with others without being disrespectful or conducting himself in a manner that was, or could be perceived reasonably, as being aggressive. The Panel was concerned that while this may not have been the Respondent's intention, he had not demonstrated any insight or understanding, either at the time or at the Hearing, into how his conduct could be perceived

and the impact it both could and, indeed, did have on others. In this respect, the Panel acknowledged the effect the Respondent's conduct had on the Complainer and other members of Port Authority staff.

11. The Panel nevertheless recognised that while the Respondent's conduct was entirely disrespectful and inappropriate, it was a one-off incident that was relatively short in duration. The Panel further acknowledged that while the Respondent's conduct had been unsettling and upsetting for Port Authority staff present, none had felt threatened or reported that they had been concerned, during the incident, that matters could escalate further. Having considered carefully the nature and seriousness of the breach, as well as the aggravating and mitigating factors identified and outlined above, the Panel considered a censure, being the Panel's severe and public disapproval of the Respondent's failure to comply with the Code, was the appropriate sanction in the circumstances.

RIGHT OF APPEAL

The Respondent has a right of appeal under Section 22 of the Ethical Standards in Public Life etc. (Scotland) Act 2000, in respect of the decision to find him in breach of the Code.

Date: 2 July 2026