

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 complaint received on 25 February 2026 (reference LA/AB/4541) concerning an alleged contravention of the Councillors' Code of Conduct (the Code) by an elected member of Argyll and Bute Council (the Respondent), the ESC referred the matter to the Standards Commission on 3 July 2026.

The ESC reported that:

- He had investigated one issue of complaint which was that, in late February 2026, the Respondent referred, in a private conversation with the Council's Chief Executive, to the Complainer (a fellow councillor) as being a "misogynist", "racist" and "bigot".
- The conversation took place online before a Council meeting was due to start and was captured by the microphone on the Respondent's laptop and overheard by other attendees who had already joined the meeting. The ESC advised he considered it was evident, from the circumstances and a webcast of the meeting that the Respondent did not intend her comments to be overheard.
- The Respondent explained that her comments were not intended as personal criticisms and, instead, were remarks made concerning questions the Complainer had raised in respect of Council officer pay rises. The ESC advised that he considered it was also evident from the webcast that Respondent provided a full apology at the Council meeting immediately after being informed her conversation had been overheard and noted the Complainer could make a formal complaint about the incident.
- In light of the above and on balance, he did not consider the Respondent's conduct amounted to a contravention of the provision in the Code that requires councillor to behave with courtesy and respect towards their colleagues.
- He considered, in any event, that the Respondent's conduct was not sufficiently offensive, gratuitous or egregious as to justify a restriction on her right to freedom of expression (that a finding of a breach of the Code would entail).

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 respect 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 was of the view that referring to a fellow councillor as a 'racist', 'bigot' and 'misogynist' in public (albeit unintentionally) could be considered inherently disrespectful and a breach of the Code. The Standards Commission nevertheless agreed with the ESC that even if the Respondent's conduct was to be found, on the face of it, to be disrespectful at a Hearing, it was highly likely a restriction on her right to freedom of expression could not be justified. This was because it was evident she had been expressing views in what she considered to be a private conversation (not a political context) and had apologised immediately upon learning her remarks had been overheard.

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.

The Standards Commission nevertheless reminds the Respondent of the importance of adhering to the courtesy and respect provisions in the Code, in order to ensure public confidence in the role of a councillor and the Council itself is maintained.

Date: 6 July 2026