Decision of the Hearing Panel of the Standards Commission for Scotland following the Hearing held online, on Tuesday, 7 July 2026.

Panel Members: Ms Helen Donaldson, Chair of the Hearing Panel
Mr Malcolm Bell
Dr Lezley Stewart

The Hearing arose in respect of a report referred by Mr Ian Bruce, the Ethical Standards Commissioner (the ESC), further to complaint reference LA/ER/4506, concerning an alleged contravention of the Councillors' Code of Conduct (the Code) by Councillor Colm Merrick (the Respondent).

The ESC represented himself at the Hearing. While the Respondent did not attend the Hearing, in reaching its decision the Panel considered the written submission made both by him, and on his behalf during the investigation, and to the Standards Commission after the referral was made.

REFERRAL
Following an investigation into a complaint received in October 2025 about the conduct of the Respondent, the ESC referred a report to the Standards Commission on 6 May 2026, in accordance with the Ethical Standards in Public Life etc. (Scotland) Act 2000.

The substance of the referral was that the Respondent had failed to comply with the provisions of the Code and, in particular, that he had contravened paragraphs 4.1, 4.2, 4.4 and 4.22, which were as follows:

Respect and Courtesy
4.1: The following paragraphs set out what I have to register, when I am elected and whenever my circumstances change. The register will cover the period commencing from 12 months prior to, and including, my current term of office.
4.2: I understand that regulations made by the Scottish Ministers describe the detail and timescale for registering interests, including a requirement that a councillor must register their registrable interests within one month of becoming a councillor, and register any changes to those interests within one month of those changes having occurred.
4.4: I will register any work for which I receive, or expect to receive, payment or reward. I have a registrable interest where I receive remuneration by virtue of being employed.
4.22: I may also have other interests and I understand it is equally important that relevant interests such as membership or holding office in public bodies, companies, clubs, societies and organisations such as trades unions and voluntary organisations, are registered and described. In this context, I understand non-financial interests are those which members of the public with knowledge of the relevant facts might reasonably think could influence my actions, speeches, votes or decision-making in my council (this includes its Committees and memberships of other organisations to which I have been appointed or nominated by my council).

Preliminary Matters
The Hearing Panel noted that the Respondent's representative advised the Standards Commission that the Respondent would not be attending the Hearing and, instead, provided written submissions. The Panel was therefore satisfied that the Respondent had been provided with notice of the Hearing as required by Section 20 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 and that it was appropriate and fair to proceed in his absence.

EVIDENCE PRESENTED AT THE HEARING
Joint Statement of Facts
The Panel noted that a joint statement of facts had been agreed between the ESC and the Respondent. This recorded that it was not in dispute that:

- The Respondent was first elected as a councillor in May 2017 and represents the Giffnock and Thornliebank ward of East Renfrewshire Council. The Code applies to the Respondent's conduct. This is because all councillors are required to complete a Register of Interests and to update this if any changes occur.

- The Respondent was employed on a part-time basis in the office of Ms Kirsten Oswald MP between August 2022 and 2 November 2024. This was a remunerated position. The Respondent also undertook an unremunerated internship for Mr Bill Kidd MSP from 21 July 2025.

- The Council's Democratic Services Manager sent the Respondent an email on 1 April 2025 reminding him of the need to review his Register of Interests and keep it up to date. Having exchanged emails with the Democratic Services Manager on 24 and 27 October 2025, the Respondent updated his Register of Interests on 28 October 2025 to include his part-time employment for the office of Kirsten Oswald MP and the internship for Bill Kidd MSP.

Submissions made by the ESC

The ESC advised that after an anonymous complaint was received about the Respondent in October 2025, his office had reviewed the Respondent's Register of Interests on the Council's website and found that neither his employment with the MP nor the internship with the MSP were recorded.

The ESC advised that, on being informed of the complaint, the Respondent contacted a Council officer on 24 October 2025 and asked that both the employment and internship be included on his Register of Interests as financial interests. The ESC advised that when a further check was undertaken by his office on 7 November 2025, both positions were recorded under the 'remuneration' section.

The ESC explained that when he declined to grant anonymity, the Complainer withdrew their complaint. The ESC advised he had nevertheless decided to proceed with an investigation and, when asked if he would like to do so, the Respondent had also self-referred the matter.

The ESC noted that councillors are required to register, within one month of them arising, all interests that fall within the categories outlined in the Code. In this case, the ESC noted that it was not in dispute that the Respondent failed to update his Register of Interests, between 2 August 2022 and 24 October 2025, to include his part-time paid employment in the MP's office. The ESC contended that this represented a breach of paragraph 4.4 of the Code.

The ESC advised it was also not in dispute that the Respondent failed to record his internship in the office of the MSP between 21 July 2025 and 24 October 2025. The ESC reiterated that this position was unremunerated and, as such, was not a financial interest. The ESC noted that councillors are nevertheless also required to record non-financial interests, under paragraph 4.22 of the Code, if an objective test is met. This test is whether the interest is one that members of the public might reasonably think could influence the councillor's actions, speeches, decision-making or voting in the Council.

The ESC acknowledged that:

- The MSP represented the same political party as the Respondent, meaning a degree of shared political outlook would reasonably be expected.
- The MSP represented a constituency that did not fall within the boundaries of the Respondent's Council area and, as such, there would not necessarily be crossover between the MSP's constituency work and the Respondent's role as a councillor.

The ESC noted, nonetheless, that after his failure to record the internship had been brought to his attention, the Respondent was advised by a council officer that it should be registered. The ESC noted that the

Respondent had acknowledged that the failure to record the internship within one month was an omission on his part and had explained this was the result of him misunderstanding what he was required to register. The ESC noted the Respondent had expressed regret for this failure.

The ESC contended that this represented a tacit admission on the Respondent's part that the internship was a connection that members of the public might reasonably think could influence his actions, speeches, decision-making or voting in the Council. The ESC advised he agreed with this assessment. In support of this conclusion, the ESC noted that when the MSP stood down at the last Scottish Parliamentary election, the Respondent replaced him as the MSP for the Glasgow Anniesland constituency. The ESC advised that, at the time of his internship, the Respondent was both a councillor and a candidate for the Scottish Parliament election, following selection by his political party in May 2025.

The ESC argued that, when these facts were taken together, members of the public might reasonably think the Respondent's internship could influence his actions, speeches, decision-making or voting in the Council. The ESC contended that, as such, the internship should have been registered as a non-financial interest and that a failure to do so amounted to a breach of paragraph 4.22 of the Code.

The ESC noted that the Respondent had failed to register both his employment and the internship timeously, despite having received reminders from council officers about the need to ensure his Register of Interests was kept up to date. The ESC noted that a failure or delay in registering interests, as required by the Code, removes the opportunity for openness and transparency in a councillor's role and denies members of the public the opportunity to consider whether any interests a councillor has may influence their discussion and decision-making.

In response to a question from the Panel about whether the need for such transparency would be met by the requirement for the Respondent to declare an interest, at any meeting, should his internship be considered sufficiently significant as to be likely to affect his discussion or decision-making on any particular matter, the ESC confirmed it could, if any actual or perceived conflict had arisen. The ESC confirmed he was not aware of the Respondent making any declaration of interest in respect of the internship.

The Panel asked the ESC for examples of the type of decisions or matters the Respondent might be asked to consider, that would be capable of being influenced by his internship. The ESC advised, in response, that, as the MSP represented the political party in power, any such matters would include ones the Council was determining in light of any Government policy or decision.

Written submissions made by and on behalf of the Respondent

The Respondent explained, in a written response to the ESC during the investigation, that he was employed as a caseworker for the MP and that his role involved dealing with casework (being questions and concerns raised by constituents). The Respondent accepted he had breached the Code, by failing to register this remunerated employment, within one month.

The Respondent further confirmed that his internship with the MSP's office had not been remunerated and that he had not received expenses or any other form of payment or reward for the role. The Respondent explained that he had nevertheless registered the internship under the remuneration category of his Register of Interest, after being advised of the complaint, because he had felt doing so was the safest and the most transparent approach. The Respondent confirmed that he had not sought to mislead anyone when doing so.

The Respondent's representative suggested that the Respondent was not required, in terms of the Code, to register his unpaid internship with the MSP. The Respondent's representative noted that the Respondent could have declared an interest, in respect of any connection that arose as a result of the internship or his resulting relationship with the MSP, if the objective test was met in respect of any particular matter to be considered by the Council.

The Respondent accepted it was his responsibility to ensure his Register of Interests was up to date and correct. The Respondent acknowledged that he should have updated his Register of Interests and ensured it was accurate without the need for a reminder.

DECISION

The Hearing Panel considered carefully 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 Merrick.
2. The Respondent had breached paragraph 4.4 of the Code
3. The Respondent had not breached paragraph 4.22 of the Code.

Reasons for Decision

1. The Panel noted it was not in dispute that the Code applied to the Respondent's conduct, given he was required, in his capacity as a councillor, to ensure his Register of Interests was kept up to date.

2. The Panel noted that the Respondent accepted he had failed to record his part-time employment by the office of the MP on his Register of Interests between 2 August 2022 and 24 October 2025, despite receiving remuneration for such work.

3. The Panel noted that paragraph 4.4 of the Code requires councillors to register any work for which they receive remuneration by virtue of being employed. Paragraph 4.2 requires them to record any registrable interests within one month. In this case, the Panel noted it was not in dispute, and indeed found, that the Respondent did not register the employment for over three years. It concluded, therefore, that he had breached paragraph 4.4 of the Code.

4. The Panel further noted that the Respondent accepted he did not record the unpaid internship with the MSP between 21 July 2025 and 24 October 2025.

5. The Panel noted the Code obliges councillors to apply an objective test to determine if any non-financial interests they have require to be registered. In terms of that test, registrable non-financial interests are those which members of the public, with knowledge of the relevant facts, might reasonably think could influence a councillor's actions, speeches, votes or decision-making in their council.

6. In this case, the Panel was of the view that the relevant facts for the purpose of the application of the objective test were:
   - The MSP represented a constituency outwith the Respondent's Council area.
   - The Respondent's role, during the internship, had involved responding to enquiries from the MSP's constituents.
   - The MSP had not been a Minister or Cabinet Secretary at the time.
   - The MSP represented the same political party as the Respondent.
   - The limited duration of the internship (approximately three months).

7. The Panel did not consider that members of the public, with knowledge of these relevant facts, would reasonably consider the internship as likely to influence the Respondent's discussion and decision-making at council. This was because:
   - It was unlikely there would be any crossover between the MSPs constituency work and the Respondent's work as a councillor.
   - The Panel was unable to think of, and was not provided with, any examples of where that clearly could have been the case. In other words, it was not evident why the Respondent's internship could

be considered as capable of influencing the types of actions, speeches, decision-making or voting he would be expected to undertake or make in his normal everyday work as a councillor.
- The MSP did not have a portfolio that encompassed the Council's remit.
- A shared political outlook between the Respondent and MSP, as representatives of the same party, would be reasonably expected and it was unlikely, therefore, that the Respondent would be unduly influenced by any views the MSP might hold. This was especially given the short duration of the internship.

8. The Panel did not consider the Respondent's acceptance that he should have registered the internship was, in itself, evidence the test was met and that he should have done so. The Panel agreed, in this regard, that it was evident both from his failure to register the remunerated post with the MP, and his actions in registering the unpaid internship as a financial interest, that the Respondent had not understood the Code's requirements in respect of the interests that required to be registered.

9. The Panel did not accept the ESC's contention that the fact that the Respondent replaced the MSP (in whose office he had undertaken the internship) was relevant to the question of whether the internship would be considered likely to affect his actions, speeches, decision-making or voting as a councillor. This was because the Panel noted that, as a politician, the Respondent would be expected to hold political views and would be entitled to make decisions on everyday matters at Council based on these. Any such views were more likely to be shaped by a politician's experiences and beliefs, and the policies of their political party more generally, than influenced by any individual they were seeking to succeed or replace to further their political career.

10. The Panel also did not agree with the ESC that the fact that the MSP represented the political party in power was a relevant consideration, given he was not a Minister or Cabinet Secretary, and given the Respondent was, in any event, only undertaking constituent work during the internship in his office.

11. For the reasons outlined above, the Panel concluded that the Respondent's internship was not sufficiently significant as to amount to a non-financial interest that required to be registered in terms of paragraph 4.22 of the Code.

12. In making this decision, the Panel noted the Respondent would have been required to *declare* the internship at meetings, had it met the objective test outlined in the Code in respect of any specific matter being considered by the Council. The objective test was where a member of the public, with knowledge of the relevant facts, would reasonably regard the Respondent's connection (being the internship) to a particular matter as being so significant that it would be considered as being likely to influence his discussion or decision-making on that matter. The Panel noted that, as the Respondent had not registered the internship, members of the public may not have been aware of this as a potential connection. As such they would not have been in a position to complain about any failure to declare, had they considered the objective test was met in respect of any particular matter he was being asked to consider at a meeting. The Panel nevertheless noted that it had no evidence before it, and had not seen any suggestion, that the Respondent had been required to declare, as an interest, his internship at any meeting and he had failed to do so. Again, the Panel noted, in this regard, that it was unable to think of any examples of matters the Council might be determining where the internship would have been regarded as being so significant that it would be considered likely to influence the Respondent's discussion or decision-making.

13. For the sake of completeness, the Panel agreed that paragraphs 4.1 and 4.2 of the Code were explanatory provisions and therefore did not consider there was any need to make a finding as to whether they had been breached.

14. The Panel concluded, therefore, that the Respondent had breached paragraph 4.4 of the Code only.

Evidence in Mitigation
The Respondent offered a sincere apology for failing to register his remunerated employment with the MP.

The Respondent explained this failure arose from a misunderstanding of the Code and his mistaken belief that interests only required to be registered if they were likely to influence, or be perceived as being likely to influence, him in his role as a councillor. The Respondent explained he had assumed, as a result, that neither the salary nor the non-financial interest met the threshold for registration, which was why he had not recorded them timeously.

The Respondent advised that he deeply regretted his failure to register the employment and apologised for any concern this may have caused. The Respondent confirmed he took full responsibility for the breach of the Code and advised he was committed to ensuring he complied with it completely going forward.

SANCTION
The decision of the Hearing Panel was to censure the Respondent, Councillor Merrick, in terms of Section 19(1)(a) of the Ethical Standards in Public Life etc. (Scotland) Act 2000.

Reasons for Sanction
1. 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

2. The Panel began by assessing the nature and seriousness of the breach of the Code. The Panel agreed that the requirement to register certain interests within a one-month period is a fundamental requirement of the Code. A failure to ensure a register is kept up to date, as required, removes the opportunity for openness and transparency in a councillor's role and denies members of the public the opportunity to consider whether the councillor's interests may be likely to influence their discussion and decision-making.

3. The Panel noted it had found that while the Respondent had not recorded his remunerated employment with the MSP for over three years, he had registered it upon realising he was required to do so. The Panel had no reason to doubt the delay was inadvertent and arose from a misunderstanding on the Respondent's part in respect of the Code's requirements. The Panel was further satisfied there had been no attempt by the Respondent to deliberately conceal the employment. The Panel was of the view, therefore, that while the breach of the Code was relatively serious in nature, it was unintentional.

4. 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.

5. The Panel was pleased to note that the Respondent accepted he should have registered the remunerated post with the MP and apologised unreservedly for the delay in doing so.

6. The Panel further noted that the Respondent had co-operated fully with the investigative and Hearing processes and there was also no evidence of repeat behaviour or of any previous contravention of the Code. It also noted the content of letters of support submitted on the Respondent's behalf, which described him as a hardworking, diligent and conscientious councillor.

7. The Panel then proceeded to consider whether there were any aggravating factors; being ones that may increase the severity or culpability of the breach.

8. The Panel was concerned that the Respondent did not record, over a prolonged period of time, his paid role with the MP despite it being his personal responsibility to ensure his Register of Interests was accurate, and despite receiving reminders from Council officers about the need to keep it updated.

9. The Panel was nevertheless of the view that, on balance, the Respondent's conduct did not warrant a suspension or disqualification. This was because there was no evidence that the Respondent had attempted to conceal his interest, or that he had benefitted from a failure to register it timeously.

10. Having considered the nature and seriousness of the breach, as well as the mitigating factors identified, the Panel concluded that a censure was the appropriate sanction in the circumstances.

RIGHT OF APPEAL
The Respondent has a right of appeal, in respect of the decision that he had breached the Code, as outlined in Section 22 of the Ethical Standards in Public Life etc. (Scotland) Act 2000.

Date: 9 July 2026

Ms Helen Donaldson
Chair of the Hearing Panel