

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 23 February 2026, (reference LA/AB/4542) 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 14 July 2026.

The complaint concerned quotes the Respondent provided to a local newspaper that appeared in an article in mid-February 2026.

The ESC reported that:

- The Complainer is a former councillor. In early February 2026, the Complainer sent an unsolicited email entitled 'Budget advice' to all current Argyll and Bute councillors, which he copied to the media, in which he outlined his views about proposed pay increases for senior Council officers. The Respondent's comments, in the article that was published later that month, concerned the Complainer's views.
- He had found the Respondent used robust language to describe the Complainer's views. The ESC advised he considered this could give the impression, objectively, that the Complainer's views were out of date, unworkable and not credible. The ESC advised that, as it was evident the comments were about the Complainer's opinions, rather than about him as an individual, the Respondent's conduct in making them would not reach the threshold required to amount to a breach of the Code.
- He found the Respondent also stated that the current situation required "serious people, not people with an axe to grind and no real solutions" and that the Complainer had "false ideas". The ESC advised he considered these comments could be considered as being disrespectful and, on the face of it, a breach of the Code. This was because they implied the Complainer should be discredited, his views had no merit, and that he was deliberately misleading members of the public.
- The ESC acknowledged, nevertheless, that the Respondent was expressing value judgments or opinions that had a basis in fact (even if incorrect). This was because when the Complainer was a councillor, he was part of an administration that collapsed, with external auditors being involved. In addition, the ESC noted that the Respondent's comments did not involve the use of profanity, offensive or abusive language, and considered they were not of an egregious or shocking nature.
- The ESC advised he had concluded, in the circumstances, therefore that the Respondent's conduct in making the comments was not sufficiently gratuitous and excessive as to justify a restriction on his enhanced 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 provisions in the Code that require councillors to behave with courtesy and respect towards others can lower the standards of public debate and, further, can 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 had some reservations about whether the Respondent's conduct would reach the threshold for amounting to disrespect under the Code. This was because the Standards Commission considered it was evident his comments concerned the Complainer's views. The Standards Commission noted the Complainer, as a former councillor, had chosen to express publicly these views, on what he must have known would be a contentious issue. As such, it was reasonable to assume he would have known his opinions, and even potentially his competence and conduct, would be the subject of robust challenge. The Standards Commission noted, in this regard, it was not unusual for politicians to challenge publicly each other's ideas and credibility.

In any event, the Standards Commission agreed with the ESC, for the reasons he provided, that even if the Respondent's conduct was to be found, on the face of it, disrespectful at a Hearing, it was highly likely a restriction on his right to freedom of expression could not be justified.

The Standards Commission concluded, therefore, that it was neither proportionate, nor in the public interest, for it to hold a Hearing in respect of the complaint and determined to take no action on the referral.

Date: 16 July 2026