

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 5 February 2026 (reference LA/Fa/4562) concerning an alleged contravention of the Councillors' Code of Conduct (the Code) by an elected member of Falkirk Council (the Respondent), the ESC referred the matter to the Standards Commission on 5 August 2026.

The complaint alleged that the Respondent failed to declare an interest in a planning application being considered by the Council's Planning Committee in March 2026, despite being good friends with one of the objectors.

The ESC reported that:

- He had investigated one issue of complaint, being that the Respondent failed to declare an interest in two planning matters at a Planning Committee meeting in August 2025. This was despite having previously made a complaint about the Complainer (another Falkirk councillor) who made deputations on behalf of the applicant at the meeting.
- There was no dispute the Respondent did not declare an interest and that he took part in the consideration of the applications. The ESC advised he considered, however, that there was no need for the Respondent to have declared an interest and recused himself. This was because, while the Respondent may have had a difficult relationship with the Complainer as a fellow politician, this was not unusual and did not, in itself, give rise to a reasonable perception that he might be biased against the applications as a result. Indeed the ESC advised he found no evidence of this and further advised that:
 - a) the complaint the Respondent had made about the Complainer had nothing to do with the planning matters and, as such, the outcome (whether upheld or not) would have had no impact on the application, and
 - b) the Complainer was simply making a deputation, as a local councillor, on behalf of the applicant (as opposed to being the applicant himself).
- In light of the above, he had not found the Respondent had breached the Code.

Standards Commission's Decision and Reasons

Having considered the terms of his referral, the Standards Commission did not consider that it was necessary or appropriate to direct the ESC to undertake any further investigation into the matter.

In making a decision about whether to hold a Hearing, the Standards Commission took into account both public interest and proportionality considerations, in accordance with its policy on Section 16 of the 2000 Act. A copy of the policy can be found at: <https://www.standardscommissionscotland.org.uk/cases>.

In assessing the public interest, the Standards Commission noted that a breach of the requirements in the Code to declare interests and act impartially could have the potential to bring the role of a councillor and the Council itself into disrepute.

The Standards Commission further noted that holding a Hearing (with the associated publicity) could promote the provisions of the Code and, therefore, there could be some limited public interest in holding a Hearing. The Standards Commission also noted, however, that the option to take no action had been included in the 2000 Act to ensure that neither the ethical standards framework, nor the Standards Commission, was brought into disrepute by spending public funds on administrative or legal processes in cases that did not, on balance, warrant such action.

In considering proportionality, the Standards Commission noted the ESC had not found any breach of the Code. The Standards Commission found no reason to depart from the ESC's conclusions in that regard.

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

Date: 11 August 2026