

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 20 March 2026 (reference LA/C/4564) concerning an alleged contravention of the Councillors' Code of Conduct (the Code) by an elected member of Clackmannanshire Council (the Respondent), the ESC referred the matter to the Standards Commission on 31 August 2026.

The ESC reported that:

- The complaint was that, at a Planning Committee meeting in January 2026, the Respondent was disrespectful to the Complainer (an employee of a planning applicant) by describing comments made about the application as "Donald Trump style justifications". The Complainer contended this implied she was uncaring, unapologetic and had lied.
- The application concerned a particular site at which there had been an accident and subsequent fire. Demolition work at the site was the subject of an ongoing investigation by Police Scotland. The ESC further advised that the Respondent explained that she had made the comment as she felt frustrated, in light of this context, that the applicant chose to present their position as a protective measure.
- He considered, in the context in which it was made, it was evident the Respondent's remark concerned the applicant's position, as presented, rather than being directed at the Complainer. The ESC further noted the Respondent was performing her scrutiny role in the context of a contentious planning application. In the circumstances, the ESC advised he had concluded that the comment was not disrespectful and did not represent a breach of 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 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 noted the ESC did not consider the Respondent's conduct would amount to a 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: 3 September 2026