

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 31 March 2026 (reference LA/NL/4574) concerning an alleged contravention of the Councillors' Code of Conduct (the Code) by three elected members of North Lanarkshire Council (the Respondents), the ESC referred the matter to the Standards Commission on 3 September 2026.

The ESC reported, in respect of the first Respondent, that:

- The complaint was that the Respondent breached confidentiality in March 2026 by playing, on a podcast, a recording of the Complainer speaking about her mental health at a meeting of the council group of the Respondent's former party in 2022.
- The Respondent disputed the Code applied to his conduct, on the basis that he had appeared on the podcast in a personal capacity. The ESC advised he considered, however, that the Code was engaged, as the Respondent identified himself as a councillor in the podcast.
- He noted the agenda for the meeting at which the recording was taken did not highlight any item was confidential, nor did the Complainer ask attendees to treat anything she said as confidential. The ESC further advised there was evidence that the Complainer had also spoken about her mental health publicly before the podcast.
- He considered, therefore, that the information that was shared was not confidential as it was already in the public domain. The ESC advised he had concluded, therefore, that the Respondent had not breached the confidentiality provisions in 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 confidentiality 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: 8 September 2026

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Referral to the Standards Commission

Following his investigation into a complaint received on 31 March 2026 (reference LA/NL/4574) concerning an alleged contravention of the Councillors' Code of Conduct (the Code) by three elected members of North Lanarkshire Council (the Respondents), the ESC referred the matter to the Standards Commission on 3 September 2026.

The ESC reported, in respect of the second Respondent, that:

- The complaint was that the Respondent breached confidentiality in March 2026 by playing, on a podcast, a recording of the Complainer speaking about her mental health at a meeting of the council group of the Respondent's former party in 2022.
- The Respondent disputed the Code applied to his conduct, on the basis that he had appeared on the podcast in a personal capacity. The ESC advised he considered, however, that the Code was engaged, as the Respondent identified himself as a councillor in the podcast.
- He noted the agenda for the meeting at which the recording was taken did not highlight any item was confidential, nor did the Complainer ask attendees to treat anything she said as confidential. The ESC further advised there was evidence that the Complainer had also spoken about her mental health publicly before the podcast.
- He considered, therefore, that the information that was shared was not confidential as it was already in the public domain. The ESC advised he had concluded, therefore, that the Respondent had not breached the confidentiality provisions in the Code.

Submissions made by the Respondent

The Standards Commission noted that the Respondent had made submissions on the ESC's referral. In these, the Respondent reiterated that he had participated in the podcast in a private capacity, noting there was an express disclaimer on the podcast to this effect.

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 confidentiality 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 reaching its decision, the Standards Commission noted the Respondent's view that the Code did not apply. The Standards Commission agreed with the ESC, however, that in the particular circumstances of this case, the Code was engaged. This was because the Respondent referred to himself as a councillor to the podcast and spoke about matters relating to being a councillor. In addition, the recording was taken at a meeting of the council group of his former party.

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.

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Referral to the Standards Commission

Following his investigation into a complaint received on 31 March 2026 (reference LA/NL/4574) concerning an alleged contravention of the Councillors' Code of Conduct (the Code) by three elected members of North Lanarkshire Council (the Respondents), the ESC referred the matter to the Standards Commission on 3 September 2026.

The ESC reported, in respect of the third Respondent that:

- The complaint was that the Respondent breached confidentiality in March 2026 by posting, to his social media, a recording of the Complainer speaking about her mental health. The recording had been taken at a meeting of the council group of the Respondent's former party in 2022.
- He noted the Respondent stated that he was not acting as a councillor at the time of the post. The ESC considered, however, that the Code was engaged, as the Respondent had identified himself as a councillor on the social media account.
- He noted that the same recording had been disclosed in a podcast prior to the Respondent's social media post. The ESC advised that while the social media post contained an additional part of the recording this did not concern the Complainer's mental health. The ESC further advised that there was evidence the Complainer had spoken publicly about her mental health before both the podcast was aired and the social media post published.
- He considered, therefore, that the information that was shared was not confidential as it was already in the public domain. The ESC advised he had concluded, therefore, that the Respondent had not breached the confidentiality provisions in 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 confidentiality 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: 8 September 2026