

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 self-referral made on 12 May 2026 (reference LA/PK/4577) concerning an alleged contravention of the Councillors' Code of Conduct (the Code) by an elected member of Perth and Kinross Council (the Respondent), the ESC referred the matter to the Standards Commission on 5 October 2026.

The ESC reported that:

- He had investigated one issue of complaint (following a self-referral), being that the Respondent voted on an application when attending online a hybrid planning committee meeting in March 2026, despite being distracted and missing part of the meeting. The ESC advised that he found the Respondent left the meeting for a period and did not hear the officer speaking to the report or the beginning of the objections and depositions on the application. The ESC advised that he had found the Respondent nevertheless voted on the application.
- He found the Respondent did not contribute to the discussion on the application. The ESC advised he had concluded, however, that by voting, having not been present for the whole discussion on the application, the Respondent could be perceived reasonably as acting unfairly or demonstrating bias in favour of the applicant. The ESC advised he had found, therefore, that the Respondent breached the Code.
- He had found the Respondent was experiencing considerable personal stress at the time. The ESC reported that the Respondent had expressed remorse for his conduct and had issued a public apology. The ESC advised that the Council's Monitoring Officer had confirmed that the Respondent's actions did not have any material impact, as the application was required to be considered afresh anyway, following a judicial review.

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 for councillors to act fairly and be seen to act fairly when considering and making decisions on any

quasi-judicial or regulatory matter, such as a planning application, could have the potential to undermine public confidence in the Council's decision-making process.

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 noted, nevertheless, 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 in this case, the Standards Commission noted that the Respondent accepted he should not have voted on the application without being present for all the preceding discussion. The Standards Commission noted that he had expressed remorse for his conduct, had issued a public apology and had self-referred the matter to the ESC. The Standards Commission also noted the ESC's findings about the Respondent's personal circumstances at the time, and that his actions did not have any material impact.

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: 7 October 2026