

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 7 October 2025 (reference LA/EA/4438) concerning an alleged contravention of the Councillors' Code of Conduct (the Code) by an elected member of East Ayrshire Council (the Respondent), the ESC referred the matter to the Standards Commission on 6 October 2026.

The ESC reported that:

- He had investigated two issues of complaint. The first was that the Respondent failed to record income from the commercial letting of a property she owned on her Register of Interests within one month of receipt of income from the letting. The ESC noted the Respondent accepted she had failed to do so, in breach of the Code, but explained this was because she had not understood that an entry needed to be included in her register in respect of the income from the property in addition to the entry about the property itself. The ESC advised that the Respondent had updated her Register promptly once the omission was brought to her attention and apologised.
- The second issue was that the Respondent used her position as a councillor to secure an unfair advantage in relation to a planning matter in which she had a personal interest. The ESC advised that, following investigation, he had found no evidence of this and, as such, had not found the Code had been breached.

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 provisions in the Code that require councillors to register certain interests within a one-month period could have the potential to impact on openness and transparency in a councillor's role. The Standards Commission further noted that a breach of the provisions in the Code requiring councillors to refrain from using their position to seek unfair advantage could have the potential to bring the role of a councillor and the Council itself into disrepute.

The Standards Commission 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, 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 in this case, the Standards Commission noted, in respect of the first issue, that the Respondent accepted she should have registered the income from her property timeously, rectified the issue as soon as she became aware of it, and had apologised. The Standards Commission further noted that there appeared to be no evidence to suggest that the Respondent had tried to conceal her interest (given she had included the property in her Register of Interests) and, therefore, it had no reason to doubt that the breach of the Code was inadvertent.

The Standards Commission noted the ESC had not found the Code had been breached in respect of the second issue. Having reviewed the ESC's report and analysis, the Standards Commission found no reason to depart from the ESC's conclusions in this 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.

The Standards Commission nevertheless wishes to remind councillors of their personal responsibility to adhere to the provisions in the Code concerning the timeous registration of interests as these allow for transparency and help ensure the public can have confidence that elected members are making decisions in the public interest.

Date: 12 October 2026