

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 27 January 2025 (reference LA/SA/4134 (c)) concerning an alleged contravention of the Councillors' Code of Conduct (the Code) by an elected member of South Ayrshire Council (the Respondent), the ESC referred the matter to the Standards Commission on 7 October 2026.

The ESC reported that:

- He had investigated one issue of complaint, which concerned an allegation that the Respondent engaged in disrespectful and bullying behaviour towards a council officer.
- While he was unable to obtain information directly from the council officer (who no longer works for the Council), the ESC noted his investigation obtained some evidence suggesting the council officer felt significant pressure regarding her work, including from some elected members. The ESC advised, however, that he had found no specific evidence of the Respondent engaging in disrespectful or bullying behaviour towards the council officer. As such, he found the facts of the complaint were not proven.
- In the circumstances and for the reasons outlined above, he had not found any breach of the Code by the Respondent.

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 or bullying 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 had not found any breach of the Code by the Respondent based on the evidence available. The Standards Commission considered it unlikely that any further evidence would become available at a Hearing that might cause it 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: 12 October 2026