4 November 2026 ***MEDIA RELEASE***

EAST LOTHIAN COUNCILLOR FOUND TO HAVE BREACHED CODE OF CONDUCT

At a Hearing held in Haddington on 4 November 2026, East Lothian Councillor Shona McIntosh was censured after she was found to have breached the Councillors' Code of Conduct.

Helen Donaldson, Standards Commission Member and Chair of the Hearing Panel, said: *"The Panel found Cllr McIntosh used contact details contained in an unredacted copy of an objection submitted by the Complainer in relation to the Musselburgh Flood Protection Scheme to email the Complainer in November 2025. The Panel further noted that Cllr McIntosh's email contained a hyperlink to a blog hosted on her political party's website".*

The Panel noted that the Code states that councillors must only use confidential information to undertake their duties as a councillor and to not use it, in any way, for personal or party-political advantage. The Panel accepted that Cllr McIntosh's position was that she sent her email (and similar ones to other objectors) in order to engage constructively with them and provide a full explanation about the Council's decision.

The Panel noted, however, that Cllr McIntosh only had access to the Complainer's email address by virtue of having been sent a copy of his objection for the purposes of making a decision on the Flood Protection Scheme at a Special Meeting of the Council. The Panel considered that members of the public are entitled to expect that personal contact information supplied as part of a statutory consultation or objection process will be used only for the purposes for which it was provided, namely to reach a decision on the Scheme.

The Panel accepted that Cllr McIntosh may have been trying to explain the Council's decision in respect of the Scheme. The Panel noted, however, that the email also contained comments explaining and justifying her own position in relation to it.

The Panel considered it reasonable to conclude that, by using contact information obtained solely through her office in this way, Cllr McIntosh secured a personal advantage, even if that was not her intention, namely the opportunity to communicate directly with objectors in order to explain and justify her own actions and decision-making on a matter of local controversy. The Panel noted, in this regard, that Cllr McIntosh had provided evidence of other objectors she had written to who had responded and thanked her for her approach.

Accordingly, the Panel was satisfied that Cllr McIntosh had used confidential information for a purpose outwith that for which it had been supplied and obtained some personal benefit, in breach of the Code. The Panel further concluded that by including a link to a blog hosted on her party's website, Cllr McIntosh used Council resources improperly for party-political purposes, also in contravention of the Code.

The Panel agreed that a restriction on Cllr McIntosh's enhanced right to freedom of expression that a finding of breach of the Code would entail, would be limited solely to regulating how she used personal data obtained through her role as a councillor, and preventing the use of council resources for party-political purposes. The Panel was satisfied, in the circumstances, that such a restriction was justified, proportionate and in pursuit of a legitimate aim, and that it would not have a chilling effect on a councillor's ability to carry out constructive engagement with their constituents.

In determining the sanction to be imposed, while the Panel accepted Cllr McIntosh's position that she may not have received clear advice from the Council and that it did not appear she had been expressly prohibited from using the contact details for the purpose she did, the Panel agreed that it was Cllr McIntosh's sole personal responsibility to comply with the Code.

The Panel noted, in mitigation, that Cllr McIntosh had not been the subject of any previous finding of a contravention of the Code and had complied fully with the investigation and Hearing process. The Panel further noted the limited impact of the breach and that the Complainer's contact information had not been published or shared more widely. The Panel also acknowledged the character reference provided from a cross-party colleague. In the circumstances, the Panel concluded that censure, being the least restrictive option open to it, was the appropriate sanction.

Ms Donaldson stated: "the requirement for councillors to use council resources properly and to refrain from using confidential information for purposes outwith those for which it was supplied are key aspects of the Councillors' Code. A failure to comply with these provisions can undermine public confidence in both elected members and the Council itself. It can also bring the Council into disrepute."

A full written decision of the Hearing will be issued and published on the Standards Commission's website within 14 days.

ENDS

NOTES FOR EDITORS

1. Complaints about councillors are made to the Ethical Standards Commissioner (ESC). The Standards Commission and ESC are separate and independent, each with distinct functions. The ESC is responsible for investigating complaints. Following investigation, the ESC will refer its report to the Standards Commission for Scotland for adjudication. Email: info@ethicalstandards.org.uk, https://www.ethicalstandards.org.uk/ Tel: 0300 011 0550
2. The Standards Commission for Scotland is an independent public body, responsible for encouraging high standards of behaviour by councillors and those appointed to boards of devolved public bodies including in education, environment, health, culture, transport, and justice. The role of the Standards Commission is to encourage high ethical standards in public life; promote and enforce the Codes of Conduct; issue guidance to councils and devolved public bodies and adjudicate on alleged breaches of the Codes of Conduct, applying sanctions where a breach is found.
3. The Codes of Conduct outline the standards of conduct expected of councillors and members of devolved public bodies. In local authorities, there is one Code of Conduct, approved by Scottish Parliament, which applies to all 1227 councillors elected to Scotland's 32 Local Authorities.