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 24 May 2026 (reference LA/SI/4602) concerning an alleged contravention of the Councillors' Code of Conduct (the Code) by an elected member of Shetland Islands Council (the Respondent), the ESC referred the matter to the Standards Commission on 9 November 2026.

The complaint concerned an allegation that the Respondent, at a meeting of the Council's Licensing Committee on 27 April 2026, questioned the Complainer about her use of disabled parking spaces. The Complainer considered the question to be unfair as it was unrelated to the business before the Committee, being her application for renewal of a street trader's licence.

The ESC reported that:

1. while no recording or webcast of the Committee meeting existed, he had reviewed other evidence gathered during the investigation, including a transcript of notes taken by the Committee Officer at the meeting. The ESC further reported that the contents of these notes had been corroborated by the recollections of two further council officers that had been provided to a Council Team Leader interviewed by the ESC.
2. based on this evidence, the ESC advised that he had found that the Respondent had not questioned the Complainer directly about her use of disabled parking spaces, as alleged. Instead, the ESC advised he had established that the Respondent had asked council officers present at the meeting for clarification as to whether a site identified on the location plan pertaining to the Complainer's application was a disabled parking space.
3. he had nevertheless considered whether the Respondent's conduct, as established, amounted to a breach of the Code. The ESC advised that he did not consider the Respondent's question to have been inappropriate, unfair or demonstrative of any prejudice or bias against the Complainer, and, given the Respondent's knowledge of the local area the application related to, that it was not unreasonable for him to have sought the clarification he did. The ESC further advised that the matter of disabled parking did not form part of the Respondent's reasoning for his decision to reject the Complainer's application, nor did his question appear to affect the decision-making process or influence other Committee members. As such, the ESC concluded that the Respondent had not breached the Code in relation to his conduct at the meeting.

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 provisions regarding decision-making on quasi-judicial and regulatory applications could 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 either the ESC's factual findings or his conclusion that the Respondent's conduct did not amount to a breach of the Code.

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 and determined, therefore, to take no action on the referral.

Date: 11 November 2026