STANDARDS UPDATE

September 2025

Advice Note for Local Authority Chairs

Following a consultation, the Standards Commission has produced an Advice Note for Local Authority Chairs. The Advice Note aims to provide guidance to local authority Conveners and Chairs on their role and responsibilities within the ethical standards framework.

E-Learning Module for Councillors on Making Quasi-Judicial and Regulatory Decisions

The Standards Commission has produced an E-Learning Module for Councillors on Section 7 of the Councillors' Code, which covers their conduct when they make decisions on quasi-judicial and regulatory matters, such as planning and licensing applications. The E-Learning Module can be found on the Standards Commission's website.

Interim Suspension

The Standards Commission received an interim report from the ESC on 28 July 2025, concerning a complaint he had received about the conduct of a Dumfries and Galloway councillor. The ESC advised that he had accepted 21 issues of complaint for investigation. The ESC advised that the alleged breaches were serious in nature and included allegations of threatening and intimidating behaviour and of attempts to pressure officers in order to circumvent quasi-judicial and regulatory processes.

The ESC advised that he considered there was a risk that, if an interim suspension was not imposed, the Respondent could contact potential witnesses, which in turn could compromise or prejudice the investigation.

In assessing the possible consequences of not imposing an interim suspension the Standards Commission considered there was:

- the potential for behaviour that could amount to a breach of the Code to continue during the course of the investigation;
- a clear possibility of ongoing harm, stress and anxiety to the Complainer and others; and
- a risk that allowing the Respondent to continue to act in the meantime could further damage his relations with officers which, in turn, could adversely affect their performance and that of the Council as an entity or result in financial loss.

The Standards Commission determined, therefore, that it was in the public interest and proportionate to impose an interim suspension to mitigate against these risks. Having noted that the ESC had advised that it was unlikely that the investigation would be completed before February 2026, the Standards Commission determined that the suspension should, in the first instance, be for a period of up to three months, commencing on 11 August 2025.

The Standards Commission's decision and Interim Suspension Policy can be found here.

Cases Overview

The decision on a referral involving a Falkirk Councillor was pending at our last briefing - the Standards Commission decided to take no action.

Since the last briefing in June 2025:

Cases Referred to SCS by ESC Elected members of Argyll and Bute (two cases), North Lanarkshire, City of Edinburgh, South Ayrshire, Highland (two cases), Inverclyde, West Lothian, Glasgow City (two cases) Scottish Borders, Inverclyde* Councils * Decision pending	13
SCS directed ESC to carry out Further Investigation	0
Hearings scheduled Argyll and Bute (two cases), Highland, Glasgow City (two cases) councillors	5
Hearings held Aberdeenshire, Angus, North Ayrshire and Aberdeen City councillors	4
No Action Written decisions in respect of these cases can be found on the Cases page of our website.	7

Aberdeenshire Council – LA/As/4024 - Breach

At a Hearing held in Aberdeen on 1 July 2025, the Standards Commission suspended an elected member of Aberdeenshire Council for two months. This was after she was found to have breached the Councillors' Code at a meeting of an Area Committee in November 2023, when a planning application from a gypsy traveller was being considered. The Panel found that, at the meeting, the Respondent made various remarks about the application, which included questioning whether the fact that the applicant and others had already put their caravans on the site without permission, would mean they would consider they could do what they wanted going forward, in the absence of any relevant approval, or would just ignore any other restrictions on the use of the site. The Panel found that the Respondent also referred to the unauthorised use of different sites. It noted that she confirmed, in evidence at the Hearing, that her concerns had arisen, at least in part, from her knowledge of a fight that had taken place between gypsy travellers at another site when its use had been extended.

The Panel considered it would have been reasonable for anyone at the meeting, or observing it, to conclude the Respondent was referring not only to the potential continued unauthorised use by the applicant at the specific site in question, but also to the unauthorised use of sites by gypsy travellers more widely. The Panel therefore considered that the Respondent's comments were not based solely on information in the report about the continued unauthorised use of the specific site in question. As such, the Panel was satisfied that the Respondent treated the applicant, as a gypsy traveller, less favourably, or gave the impression she could be doing so. The Panel concluded, therefore, that she had breached Section 7 of the Code.

The Panel further found that, when another councillor challenged the Respondent's remarks and stated that gypsy travellers had protected characteristics, the Respondent advised she had not made them just because the applicant and others occupying the site were "gypsies". The Respondent proceeded to say that her concerns stemmed from the size of the site and, as such, she would have expressed them if the applicant been "a British person". The Panel acknowledged it was evident that the Respondent made this comment in an attempt to explain and confirm that her concerns about the application had nothing to do with the protected characteristics of the applicant or others. The Panel nevertheless found that it could be inferred reasonably from her comment that the Respondent did not consider gypsy travellers to be British. The Panel agreed that, in doing so, the Respondent effectively made a distinction between gypsy travellers and other British people, based on an assumption or perception of their nationality or ethnicity. The Panel agreed that while it may not have been the Respondent's intention, it would be understandable for the applicant and other gypsy

travellers to have found the making of such an assumption to be disrespectful, particularly given there was no basis for such a generalisation.

The Panel considered that, in making these comments and in treating or appearing to treat, the applicant less favourably based on a protected characteristic, the Respondent was disrespectful towards the applicant, in breach of the Code.

In determining the sanction to be imposed, the Panel agreed that, as an experienced member of the Committee, the Respondent should have known how to raise any concerns she may have had about any application before it, without being disrespectful and making assumptions about the applicant and others. The Panel nevertheless noted, in mitigation, that the conduct in question amounted to comments made at one committee meeting and, as such, was limited in duration. In the circumstances and context, the Panel concluded, on balance, that a two-month suspension was the appropriate sanction.

Angus Council - LA/An/4168 – No Breach

At a Hearing held online on 17 July 2025, an Angus Councillor was found by the Standards Commission, on the face of it, to have breached the provision in the Councillors' Code of Conduct that requires elected members to treat others with courtesy and respect, during a Council meeting in June 2024 that he was chairing in his (then) role as Provost. The Standards Commission's Hearing Panel found, however, that a restriction on the Respondent's right to freedom of expression could not be justified in the specific circumstances of the case and, therefore, that a formal finding of breach could not be made.

Having watched a webcast of the meeting, the Panel found that, when another councillor attempted to speak about an agenda item, the Respondent stood, repeated her name twice and read excerpts from the Council's Standing Orders. The Panel acknowledged that the Respondent, as Chair of the meeting, had a crucial role in ensuring it was conducted in compliance with the Council's Standing Orders and that questions and discussions remained focussed and relevant. The Panel agreed, however, that in deciding to read, to the other councillor, the provisions in the Standing Orders, the Respondent clearly implied she had failed to conduct herself in a manner that accorded with them. This was because the Panel noted a Chair would normally only be expected to refer to the Standing Orders if there had been a single serious contravention or repeated contraventions of them by a meeting participant. The Panel noted there was no evidence, in the webcast recording of the meeting, of any such a contravention by the other councillor.

The Panel further agreed that the way in which the Respondent had intervened; namely by repeating the other councillor's name, standing up, and talking loudly (in such pointed and critical manner), would lead anyone present or observing the meeting to reasonably conclude he was reprimanding her. Given it had found there was no reason for such an admonishment of that kind, and given its public nature, the Panel agreed that the manner of the Respondent's interruption was inappropriate and disproportionate, and would have been confusing and upsetting for the other councillor and others present.

The Panel considered that in, essentially, reprimanding her so publicly in circumstances where such action was not warranted, the Respondent was disrespectful and discourteous towards the other councillor. The Panel therefore determined on balance, that he had contravened the provision in the Code that requires councillors to treat everyone with courtesy and respect.

The Panel accepted nevertheless that, as a politician acting in a political context, the Respondent was entitled to enhanced protection in respect of his right to freedom of expression. The Panel agreed that while the manner in which he had interrupted the other councillor was somewhat shocking and non-rational, it noted it would not be entirely unusual for a Chair to intervene if they considered a meeting participant was unduly labouring a point, rather than asking a question. The Panel was of the view, therefore, that an intervention by the

Respondent may not have been entirely unexpected (albeit the other councillor could not have anticipated he would choose to read excerpts from the Standing Orders in the manner he did).

The Panel further considered that the impact of the Respondent's conduct was somewhat reduced by the fact that when the meeting resumed after a short adjournment he publicly apologised and acknowledged he had over-reacted.

Having taken into account the context and factors outlined above, the Panel determined, on balance, that the Respondent's conduct was not so excessive as to justify, as proportionate, a restriction on his enhanced right to freedom of expression. The Panel concluded, therefore, that a formal finding of a breach of the Code could not be made.

North Ayrshire Council - LA/NA/4086 - Breach

At a Hearing held in Irvine on 30 July 2025, a North Ayrshire Councillor was found by the Standards Commission to have breached the provision in the Councillors' Code of Conduct during an online meeting of a Locality Partnership in February 2024. This was in respect of his behaviour towards a member of the public representing a local history society, that was, at the time of the events in question, seeking funding from the Council by way of presenting an 'expression of interest' at the meeting.

The Panel was satisfied, from the evidence it heard from witnesses who had attended the meeting, that the Respondent had: been rude, aggressive and confrontational in his questioning of the member of the public; unnecessarily interrupted and spoke over her on various occasions; and belittled, or given the appearance of belittling, her, the local society and the expression of interest.

The Panel acknowledged that the Respondent, as an elected member, had an important role in scrutinising funding applications, in order to ensure that Council funds were distributed fairly and in the public interest. The Panel was satisfied, however, that not only was the Respondent's approach in the circumstances disproportionate, but also that the manner in which he had talked to and questioned the member of the public was wholly inappropriate.

The Panel acknowledged the Respondent may not have intended to cause any upset. The Panel was of the view, however, that it would be reasonable for those observing the meeting to perceive his conduct as an attack on both the local society and on the member of the public, as its representative. The Panel noted, in support of this conclusion, that other witnesses had perceived this to be the case.

The Panel agreed it would be reasonable for members of the public representing local groups making applications for funding to the Council, particularly in a non-paid voluntary capacity, to be given the opportunity to present information in a respectful environment. The Panel considered that while such representatives and volunteers should understand they may have to answer questions, they have a right to expect any will be put to them in a respectful and non-confrontational matter, and that they will be allowed to answer without being interrupted or belittled. The Panel agreed that by interrupting repeatedly and asking questions in a confrontational, aggressive and inappropriate manner, the Respondent was disrespectful and discourteous towards the member of the public, in breach of the Code.

The Panel accepted similar conduct might be characterised as being 'robust' and even, in certain circumstances acceptable, had it been directed towards other elected members during a political debate. This was because they are accustomed to working in a political environment and might be expected to have more tolerance. The Panel noted, however, that the Respondent, as an elected politician, was in a position of relative power in respect of the member of the public, who was an unpaid volunteer giving up her time for a local heritage society. The Panel considered that as she had been subjected to what the Panel considered was effectively an unwarranted and unexpected public attack, it would be reasonable for the

member of the public to have felt upset, bullied and humiliated as a result. The Panel considered that the manner in which the Respondent conducted himself towards her was both intimidating and disparaging. Even accepting this may not have been his intention, the Panel further considered that the Respondent should have realised his actions would likely have this impact. The Panel therefore agreed, on balance, that he had also breached the bullying provision in the Code.

In determining the sanction to be imposed, the Panel agreed that, as an experienced member, the Respondent should have known how to undertake his scrutiny role in respect of the application, without breaching the Code. The Panel nevertheless noted, in mitigation, that the conduct in question was essentially limited to an interaction at one meeting and, as such, was limited in duration. The Panel therefore concluded, on balance, that a two-month suspension was the appropriate sanction.

Aberdeen City Council - LA/AC/3994 - Breach*

At a Hearing held in Aberdeen on 5 August 2025, an Aberdeen City Councillor was suspended for four months after she was found to have breached various provisions in the Councillors' Code of Conduct at Council meetings between December 2022 and October 2023.

The Panel found that at the meetings in question, the Respondent made various personal remarks about the Lord Provost. The Panel found that these remarks either directly accused the Lord Provost of being, or inferred clearly that he was: sexist, a misogynist who hated women, displaying religious intolerance, engaging in intimidatory behaviour and of treating the Respondent differently, due to her sex. The Panel noted that, regardless of whether the Respondent considered them to have merit, the accusations were of a particularly serious nature. Given this and the fact they were made in public, the Panel considered they had the potential to cause irrevocable harm to the Complainer's reputation and that of the Council.

In addition, the Panel found the Respondent stated, at a meeting in April 2023, that she was not prepared to put up with the alleged behaviour she had experienced from the Lord Provost at previous meetings. The Respondent stated this included "sexual harassment as I see it". The Panel noted that the everyday meaning of sexual harassment was any unwanted behaviour of a sexual nature that creates a hostile or offensive environment. The Panel was of the view that it would have been reasonable for members of the public observing the webcast of the meeting to give the phrase its everyday meaning. Given the remark was made in the context of the Respondent listing concerns about the Lord Provost's alleged behaviour towards her, the Panel agreed it would also be reasonable for members of the public to understand the Respondent was accusing the Complainer of having engaged in unwanted sexual behaviour towards her. The Panel noted the Respondent had not provided any evidence whatsoever, either during the meeting or subsequently, to support an accusation of sexual harassment towards her by the Lord Provost. Indeed, the Panel noted the Respondent had not reiterated or stood by this accusation at the Hearing and had not, at any time, given any indication of dates, times or places where any alleged sexual harassment had occurred.

The Panel found, therefore, that the Respondent's conduct in making the personal remarks and accusations of such a nature at public meetings was objectively disrespectful and, on the face of it, amounted to a breach of the requirement in the Code for councillors to treat their colleagues with courtesy and respect.

The Panel noted that, at a meeting in October 2023, the Lord Provost paused for a short period before inviting the Respondent to speak. The Panel noted that the Respondent then asked whether it was perhaps the Lord Provost's age that had "caused the delay". The Panel considered it would be reasonable for any members of the public or press observing to conclude the Respondent was suggesting the Lord Provost's performance in his role as Chair was affected adversely by his age. The Panel noted there was no upper age limit for being a

councillor or Provost, and considered the remark amounted to personal attack on the Lord Provost, based on his age. The Panel concluded, therefore, that the Respondent had breached the provision in the Code that requires councillors to seek to foster good relations between different people.

The Panel was of the view that the Respondent's remarks about the Lord Provost's age, and the accusations that he was a misogynist and had sexually harassed her, were inappropriate and offensive. The Panel agreed that these amounted to repeated personal, public attacks that were both intended to, and would have caused, the Lord Provost to feel offended and humiliated. The Panel was satisfied, therefore, that the Respondent also harassed the Lord Provost, in breach of the provision the Code that prohibits such behaviour.

The Panel further found that, during a number of the meetings in question, the Respondent talked over the Lord Provost and refused to move on or sit down when he directed her to do so. As such, the Panel concluded that the Respondent failed to respect and comply with his rulings, as Chair, in breach of the Code.

The Panel agreed the Respondent's accusations, as outlined above, were also entirely shocking, offensive and gratuitous. The Panel agreed they were potentially damaging both to the Lord Provost and to the public's confidence in the Council as a whole. As such, the Panel concluded that, in the circumstances, a restriction on the Respondent's right to freedom of expression, that a finding of breach and imposition of a sanction would entail, was justified.

In determining the sanction to be imposed, the Panel agreed that there was nothing to prevent the Respondent from raising her concerns about the Lord Provost's alleged conduct with him or council officers in private, or by making a complaint to the ESC. The Panel noted that the Respondent had indeed made such a complaint, and that the ESC had not found any breach of the Code by the Lord Provost. The Panel was further of the view that the Respondent could have also raised concerns about the way the meetings were being conducted, without disrupting them and directing personal comments and abuse towards the Lord Provost. It found, just as importantly, the Respondent had disrupted meetings over an extended period. As such, the Panel considered the breaches of the Code were serious in nature.

The Panel noted, in mitigation, there had not been any previous findings of a contravention of the Code by the Respondent. The Panel was concerned, however, that she had not apologised or shown any insight into:

- the potential impact of her conduct on the Lord Provost;
- how disruptive her conduct was (and whether it unnecessarily prolonged council meetings and impacted on the time others had to discuss items on the agenda);
- the tone and focus of the discussions at the meetings in question (and how this might affect public confidence in the Council itself); and
- the need for a minimum standard of public debate in general.

In the circumstances, the Panel concluded that a four-month suspension was an appropriate sanction.

*Both the decision on breach and sanction are currently the subject of an appeal.

Details of the outcome of cases, including full written decisions and information about scheduled Hearings, can be found in the Cases section of our website.

For further information on the support we can offer councillors and members of devolved public bodies, please either speak to your Monitoring Officer or Standards Officer or look out for information on our website. Alternatively, please contact us:

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STANDARDS COMMISSION FOR SCOTLAND

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