

## **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 March 2023 (reference LA/NL/3869) concerning an alleged contravention of the Councillors' Code of Conduct 2021 (the Code) by an elected member of North Lanarkshire Council (the Respondent), the ESC referred the matter to the Standards Commission on 13 May 2024.

The complaint concerned an allegation that during a meeting of the Ravenscraig Community Action Group (RCAG) in March 2023, the Respondent had failed to be respectful or courteous by deliberately misleading constituents when he stated that "the MSP and MP for Motherwell and Wishaw" had influence over the Scottish Reporter to dismiss a planning application appeal.

The ESC reported that:

- The Investigating Officer had requested further information from the Complainer but had received no reply.
- The RCAG secretary confirmed that no recording or minutes had been made of the meeting in question. The Investigating Officer had contacted all members of the RCAG and all councillors and MSPs who had attended the meeting on 23 March 2023. None were able to recall details of any contributions made by the Respondent.
- The Respondent advised that he attended the meeting but made no written notes. The Respondent advised that he was consistent in his messaging to politicians within all parties during the appeal process about 'the responsibility the Minister for Social Security and Local Government of Scotland had in either approving or rejecting the recommendation'.

The ESC advised that no evidence had been found to support the contention that the Respondent was disrespectful or discourteous during the meeting. As such, he had been unable to establish the facts of the complaint, on the balance of probabilities, and considered it had not been proven.

### **Reasons for Decision**

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 requirement in the Code for councillors to treat everyone, including constituents, with courtesy and respect could have the potential to bring the role of a councillor and the Council itself into disrepute. In this case, however, the Standards Commission was of the view that, on the face of it, there was no evidence of any such breach of the Code.

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, the Standards Commission noted that the ESC, in his report, had been unable to find any evidence to substantiate the Complainer's allegations, and had therefore reached the conclusion that the complaint had not been proven. Having reviewed the extent and nature of the evidence before it, the Standards Commission found no reason to depart from that conclusion.

Having taken into account the above factors, and in particular the fact that it was not satisfied that there was evidence of any breach of the Code, the Standards Commission concluded that it was not proportionate for it to hold a Hearing. The Standards Commission determined, therefore, to take no action on the referral.

**Date: 15 May 2024**



**Lorna Johnston  
Executive Director**