

Decision of the Standards Commission for Scotland

On receipt of a report 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.

Report to the Standards Commission

Following his investigation into a complaint received on 24 October 2022 (reference LA/G/3816) concerning an alleged contravention of the versions of the Councillors' Code of Conduct dated July 2018 and December 2021 (the Code) by an elected member of Glasgow City Council (the Respondent), the ESC referred a report to the Standards Commission on 6 December 2023.

In his investigation report, the ESC advised that:

- There were three issues of complaint. The first issue was that, in emails the Respondent sent between 26 November and 3 December 2021 and in a telephone call, the Respondent treated the staff of a community membership organisation disrespectfully by trying to ensure local residents could attend an event the organisation was hosting without necessarily holding tickets. This was despite the fact that doing so could mean Covid-19 restrictions, and the venue's own rules, would be breached. The ESC advised, however, that he had not found the content of the Respondent's emails to be objectively disrespectful or discourteous. In reaching this conclusion, the ESC noted that the Respondent had focused on the issue itself and had not made any personal comments or used language that was abusive, demeaning or insulting. The ESC further noted that it was neither a workplace situation where one individual held a position of power over the other nor was the language used by the Respondent harassing or intimidating in nature.
- The second issue was that the Respondent failed to declare an interest at a Local Area Partnership meeting on 2 December 2021, when council funding for an annual local festive event was discussed, despite being the organiser of the event. The ESC advised he had found the event was in fact organised by the Council's events team and by local stakeholders and, therefore, that the Respondent's involvement was limited. As such, the ESC considered that the Respondent's connection to the event would not amount to a declarable interest.
- The third issue was that the Respondent used council staff and resources inappropriately, specifically to arrange and assist with annual events in the local area in 2021 and 2022. The ESC found, however, that the Council's Events Team was responsible for providing advice and practical support for community events and, therefore, it was appropriate for the Respondent to have sought their advice and support to help organise the events.

The ESC concluded, therefore, that he was not satisfied that there had been any breach of the Code.

Reasons for Decision

Having considered the terms of his report, 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>.

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 had not found evidence of any breach of the Code. Having reviewed the ESC's factual findings and reasoning, the Standards Commission found no reason to depart from his conclusions.

In the circumstances and for the reasons outlined above, the Standards Commission concluded that it was neither proportionate, nor in the public interest, for it to hold a Hearing. The Standards Commission determined, therefore, to take no action on the referral.

Date: 14 December 2023



**Richard Wilson
Case Manager**