

Decision of the Hearing Panel of the Standards Commission for Scotland following the Hearing held at Loch Lomond and the Trossachs National Park Authority Headquarters, Carrochan Road, Balloch, on Tuesday, 10 February 2026.

Panel Members: Mrs Morag Ferguson, Chair of the Hearing Panel
Ms Suzanne Vestri
Mr Malcolm Bell

The Hearing arose in respect of a report referred by Mr Ian Bruce, the Ethical Standards Commissioner (the ESC), further to complaint reference NPA/LLT/4184, concerning an alleged contravention of the Loch Lomond and The Trossachs National Park Authority Code of Conduct for Board Members (the Code) by Mr Sid Perrie (the Respondent).

The ESC was represented at the Hearing by Angela Glen, the ESC's Senior Investigating Officer.

REFERRAL

Following an investigation into a complaint received on 30 August 2024 about the conduct of the Respondent, the ESC referred a report to the Standards Commission on 17 October 2025, in accordance with the Ethical Standards in Public Life etc. (Scotland) Act 2000 (the 2000 Act).

The substance of the complaint was that the Respondent had failed to comply with various provisions in the Code, as follows. The ESC advised that he considered, in particular, that the Respondent had contravened paragraphs 3.1, 3.3, 3.8 and 3.22.

Respect and Courtesy

3.1: I will treat everyone with courtesy and respect. This includes in person, in writing, at meetings, when I am online and when I am using social media.

3.3: I will not engage in any conduct that could amount to bullying or harassment (which includes sexual harassment). I accept that such conduct is completely unacceptable and will be considered to be a breach of this Code.

3.4: I accept that disrespect, bullying and harassment can be: a) a one-off incident; b) part of a cumulative course of conduct; or c) a pattern of behaviour.

3.5: I understand that how, and in what context, I exhibit certain behaviours can be as important as what I communicate, given that disrespect, bullying and harassment can be physical, verbal and non-verbal conduct.

3.6: I accept that it is my responsibility to understand what constitutes bullying and harassment and I will utilise resources, including the Standards Commission's guidance and advice notes, the National Park Authority's policies and training material (where appropriate) to ensure that my knowledge and understanding is up to date.

3.8: I will not undermine any individual employee or group of employees, or raise concerns about their performance, conduct or capability in public. I will raise any concerns I have on such matters in private with senior management as appropriate.

3.9: I will not take, or seek to take, unfair advantage of my position in my dealings with employees of the National Park Authority or bring any undue influence to bear on employees to take a certain action. I will not ask or direct employees to do something which I know, or should reasonably know, could compromise them or prevent them from undertaking their duties properly and appropriately.

3.11: I will respect the principle of collective decision-making and corporate responsibility. This means that once the Board has made a decision, I will support that decision, even if I did not agree with it or vote for it.

Confidentiality

3.22: I will not disclose confidential information or information which should reasonably be regarded as being of a confidential or private nature, without the express consent of a person or body authorised to give such

consent, or unless required to do so by law. I note that if I cannot obtain such express consent, I should assume it is not given.

3.24: I will only use confidential information to undertake my duties as a board member. I will not use it in any way for personal advantage or to discredit the National Park Authority (even if my personal view is that the information should be publicly available).

Preliminary Matters

The Hearing Panel noted that the Respondent was not in attendance or represented at the Hearing. The Panel was satisfied that the Respondent had been given proper notice of the Hearing, in accordance with Section 20 of the 2000 Act. It further noted that he had provided his position on the complaint to the ESC during the investigation and that written submissions had been made by him and on his behalf by his representatives to the Standards Commission in advance of the Hearing. The Panel also noted that the Respondent accepted he had sent the emails that were the subject of the complaint, meaning the factual basis of it was not in dispute. In the circumstances, the Panel was content to proceed in the Respondent's absence.

Submissions made by the ESC's Representative

The ESC's representative advised the Complainer was the Park Authority's Convener. The ESC's representative noted the Respondent was elected as one of its members in 2022 and that his term of office was due to end in 2026.

The ESC's representative advised that the complaint concerned emails the Respondent sent in August and September 2024. The ESC's representative explained, by way of context, that the background to these emails was the Park Authority's consideration of a controversial planning application, which was ultimately refused.

The Panel drew the Panel's attention to the emails in question, copies of which were included in the productions. The Panel noted that:

- On 26 August 2024 at 09:03, the Respondent sent an email to all other board members (using their personal email accounts) and copied in various MSPs and Scottish Ministers. The Respondent stated he was informing the recipients about a "conflict of interest" in respect of the Park Authority's handling of the planning application. The Respondent included a link to a blog authored by a member of the public and alleged that this contained "irrefutable evidence" to support his accusation. The Respondent stated that, in response to previous similar allegations, the Chief Executive had produced "a masterpiece of half-truths, evasions, fallacies and obfuscation". The email stated that if the Convener did not take action to stop "this planning farce", she would be "guilty of misconduct in public office". The Respondent also accused the Park Authority of issuing "false and misleading statements" and of committing "a statutory crime".
- Subsequently, on 26 August 2024 at 14:39, a local Community Council Chair sent a letter to the Convener, copied to the Chief Executive and two MSPs, also referring to the blog author's assertion that the Park Authority was conflicted in respect of the planning application. The Community Council Chair then forwarded this letter, on 27 August 2024 at 00:03, to the other Park Authority board members, including the Respondent (with the Convener copied in).
- On 27 August 2024 at 09:11, the Convener sent other board members, including the Respondent, an email noting that they would have received the Community Council Chair's letter. The Convener advised that she intended to discuss the letter with senior officers and legal advisors, in order to prepare a response. The Convener noted that the email from the Community Council Chair had been sent to the personal email accounts of some of the board members. The Chair reassured her fellow board members that it was not the policy of the Park Authority to share their personal email addresses with any external organisation.

- On 27 August 2024, at 09:55, the Respondent sent an email to the Community Council’s generic email account and other Park Authority board members, copying in the Convener. The Respondent noted he had received the letter from the Community Council Chair directly (via her email) and accused the Convener of failing to forward it. The Respondent accused the Convener of having failed to share the letter with other board members, despite the Community Council Chair having requested that she do so. The Respondent stated, without any evidence, that the Convener had “clearly interfered” with the communication.
- The Respondent then sent an email to all board members (copying in the Standards Officer) on 27 August 2024, at 14:34, in which he asked why the Convener was withholding the letter from the Community Council Chair. The Respondent contended that it contained “vital warnings that [the members] could face disciplinary action”. The Respondent stated the Board “should not be infantilised” and contended the Convener’s actions were “undemocratic and unlawful”.
- On 27 August 2024 at 14:49, the Respondent sent board members a further email (again copying in the Standards Officer), again stating that there was “no valid reason” for the Convener to be withholding the Community Council Chair’s letter. The Respondent accused the Convener of going “way beyond” her authority”, and of exceeding her powers and “acting [il]legally.” The Respondent stated that the Convener would be reported to the ESC.
- The Convener sent an email to the Community Council, by email on 27 August 2024 at 15:56, stating that the view expressed in its Chair’s letter of 26 August 2024, to the effect that the Board was conflicted from determining the planning application, was entirely incorrect. The Convener copied this email to two MSPs (who had been copied into the Community Council Chair’s original email of 26 August 2024) and the Chief Executive, and confirmed that she would circulate the letter and response to all board members and anyone else copied into the original email.
- On 28 August 2024 at 18:05, the Respondent sent an email to the Convener only, in which he referred to “gross interference in the planning process”. The Respondent stated that the Convener was “in deep” and that her “problems” would “build over the week ahead”. The Respondent stated that the Convener would “go down”.
- The Respondent sent the Convener a further email on 28 August 2024, at 18:25, in which he said he would be making a complaint about her having bullied him. The Respondent stated that the Convener was “in deep trouble” and, that despite being “in an ever-deepening hole”, she kept “digging”. The Respondent stated that the Convener should get herself a lawyer as “lots of problems” were coming her way. The Respondent further stated that the Convener should “have a frank conversation” with her husband about her best interests and repeated that she should get herself a lawyer.
- On 12 September 2024 at 18:36, the Respondent sent an email to a solicitor working for a legal firm who had been instructed by the Park Authority to provide advice about whether the Respondent had a conflict of interest and, accordingly, could participate in its decision-making of the planning application. The Respondent copied in the Convener, Chief Executive and the senior employees who had been copied into the solicitor’s advice, along with two MSPs. In his email, the Respondent dismissed the advice as “a load of bluster” and stated that the solicitor was “now party to bullying an elected representative... a shameful position for a lawyer to find himself in”. The Respondent contended that the Park Authority’s board members were “nearly all conflicted” and “not able to form a legal quorum to hear the planning application.”

The ESC's representative advised there was no dispute or question that the Respondent was acting in his capacity as a Park Authority board member when sending the emails described above. The ESC's representative noted this was because he referred to himself as a board member in the emails and, further, that they concerned the planning application the Park Authority's Board was due to consider.

The ESC's representative contended that, in his email of 26 August 2024 sent at 09:03, the Respondent was disrespectful and discourteous towards the Convener, other board members and employees of the Park Authority by accusing them of misconduct in public office and criminal activity. In addition, the ESC's representative contended that the Respondent was disrespectful towards the Chief Executive in accusing him of engaging in "half-truths, evasions, fallacies and obfuscation".

The ESC's representative further suggested that, in accusing the Convener of failing to pass on to other board members, and of interfering with, the Community Chair's letter of 26 August 2024, the Respondent was clearly undermining her and therefore was again disrespectful. The ESC's representative noted that this was despite the Respondent having been copied into the email from the Convener, of 27 August 2024, in which she acknowledged the letter had already been circulated by the Community Council Chair to other board members and advised that she would be responding once she had taken advice. The ESC's representative argued that the Respondent's conduct in undermining the Convener in the circumstances where he was aware, or should have been aware, that his accusations had no basis, was particularly egregious, disrespectful and discourteous.

The ESC's representative contended that the Respondent's email of 27 August 2024, sent at 14:34, was disrespectful towards the Convener for the same reason. The ESC's representative noted that it was clear, by then, that the Community Council Chair had already sent her correspondence to the other board members directly, meaning it was evident the Chair was not withholding from them either the letter or the information it contained. The ESC's representative further contended the Respondent's suggestion that the Convener was treating other board members as infants and was being "undemocratic and unlawful" were an egregious and unwarranted attack on her character and, as such, were disrespectful and discourteous.

The ESC's representative noted that the Respondent then sent another email copied to other board members, some 15 minutes later, again accusing the Convener of withholding the letter. The ESC's representative contended that, by making serious allegations in this email, sent at 14:49 on 27 August 2024, to the effect that the Convener had acted illegally, gone well beyond her authority and exceeded her powers, and by threatening to report her to the ESC, the Respondent was again attempting to undermine the Convener in her role. The ESC's representative contended that, in effectively accusing the Convener of being dishonest and engaging in unlawful conduct, the Respondent again behaved in a disrespectful and discourteous manner towards her.

The ESC's representative argued that, in his email of 28 August 2024 sent at 18:05, the Respondent was threatening (and therefore disrespectful and discourteous), towards the Convener by suggesting she was in deep trouble and would suffer some sort of sanction, defeat or loss. Similarly, the ESC's representative contended that the Respondent was threatening and disrespectful in his later email sent at 18:25 the same day, in which he stated the Convener should speak to her husband and instruct a solicitor for the personal difficulties that he contended were coming her way. The ESC's representative argued that the Respondent's threat in that email was particularly personal in nature, given the Convener's husband had no ostensible involvement in the Park Authority, its business or the planning application.

Turning to the Respondent's email of 12 September 2024 to the Park Authority's external legal adviser, the ESC's representative contended that in accusing him of "a load of bluster", and of being in a "shameful position" and a party to bullying, he was commenting on the individual's performance, belittling him and questioning his integrity. The ESC's representative contended that this was, again, disrespectful and discourteous.

The ESC's representative argued, therefore, that the Respondent's conduct in sending the emails, both when considered separately and together, were discourteous and disrespectful and amounted, on the face of it, to a breach of paragraph 3.1 of the Code.

The ESC's representative noted that the Standards Commission's Advice Note for Members on Bullying and Harassment outlines that bullying is inappropriate and unwelcome behaviour that is offensive and intimidating, and which makes an individual or group feel undermined, humiliated or insulted. The Advice Note acknowledges it is the impact of any behaviour rather than the intent that is the key, and that while bullying tends to be a pattern of behaviour or course of conduct, it can also be a one-off serious incident that becomes objectionable or intimidating. The ESC's representative noted that bullying usually arises as a result of an individual misusing their power (usually derived from status or some other position of strength) and can occur through all means of communication, including email.

The ESC's representative contended that, in his emails, sent in quick succession over a short period of time, and copied to various parties (including MSPs and Ministers), the Respondent:

- Used accusatory and inflammatory language, which included accusing others of engaging in illegal activity.
- Engaged in intimidatory behaviour, which included verbal abuse and the making of threats.
- Made disparaging, ridiculing or mocking remarks.

The ESC's representative argued that it was apparent the Respondent did so in order to make the Convener's working life more difficult. This was because at the time he was aware, both that the Convener was in the process of drafting a response to the letter from the Community Council Chair and that she was keeping all board members informed about progress.

As such, the ESC's representative contended that the Respondent's conduct amounted to bullying and, on the face of it, to a breach of paragraph 3.3 of the Code.

The ESC's representative suggested that the Respondent's conduct was compounded by the fact that he escalated matters by deliberately copying his email of 26 August 2024, in which he stated there was "irrefutable evidence" that the planning proposal was "in fact a joint enterprise between Scottish Enterprise and the National Park Authority", to MSPs and Scottish Ministers. This was despite appearing to base his accusation solely on a post from a blog authored by a member of the public, which proved to be entirely incorrect.

The ESC's representative advised that the Convener explained, during the investigation, that her working relationship with the Respondent was made difficult by his challenging and, at times, disruptive behaviour. The ESC's representative advised that the Standards Officer had indicated the Respondent's conduct had made him feel as though his professional reputation and judgement were being publicly questioned. This was despite the Convener and Standards Officer having provided evidence of the substantial efforts they had made to try to support the Respondent in his role as a board member. This included offering external training on the role of a board member, holding meetings with him before Board meetings to discuss the substance of papers, making a referral to an Occupational Health professional (with a view to identifying further reasonable adjustments that could assist him in the role), and providing him with a hard copy of the Park Authority's Whistleblowing Policy.

The Panel noted that the ESC's report referred to the Respondent as being neurodiverse and of him reporting that this had an impact on his communication style. The Panel asked the ESC's representative whether the Respondent's neurodiversity may have resulted, effectively, in him having an 'outburst' in the emails in question, that he could have later regretted. In response, the ESC's representative advised that the Respondent was asked, during the investigation into the complaint, to describe tone of his emails. The ESC's

representative advised that the Respondent did not consider them to be inappropriate or aggressive and had not provided any indication that he was sorry he had sent any of them in the terms he did. The ESC's representative noted that, instead, the Respondent advised that he was simply trying to represent the views of his constituents.

The Panel questioned whether the Convener's husband was involved with the Park Authority or had any involvement in respect of the planning application. The ESC's representative advised that, to the best of her knowledge, he did not.

When asked by the Panel whether she considered the Respondent would understand the significance of the terms he used and how serious his allegations were, the ESC's representative considered that he would, given that, by the time they were sent, he had been on the Board for some time. The ESC's representative noted that the Respondent had received induction training on the Code and had undertaken to comply with its provisions.

The ESC's representative accepted, when asked by the Panel, that the emails had been sent over a short period of time. The ESC's representative suggested, however, that the repetitive nature of them and the allegations they concerned was of more significance, in terms of whether the Respondent's conduct amounted to a breach of the Code.

The Panel asked whether the ESC considered there was anything particularly egregious or offensive in respect of the email of 12 September 2024 sent to the legal firm. The ESC's representative advised that it was the accusation that their position was "shameful" and that either the firm or the solicitor was bullying the Respondent that was considered wholly inappropriate.

The Panel noted that bullying often arises from an individual being in a position of power over someone else and questioned whether the Respondent would have felt they were in a relationship of power over the Convener and Standards Officer. In response the ESC's representative noted that, as a board member of the Park Authority, the Respondent would have been in a position of power over the Standards Officer, as an employee. The ESC's representative further advised that she considered the Convener and Respondent were on an equal footing, in terms of their power and influence.

The ESC's representative noted it was not in dispute that the Respondent alleged, in his email of 26 August 2024, the Park Authority's Chief Executive had "produced a masterpiece in half-truths, evasions, fallacies and obfuscation", had concealed the truth and had engaged in "misconduct in public office". The ESC's representative noted the Respondent sent this email to MSPs and Scottish Ministers, as well as all other board members. The ESC's representative contended that in doing so, the Respondent undermined the Chief Executive, as an identifiable employee and raised concerns about his performance and conduct in public.

The ESC's representative argued that the Respondent's accusations were particularly serious, given they called into question the integrity of the Chief Executive and expressly labelled him as being a liar or dishonest. The ESC's representative contended that this amounted to a personal attack on the Chief Executive's character and honesty, which either was or could be highly damaging, not only to his reputation as an individual but also to the Park Authority itself (given his position as its most senior employee).

The ESC's representative further argued that, in his email of 12 September 2024 to the Park Authority's external legal advisers, the Respondent criticised publicly the performance and capability of the solicitor who had provided the advice. The ESC's representative argued that as they were appointed to advise, and were being paid by, the Park Authority, the external legal advisers could be considered as contractors for the purpose of the Code.

The ESC's representative contended, therefore, that the Respondent also, on the face of it, breached paragraph 3.8 of the Code.

The Panel asked whether it would be reasonable to conclude that the number and range of recipients meant that the comments made by the Respondent in the emails were of a public nature. In response, the ESC's representative acknowledged that the MSPs and Scottish Ministers would be unlikely to disclose the contents further, but contended the Respondent had made his accusations publicly, given they were made outwith the appropriate channels and were sent to the generic inboxes of the MSPs and Ministers in question.

The Panel asked whether an individual from an external legal firm could be considered, objectively, to be a contractor in terms of the Code. In response, the ESC's representative replied that this was a decision for the Panel to make.

The ESC's representative argued that it was unlikely that the Respondent was seeking to bring any undue influence to bear on the Standards Officer to circulate the Community Chair's letter of 26 August 2024, given that his emails on the subject were addressed to the Convener (with the Standards Officer only being copied in on two occasions). While the ESC's representative acknowledged that the Standards Officer's position was that he was being pressured indirectly, she noted that, by then, the correspondence had already been disseminated to the other board members. As such, the ESC had concluded that the Respondent's conduct did not amount to a breach of paragraph 3.9 of the Code.

When asked by the Panel whether it would have been reasonable for the Standards Officer to have felt pressured by the Respondent's emails into circulating the letter himself (regardless of whether it had already been sent to the other board members), the ESC's representative suggested this was unlikely as he would have been aware that the Convener intended to circulate it herself after obtaining legal advice.

The Panel noted that the Standards Officer's remit would include assisting the Board and ensuring good governance and questioned, therefore, whether the Respondent's apparently serious accusation that the Board was exceeding its authority would have led him to feel under pressure to take action. In response, the ESC's representative acknowledged that may have been the case but noted the complaint extended only to the allegation that he was being pressured to circulate of the letter.

When pressed by the Panel on whether it was reasonable to assume that, given his role and professional responsibilities, the emails would be forwarded to the Standards Officer, regardless of whether they were directly addressed or sent to him, and further that he may well have felt pressured into circulating the Community Council Chair's letter (even if it had already been disseminated), as it might carry more weight if he did so, the ESC's representative acknowledged that while this may have been the case, it would have ultimately been a matter for the Convener to decide whether the letter should be circulated to the other board members.

The ESC's representative noted it was alleged that the Respondent had failed to respect the principle of collective decision-making and corporate responsibility in respect of the decisions made concerning the planning application. The ESC's representative accepted that, in his emails, the Respondent expressed his discontent and disagreement with the proposal for the board to be making any decisions relative to the planning application (on the basis that he considered board members had a conflict of interest). The ESC's representative noted, however, that the Respondent did not express any views on the merits of the planning application and, indeed, stated in his email of 26 August 2024 at 09:03 that he was not intending to make any such comments. The ESC's representative suggested, as such, that there was no evidence to support the allegation that the Respondent failed to respect the principle of collective decision-making, in breach of paragraph 3.11 of the Code.

The Panel noted that the Convener wrote to all board members in July 2024, outlining the process to be followed in respect of how the planning application would be determined and asking the Board to approve this process by email votes, in accordance with the Park Authority's Standing Orders. This decision was approved by a majority of the Board. The Panel asked whether, in the emails in question, the Respondent undermined that decision by contending it would be unlawful for the Park Authority to proceed to determine the application. In response, the ESC's representative suggested that testing decisions was part a board member's scrutiny role. When asked by the Panel if she accepted that while a board member was entitled to scrutinise performance, once a lawful decision had been made, they were obliged to support it, the ESC's representative agreed that was the case.

The Panel asked the ESC's representative whether she accepted that a decision that board members were not conflicted and could consider the planning application had been made and, if so, whether the Respondent's email of 12 September 2024 (copied to MSPs), in which he stated that members were "nearly all conflicted" and would not "be able to form a legal quorum to hear the planning application" undermined this in public. In response, the ESC's representative accepted the terms of the Respondent's email were very robust.

The Panel noted that the Respondent suggested that his emails essentially amounted to a public interest disclosure and asked whether the Park Authority had a Whistleblowing Policy. The ESC's representative confirmed it did, and that the Respondent had not followed the procedures outlined in it. The ESC's representative further confirmed that there would have been other avenues open to the Respondent to raise his concerns, that would not give rise to any breach the Code.

The ESC's representative noted it was alleged that the Respondent disclosed confidential information, or information that should reasonably be regarded as being of a confidential or private nature, by making public the private email addresses of fellow board member in his email of 26 August 2024 (sent at 09:03), that he copied to MSPs and a Scottish Minister.

The ESC's representative advised that it was not in dispute that the email addresses of some board members disclosed by the Respondent in his email were either personal or connected to external roles. The ESC's representative advised that online searches conducted during the investigation determined that the email addresses in question were not readily and publicly available.

The ESC's representative accepted that the Community Council Chair sent her email of 27 August 2024 (attaching her letter of the previous day) to board members using email addresses that were not linked to the Park Authority. When asked during the investigation, however, the Community Council confirmed that the Chair had not been provided with these by the Park Authority or any of its board members. The ESC's representative noted the Convener confirmed, in her email to all board members of 27 August 2024 at 09:11, that while some members had received the Chair's email via their personal email accounts, these had not been provided by the Park Authority as it was not its policy to share board members' personal email addresses with any external organisation.

The ESC's representative advised there was insufficient evidence to conclude, on the balance of probabilities, that the Respondent shared the personal email addresses with the Community Council Chair before she sent her email. The ESC's representative contended, nevertheless, that it was evident that, in his email of 26 August 2024, the Respondent shared these with MSPs and Scottish Ministers without consent and in breach of the Park Authority's policy. The ESC's contended, therefore, that the Respondent breached paragraph 3.22 of the Code.

The ESC's representative suggested, nevertheless, that while the email addresses in question were confidential, it did not appear the Respondent disclosed or used them to discredit other board members of the Park Authority (albeit the same could not be said for the content of the email). The ESC's representative

advised the ESC had concluded, therefore, that the Respondent had not breached paragraph 3.24 of the Code.

The ESC's representative proceeded to consider the Respondent's right to freedom of expression under Article 10 of the European Convention on Human Rights (ECHR). The ESC's representative suggested that the Respondent would attract enhanced protection in respect of this right because the comments and accusations he made in his emails related to matters of significant public interest or debate, being the Park Authority's approach to a significant planning application.

The ESC's representative contended that, in this case, any interference in respect of the Respondent's enhanced right, that a finding of breach and application of a sanction would entail, was justified. This was because:

- The Respondent made allegations, in his emails, of public misconduct and criminal activity, which were accompanied by threats of sanctions arising from a regulatory process that he alleged would follow if the Convener failed to adhere to his wishes.
- In the emails, the Respondent engaged in personal attacks on others, including attacks in respect of their integrity and competence in public office.
- The Respondent's attacks and allegations were sustained, frequent and escalated in a course of conduct with the threats and allegations made in earlier emails being repeated or developed in later ones.
- By copying some of his emails to MSPs and Scottish Ministers, the Respondent made his accusations and attacks in public.
- The Respondent expressly identified individuals in his criticisms.
- The Respondent's allegations, threats and attacks could objectively cause upset, offence and alarm and, indeed, did so.
- The Respondent's conduct had the potential to bring the Park Authority, its board members, MSPs, and Scottish Ministers into disrepute. It also had the effect of undermining public confidence in the Park Authority, which was evidenced by the member of the public's blog and the Community Council's letter to the Convener.

The ESC's representative advised that the Respondent had not apologised, retracted or otherwise demonstrated remorse for his conduct. The ESC's representative advised that, after the planning application was unanimously rejected, the Respondent was asked whether he had reflected on the tone and content of his emails. The ESC's representative noted that, in response, the Respondent contended that he had done nothing wrong and had been "fighting the good fight" and representing his constituents.

The ESC's representative noted the Respondent had made his accusations and threats in emails and suggested that the nature of such written communication allowed for a more considered approach than that which might be taken during a verbal exchange. As such, the ESC's representative contended that the Respondent could have expressed his concerns about the approach being taken, and any perceived conflicts of interest, without using disrespectful, offensive and threatening language, and without being disruptive or resorting to personal attacks. The ESC's representative further contended that the Respondent's conduct in repeating and escalating his accusations and threats contributed to the seriousness of the conduct.

The ESC's representative suggested that some of the Respondent's threats and allegations could be perceived as expressions of value judgements, rather than statement of facts. The ESC's representative noted that case law on Article 10 provides that value judgements do not require a significant basis in fact (even if incorrect), as long as they are made in good faith.

The ESC's representative advised that it was understood that the Respondent's repeated accusations about the Park Authority and other board members having a conflict of interest was largely based on a blog authored by a member of the public, as referenced in the Community Council Chair's letter of 26 August

2024. The ESC's representative noted, however, that the Convener addressed and refuted the member of the public's allegations in her response to the Community Council Chair of 27 August 2024. In her response, the Convener noted that the accusations had been considered by senior staff and legal advisers and were "entirely incorrect" for the reasons she proceeded to outline.

The ESC's representative noted that this demonstrated the Respondent had some basis in fact for his views, even if these were demonstrably misplaced or incorrect and had been corrected by the Convener and the Park Authority's external legal advisers. The ESC's representative contended, however, that the Respondent's frequent repetition of his view that there was "misconduct in public office", that the planning application and its regulatory process was a "farce", that the Chief Executive had lied and that the Convener was dishonest and undemocratic, went far beyond an expression of opinion or any legitimate scrutiny role a board member would be expected to undertake. The ESC's representative suggested, instead, that it went into the realm of personal and gratuitous threats and attacks on the Park Authority's board members and employees that was clearly intended to:

- Question the integrity of board members and employees, and affect adversely their reputations.
- Reduce public confidence in the board members, and employees, both collectively and as individuals; and bring them and the public body into disrepute.

The ESC's representative argued that, in the emails, the Respondent was both making gratuitous personal comments and indulging in offensive abuse.

Taking all of these factors into account, the ESC's representative contended that there were relevant and sufficient reasons as to why a restriction on the Respondent's enhanced right to freedom of expression could be justified as necessary and proportionate.

The Panel asked whether the Respondent would have been aware, when he sent his emails of 26 and 27 August 2024, that his accusations about an alleged conflict of interest lacked any merit (given the Convener's response, outlining the reasons why these were mistaken, was not sent until 15:56 on 27 August 2024). In response the ESC's representative suggested the important factors to consider were that not only had the Respondent repeated his views, but that his comments had gone well beyond normal scrutiny and into the sphere of personal attacks that were directed at the integrity of various individuals as well as that of the organisation.

The Respondent's position

The Panel noted that the Respondent's position was that he considered the Park Authority had a conflict of interest in respect of the planning matter, and that he was simply representing his constituents and acting in their best interests when raising concerns about the matter in the emails in question. The Panel noted that it was alleged on the Respondent's behalf that, from when he was elected, he had attempted to persuade the Park Authority's Conveners to address his perceived issues about the planning process in respect of the proposed development.

The Panel noted that the Respondent had explained he was neurodiverse and that this meant he sometimes missed "social cues" and lacked awareness of how his "way of speaking affects people". The Respondent contended that he had simply outlined his concerns in a blunt and "straight and simple" manner in the emails, and that he was "being himself" while doing so. The Panel noted that the Respondent's position was that he was asking for actions to be taken, rather than engaging in "niceties", as he considered doing so to be "social lying".

The Panel noted that the Respondent had advised that he was not "a bad man" and, instead, was a publicly minded citizen. The Respondent advised he did not consider he had done anything wrong, although he conceded he sometimes sent emails either in error or before they were ready (albeit the Panel noted he did

not suggest this had occurred in respect of the emails that were the subject of the complaint being considered by the Panel).

The Panel noted the Respondent's position was that, in the emails, he had given the Complainer the benefit of doubt, had not been aggressive and had not bullied her or anyone else. The Respondent advised he considered the complaint to be malicious and vexatious, and an attempt to silence or dismiss him. The Respondent contended that the Park Authority had ignored deliberately the "protected characteristics" that resulted from his neurodiversity and the associated difficulties he experienced as a board member.

The Panel noted that the Respondent's position was that he had reported the "illegal conduct and misconduct" of the Park Authority's Chief Executive and senior employees to other board members and that he stood by "every word" of what he had reported. The Panel noted that the Respondent alleged that his actions amounted, essentially, to a Public Interest Disclosure, albeit it was his contention that he had not made them public and, instead, had only copied in other board members and the MSPs who represented the area.

The Panel noted the Respondent had not made any specific submissions as to whether he had breached the collective responsibility provision in the Code. The Respondent suggested, however, that when the Park Authority adopted the revised version of the Model Code issued in late 2021, which introduced this provision, he had not signed it. The Respondent argued that, as such, the provision on collective responsibility was not "legally binding" on him as an individual.

The Respondent explained that he had sent his initial email of 27 August 2024 to other board members only. The Respondent explained that it was the Convener, without his knowledge, who had copied in the Standards Officer. The Respondent argued that the Standards Officer could not be upset by the Respondent alleging the process was a "farce", as he [the Standards Officer] was fully aware of how the preferred bidders were chosen and "the subsequent cover up and lies".

In respect of the allegation that he had breached confidentiality, the Respondent contended that the private email addresses of other board members would be known to Scottish Ministers. The Respondent noted that he had previously campaigned for board members to be given Park Authority emails accounts and addresses and, had this been agreed, there would have been no question of him having disclosed and made public any personal or confidential data.

The Respondent further noted that, when replying to him, the Convener responded to 'all', meaning the private email addresses were also included in her email, which was sent to the same Scottish Ministers and MSPs that he had copied into his correspondence. The Panel understood the point the Respondent was trying to make in this regard was either that the Convener had also breached confidentiality or that her actions meant the addresses were no longer private.

The Respondent suggested the ESC failed, during his investigation, to make any enquiries into what information about the Park Authority's board members was held by the Scottish Government or Scottish Ministers. The Respondent contended it was "obvious" that Scottish Ministers would have a record of the contact details of Board Members, including their private email addresses, given they would have written to each individual Board Member to confirm their appointment.

The Panel noted that the Respondent contended he had been excluded deliberately from a board briefing session on the planning application, in order to prevent him discussing his concerns with other board members. It was argued on his behalf that the only reason the Respondent had not attended was because he had been advised not to do so by an MSP.

In respect of the accusation that, in his email of 26 August 2024, he had passed the private emails of board members to the MSPs and a Minister, the Respondent contended that these were not confidential. The Respondent advised, in support of this, that the Chair of the Community Council used some of the board members' private email addresses in an email sent to them on 27 August 2024. The Respondent alleged that an individual who was helping the Community Council at the time had found these from public searches.

The Panel noted the Respondent advised that he had no intention of releasing the private emails of any individuals to others and, instead, was simply trying to make the recipients aware of matters that he regarded, and still considered, as being in the public interest. The Respondent argued that doing so meant he was acting "according to the law, the public interest and the Code of Conduct in public office". The Respondent contended this was evident from the first sentence of his email of 26 August 2024, in which he had stated he was writing to officially inform the recipients (the Convener, members, the Minister and MSPs) about what he considered to be a conflict of interest in respect of how the Park Authority had handled the planning application.

The Respondent further explained that the way his email account was set up meant that he could only view the names of recipients and not their full email addresses. As such, he had not realised the private email addresses could be seen.

DECISION

The Hearing Panel considered the submissions made both in writing and orally at the Hearing. It concluded that:

1. The Loch Lomond and The Trossachs National Park Authority Code of Conduct for Board Members applied to the Respondent, Mr Perrie.
2. The Respondent had breached paragraphs 3.1, 3.3, 3.8, 3.11 and 3.22 of the Code and that a restriction on his right to freedom of expression that such a finding would entail could be justified.
3. The Respondent had not breached paragraphs 3.9 or 3.24 of the Code.

Reasons for Decision

1. The Panel noted that there was no dispute that the Respondent was acting as a board member of the Park Authority when sending the emails in question. This was because although the emails were sent from the Respondent's personal email address, their content referred variously to him being a member, to the Park Authority's business and its Code of Conduct for Board Members. The Panel was satisfied, therefore, that the Code applied to the Respondent's conduct in respect of the events in question.
2. In reaching its decision as to whether there had been a breach of the Code, the Panel took the following three-stage approach, as outlined in the Standards Commission's Advice Note on the Application of Article 10 of the ECHR:
 - Firstly, it would consider whether the facts found led it to conclude, on the balance of probabilities, that the Respondent had failed to comply with the Code.
 - Secondly, if so, it would then consider whether such a finding in itself was, on the face of it, a breach of the Respondent's right to freedom of expression under Article 10.
 - Thirdly, if so, the Panel would proceed to consider whether the restriction involved by the finding was justified by Article 10(2), which allows restrictions that are necessary in a democratic society (and, in particular, in this case, for preventing the disclosure of information received in confidence).

Stage 1: Whether the Respondent's conduct amounted, on the face of it, to a breach of the Code

3. The Panel noted there was no dispute that the Respondent sent the emails, that were the subject of the complaint, on 26, 27 and 28 August and 12 September 2024.
4. The Panel accepted fully that the Respondent was entitled to raise any concerns he may have had about the Park Authority's approach to the major planning application and its decision-making in a respectful

manner, either at a board meeting or in private with the Convener and Chief Executive. The Panel noted that adherence to the principle of collective responsibility meant that ultimately if, having exhausted these routes, the Respondent remained dissatisfied with, and could not accept and support a decision made by the Park Authority, the option available to him (as with other members of public bodies), was to resign.

5. The Panel found, however, that, in the August emails, the Respondent was discourteous and disrespectful towards the Park Authority's Convener, other board members and its Chief Executive by making a number of serious accusations about them and the Park Authority's decision-making in relation to the planning application. As examples, the Panel noted the Respondent accused the Convener of "undemocratic and unlawful" acts, of bullying him, of criminal activity, and of going "way beyond her authority". He accused the Chief Executive of exceeding his powers, "having produced a masterpiece in half-truths, evasions, fallacies and obfuscation" and of "misconduct in public office"; and the wider Park Authority of having breached its statutory aims.
6. The Panel noted the Respondent also sent an email in September 2024 to a solicitor of external legal firm, accusing him of making empty threats, being a party to bullying and of being in a "shameful position". The Panel noted the solicitor's firm had been instructed by the Park Authority to provide advice about whether the Respondent himself had a conflict of interest in respect of the application. The Panel agreed that the Respondent should have been aware that it was entirely appropriate for the Park Authority to have sought such an opinion and for the legal firm to have provided advice accordingly. This was because there could be potentially significant reputational and cost implications should the Park Authority's decision-making be challenged successfully in the Courts, on the grounds that one of its members had participated in the decision-making on a major planning application, despite having a conflict of interest. As such, the Panel was satisfied that the Respondent's conduct, in effectively accusing the solicitor of bullying him for having provided advice in accordance with a legitimate instruction, was entirely inappropriate and disrespectful. This was regardless of whether he agreed with the advice.
7. The Panel found the tone and content of the Respondent's emails to be intimidating and aggressive and, as such, entirely inappropriate for a member of a board of a public body. The Panel accepted the Respondent was neurodiverse but did not consider this could, in any way, be considered an excuse for the aggressive and discourteous tone adopted. The Panel noted it had been argued on behalf of the Respondent that his neurodiversity sometimes meant that he missed social cues and was not always aware of how the way he communicated would affect others. The Panel was of the view, however, that this demonstrated the Respondent was aware that his communication style could be problematic and considered, accordingly, that he should have taken more care when drafting his emails. The Panel agreed, in any event, that the Respondent's neurodiversity might only help to explain discourtesy and disrespect in one email, sent in the heat of the moment in response to one he had received. It could not be accepted as a justification for the a number of unprompted emails sent over an extended period.
8. The Panel was of the view it was entirely disrespectful for the Respondent, as a member of the Park Authority (and therefore as someone in a position of power and influence), to have made such serious accusations, in such a manner. The Panel further considered that the Respondent's conduct in stating to the Convener that she was in "deep trouble", had "lots of problems" coming her way, and should get a lawyer, amounted to a deliberate threat that was evidently aimed at frightening and undermining her. The Panel agreed that such conduct by a board member was wholly inappropriate and entirely discourteous.
9. The Panel was particularly disappointed to note that in an email sent on 28 August 2024, the Respondent stated that the Convener should "have a frank conversation" with her husband about her best interests and should get herself a lawyer. Given the Convener's husband was neither a member nor an employee of the Park Authority and, indeed, had no ostensible connection to the matter, the Panel considered the

Respondent's conduct in doing so to be condescending, spurious and entirely discourteous. The Panel was satisfied it was unlikely the Respondent would have made any such mention of a spouse, had the Convener not been female.

10. **The Panel concluded, for the reasons outlined above, that the Respondent had, on the face of it, breached paragraph 3.1 of the Code.**
11. The Panel noted the Respondent's disputed the contention that he had been aggressive and had bullied the Convener and, instead, contended that he himself was the victim of such behaviour. The Panel noted, however, that a complaint that the Convener had bullied the Respondent had been investigated previously by the ESC. The Panel noted the ESC had not found evidence to support the allegation and, as such, had concluded the Code had not been breached. The Panel was satisfied it had no evidence before it to suggest the Convener had bullied the Respondent. On the contrary, the Panel found the correspondence from the Convener to the Respondent to be patient, professional and measured, both in content and tone.
12. The Panel considered that, as a board member, the Respondent was in an inherent position of power over the Chief Executive. It was further of the view that, as an elected member who appeared to enjoy direct access to the author of a blog, the Respondent was also, to an extent, in a position of power over the Convener, despite her position as leader of the organisation.
13. The Panel agreed that the Respondent's August 2024 emails were threatening, both in tone and content, towards the Convener and Chief Executive. Given the Respondent copied in numerous senior politicians, and repeated his accusations in several emails over a short period of time, the Panel agreed it would have been reasonable for the Convener and Chief Executive to have felt disparaged, threatened and intimidated by them. **As such, the Panel found the Respondent's conduct in sending the emails to amount to bullying and, accordingly, on the face of it, to a breach of paragraph 3.3 of the Code.**
14. The Panel noted that several individuals copied into the Respondent's emails were not members of the Park Authority and, further, that their status as senior politicians meant that it was likely their staff would be able to access their email accounts. As such, the Panel was of the view that the Respondent's emails should be considered public in nature. The Panel found that in an email dated 26 August 2024, the Respondent made specific allegations about the Chief Executive, including that he had lied and committed misconduct in public office. The Panel was satisfied, therefore, that in doing so the Respondent had undermined and raised concerns about an identifiable employee's performance, conduct and capability in public. **As such, the Panel found the Respondent had also breached paragraph 3.8 of the Code.**
15. The Panel was not satisfied that external solicitors should be regarded as public body employees for the purpose of paragraph 3.8 of the Code (and noted a similar decision the Standards Commission had made to this effect at a Hearing on case reference LA/E/3645). The Panel accepted that the Code made it clear that the provisions concerning the relationship between members and public body employees included those employed by contractors providing services to the public body. The Panel considered, however, that a distinction should be drawn between two categories of contractors. The first was individuals who, as contractors, might reasonably be understood to be public body employees by an objective observer who might not know the full details of their employment status (for example, cleaners or security guards employed by an agency but working in the public body's premises). The second was individuals working on external premises for an independent firm or company which is instructed to provide particular services or undertake a specific task for the public body. The Panel considered an external solicitor fell into the second category and, therefore, could not be considered as a contractor or employee of the Park Authority, for the purpose of the Code. The Panel concluded, therefore, that a breach of paragraph 3.8 could not be found in respect of the solicitor.

16. The Panel noted that one aspect of the complaint was that the Respondent sought to take unfair advantage of his position as a board member to bring any undue influence to bear on the Standards Officer to take a certain action, being to share a letter from the Community Council with all other Park Authority board members, despite knowing this could compromise him in his role as an employee. The Panel agreed that directing the Standards Officer to share such correspondence, that concerned the major planning application, with all board members, before he had a chance to consider whether it was appropriate to do so or whether it could put the organisation at risk, could have compromised him. This was because the Standards Officer was responsible for good governance and for ensuring the Park Authority did not exceed its powers. The Panel further agreed that, given the Standards Officer's role and the accusations made by the Respondent in his emails (including accusing the Park Authority of having gone beyond its authority, having exceeded its powers and to disciplinary action being required), it would be reasonable for the Standards Officer would have felt pressured in general. This was regardless of whether the emails were sent directly to the Standards Officer or whether he was copied in either by the Respondent or someone else. The Panel agreed the respondent must have known that the emails would be copied to the Standards Officer, given the nature of his role and responsibilities.
17. The Panel found, nevertheless, that the Standards Officer was already aware, from the Convener's response, that she intended to share the Community Council's letter with the other board members. While the Panel accepted that, given his roles and responsibilities, the Standards Officer may have wanted to address some of the issues raised in the letter, it agreed that it was unlikely, in the circumstances, that the Standards Officer would have felt under pressure to also forward it to, or share it with, the same individuals. **As such the Panel did not consider the Respondent's conduct amounted to an attempt to use his position to put undue influence on an employee to take a certain action, in breach of paragraph 3.9 of the Code.**
18. Turning to the question of whether the collective responsibility provision in the Code had been breached, the Panel noted that the Respondent seemed to be suggesting that he had not personally signed the version of the Code that was adopted after the Model Code of Conduct for Members of Devolved Public Bodies was revised and issued in late 2021, which introduced the provision on collective responsibility, and, therefore, that it was not "legally binding" on him as an individual. The Panel agreed this was not the case, however, as each public body covered by the Ethical Standards in Public Life etc. (Scotland) Act 2000 was required to submit their Code of Conduct, based on the Model Code, to Scottish Ministers for approval. The Panel noted that each public body board adopts its Code as a collective and that it covers the conduct of all individual Members.
19. The Panel noted, in any event, that it had before it a copy of a document the Respondent signed on 11 July 2022 confirming he had read and understood the approved Park Authority's Members' Code of Conduct, as issued to him on 8 July 2022. As such, the Panel was satisfied that the Code, including the provision on collective responsibility, applied in full to the Respondent.
20. For the reasons outlined above, the Panel considered the Respondent's emails to be public in nature. The Panel did not agree with the ESC that the Respondent could not have breached the provision on collective responsibility as, at the time he sent his email, no decision on the planning application itself had been made. The Panel noted that this was not what the Respondent was challenging (and was not what the complaint alleged). Instead, the Respondent was challenging the decision the Park Authority had made to proceed to make a determination on the planning application, on the basis that he considered it had a conflict of interest. The Panel noted, however, that the Convener sent an email to all board members on 16 July 2024 in which she advised both about the process to be followed in making the decision on the planning application and how members should declare any personal conflict of interest they may have in respect of it. The Panel was of the view that it was evident, from the fact that a process by which the Board would be making a decision had been agreed, that the decision it had a competent basis to do so (and, accordingly, there was no corporate conflict of interest) had been made. The Panel was satisfied

that, in challenging this decision both publicly and in the disparaging manner in which he had, **the Respondent breached paragraph 3.11 of the Code, being the requirement to abide by the principle of collective responsibility.**

21. The Panel noted that the Respondent argued, without providing any evidence to support his contention, that the private email addresses of other board members, he disclosed in his email of 26 August 2024 sent to various MSPs and a Minister, were not confidential as these would already be known to Scottish Ministers. The Panel agreed that this appeared to be no more than an assumption on his part, based on the fact that a letter from a Minister confirming his appointment to the board of the Park Authority was sent to his private email address. The Panel considered, however, that it was evident that the administrative work associated with any recruitment or appointment of Members would not be undertaken by Ministers (even if they viewed and signed any correspondence associated with it) and, as such, Ministers would not retain or keep a record of the private email addresses of board members. The Panel was of the view, in any event, that the Respondent would or should have been aware that MSPs would not have any direct involvement in the appointment of members of the Park Authority.
22. The Panel considered the question of whether the Respondent had previously campaigned for Members to be given Park Authority emails accounts and addresses to be entirely irrelevant to the question of whether he was entitled to disclose and make public his colleagues' personal emails addresses. This was because the Respondent was aware no such accounts had been set up and, therefore, that any email addresses he disclosed were private and personal. In any event, the Respondent received a copy of the Convener's email of 27 August 2024 in which she assured board members that the Park Authority's policy was not to share their personal email addresses with external organisations.
23. The Panel acknowledged that, when replying to the Respondent, the Convener responded to 'all', meaning the private email addresses were also included in her email, which was sent to the same Scottish Ministers and MSPs that the Respondent had copied into his email. While the Panel accepted this was the case, it noted that, by then, the private email addresses had already been disclosed by the Respondent and, as such were already known to the recipients. The Panel noted, in any event, its remit extended only to consider the alleged conduct of the Respondent, as outlined in the referral.
24. The Panel noted the Respondent argued that the email addresses were already public, as the Community Council Chair used some of them in the email she sent to board members on 27 August 2024. The Panel noted the Respondent alleged that an individual who was helping the Community Council at the time had found these after undertaking an online search. The Panel found, however, that the Community Council's Chair's email was sent after the Respondent's one. It further noted that the ESC had found some of the emails addresses sent by the Chair were different to those disclosed by the Respondent in his email of 24 August 2024.
25. The Panel nevertheless accepted the Respondent's contention that he did not intend to breach confidentiality and disclose the private email addresses, and that that the way his email account was set up meant that he could only view the names of recipients (and not their full email addresses). As such, he had not realised the private email addresses would be disclosed to the recipients of his email. The Panel further accepted that there was insufficient evidence for it to conclude, on the balance of probabilities, that the Respondent shared the personal email addresses with the Community Council Chair before she sent her email. Indeed, the Panel accepted, from the fact that some of the addresses she used were different and incorrect, that the Community Council Chair had identified these by other means.
26. The Panel noted, however, that while the Respondent's intention was a mitigatory factor, it did not absolve him of the responsibility to maintain confidentiality. The Panel was satisfied, from the information gathered by the ESC during his investigation, as outlined in his report, that the private email addresses of other board members that the Respondent disclosed in his email of 26 August 2024 were not readily

available in public. The Panel noted that in her email to other board members of 27 August 2024, the Convener assured other board members that the Park Authority had not disclosed their private email addresses to the Community Council Chair, as its policy was not to share these. The Panel was of the view that this should have put the Respondent on notice that he should also be careful not to do so. **The Panel found that, therefore, that the Respondent breached paragraph 3.22 of the Code, being the requirement not to disclose confidential information or information that should reasonably be regarded as being of a confidential nature.**

27. The Panel agreed, nonetheless, that as it had accepted the Respondent had not disclosed this confidential information intentionally, it could not be said that he had done so for personal advantage or to discredit the Park Authority. **The Panel concluded, therefore, that the Respondent had not breached paragraph 3.24.**

28. The Panel noted the Respondent considered the complaint to be malicious and vexatious, and an attempt to silence or dismiss him. The Panel had not seen any evidence or suggestion to support this. It agreed, in any event, that given the serious nature of the breaches as found and described above, it was entirely reasonable for the Complainer, as Convener of the Park Authority, to make the complaint in order to protect herself, other board members and employees as well as the reputation of the organisation, and to prevent further conventions of the Code by the Respondent. The Panel noted, in any event, that a breach of the Code was exactly that, regardless of the motives of any Complainer.

29. The Panel noted the Respondent also contended that the Park Authority had ignored deliberately the “protected characteristics” that resulted from his neurodiversity and the associated difficulties he experienced as a board member. The Panel noted, however, that the ESC reported he was provided with evidence to demonstrate that the Complainer and Standards Officer were both aware of the Respondent’s neurodiversity and that the Park Authority had put measures in place to support the Respondent in his role. The Panel noted the ESC reported that these measures included:

- Making reasonable adjustments regarding communication (for example, adopting the Respondent’s preferred communication methods, where appropriate, providing him with a laptop and also printing copies of meeting papers for him).
- Implementing agreed actions following an Occupational Health referral.
- Affording significant leeway in Board meetings and training sessions.
- Informing the Respondent when his behaviour caused concern and supporting and engaging with him in order to try to improve this.

30. The Panel noted, in support of this, that the Convener sent the Respondent a letter on 17 June 2024 in which she referred to his neurodivergence and offered him further support with his communications. The Panel noted, in any event, that it had before it, as part of the productions, a copy of correspondence sent by the Respondent in 2018 in respect of a previous but substantially similar planning application, which was both courteous and respectful in nature. The Panel considered this was evidence that when he chose to, the Respondent was able to communicate in such a manner.

31. The Panel did not accept the Respondent’s contention his actions amounted, essentially, to a Public Interest Disclosure. This was because the Panel noted that the Respondent did not make his allegations to a prescribed person or body as required by the Public Interest Disclosure Act 1998 and in accordance with the Park Authority’s Whistleblowing Policy.

32. Having found that the Respondent had, on the face of it, breached paragraphs 3.1, 3.3, 3.8, 3.11 and 3.22 of the Code, the Panel then proceeded to consider whether a restriction on his right to freedom of expression under Article 10 of the European Convention on Human Rights was justified.

Stage 2: Whether a finding of a contravention of the Code would be a breach of the Respondent's right to freedom of expression under Article 10 of the ECHR

33. The Panel noted that enhanced protection of freedom of expression under Article 10 applies to all levels of politics, including local politics. The Panel further noted that the Courts have held that political expression is a broad concept and that there is little distinction between political discussion and discussion of matters of public concern¹. In this case, the Panel noted the content of the Respondent's emails concerned how the Park Authority, as a public body, was handling of a high-profile planning matter, being a matter of public interest concern. In the circumstances, therefore, the Panel considered that the Respondent would attract enhanced protection in respect of his right to freedom of expression under Article 10.

Stage 3: Whether any restriction on the Respondent's right to freedom of expression involved by a finding of a contravention of the Code would be justified by Article 10(2) of the ECHR

34. The Panel nevertheless noted that the right to freedom of expression is not absolute. Article 10(2) states that restrictions can be imposed, provided they are necessary in order to achieve a legitimate aim. The Panel noted that legitimate aims can include:

- protecting the rights and reputations of others, including other board members and public body employees;
- ensuring public confidence in public bodies is not undermined and that a public body is not brought into disrepute;
- protecting the mutual bond of trust and confidence between board members and employees; and
- preventing the disclosure of information received in confidence.

35. The Panel accepted, however, that the Courts have found any restriction on freedom of expression must also be proportionate to the legitimate aim being pursued. As such, the Panel was required to undertake a balancing exercise, weighing the enhanced protection to freedom of expression enjoyed by the Respondent against any restriction imposed by the application of the Code and the imposition of any sanction. In doing so, the Panel had regard to the following findings that have been made by the Courts:

- The necessity of any restriction on the exercise of freedom of expression must be established convincingly and be in response to a pressing social need.
- In a political context, a degree of the offensive, shocking, exaggerated, emotive, non-rational and aggressive, that would not be acceptable outside that context, should be tolerated².
- Notwithstanding the high importance of freedom of expression and its relative incommensurability with the interests that are invoked in justifying a restriction, the more egregious the conduct, the easier it is likely to be for a Panel to undertake the balancing that is required and justifiably to conclude that what was said or done falls within one of the exceptions to freedom of expression³.
- While there is no doubt that Article 10(2) enables the protection of the reputation of others, and that this protection extends to politicians, the requirements of such protection have to be weighed in relation to the interests of open discussion of political issues⁴.
- A careful distinction is to be made between factual statements on the one hand, and value judgements on the other. While the existence of facts can be demonstrated, the truth of value judgements is not susceptible to proof⁵.

36. The Panel accepted, on balance, that some of the Respondent's remarks could be classed as value judgements or opinions (as opposed to statements of fact), in that they were not susceptible to proof.

¹ Thorgeirson v Iceland (1992) 14 EHRR 843

² Heesom v Public Service Ombudsman for Wales (2014) EWHC 1504 (Admin)

³ R (Calver) v Adjudication Panel for Wales (2012) EWHC 1172 (Admin)

⁴ Lingens v Austria (1986) Series A 103

⁵ Lingens (ibid)

37. The Panel noted the approach taken by Lord Justice Hickinbottom in *Heesom*, who stated that value judgements will be tolerated if there is “any” evidence for the statement, should be adopted. The Panel further noted, however, that the European Court of Human Rights (ECtHR) authorities referenced in *Heesom* in support of this description do not state that value judgements will be tolerated if there is ‘any’ or ‘some’ evidence for them. Instead, the Panel noted that a sufficiency of evidence is required. For example, in *Lombardo*, the ECtHR stated that “even where a statement amounts to a value judgement, the proportionality of an interference may depend on whether there exists a sufficient factual basis for that statement, since even a value judgement without any factual basis to support it may be excessive”. The Panel noted that similar references to the need for a sufficient factual basis for value judgements are made in the cases of *Jerusalem*⁶ and *Dichand*⁷.
38. The Panel agreed it was clear from the decisions of the ECtHR requiring a ‘sufficiency’ of evidence but also from cases describing what is, and what is not, sufficient that there is a qualitative element to the evidential test. The Panel noted, in the case of *Scharsach*⁸ the ECtHR assessed the evidence justifying the description of an individual as a closet-Nazi. As part of this, the Court considered evidence that the individual was the wife of an editor of an extreme right-wing magazine. The Panel noted this would amount to ‘any’ or ‘some’ evidence as the test has been described in *Heesom*.⁹ The ECtHR held, however, that this evidence did not, in itself, “constitute a sufficient factual basis” for the value judgement.
39. The Panel agreed that the approach of the ECtHR demonstrates that it is not ‘any’ evidence that is required for a value judgement to be tolerated, but rather that the evidence be sufficient. The Panel therefore applied the sufficiency approach of the ECtHR when considering the case before it; being that where a remark amounts to a value judgement, there must exist a sufficient factual basis to support it, failing which it will be deemed excessive.¹⁰
40. The Panel further noted that the obligation to have such a sufficient factual basis must be proportionate to the nature and degree of the allegation in question, meaning the more serious an allegation, the more sound the factual basis has to be.¹¹
41. In this case, the Panel did not consider there was a sufficient basis for the Respondent’s accusations, including that the Convener and Chief Executive, in particular, were acting in an unlawful way or otherwise engaging in misconduct. The Panel accepted the Respondent appeared to believe the truth of his assertions that the Park Authority as an entity and / or some other board members may have a conflict of interest in respect of the planning application. It was not fully satisfied, however, that the Respondent had expressed such value judgements in good faith, given it was apparent, from the offensive and threatening words and tone adopted and the fact that he eschewed the established formal processes for raising concerns, that the Respondent had, at least in part, intended the emails to be shocking, to undermine those he was targeting and to provoke a reaction. The Panel agreed, on balance, that it was unlikely the Respondent truly believed his colleagues were deliberately engaging in illegal acts. The Panel was not satisfied, therefore, that he was acting on good faith when sending the emails.
42. The Panel further noted the Respondent appeared only to rely on a member of the public’s inaccurate and apparently ill-founded opinion, as published in a blog, to support his position. Given he continued to make accusations, despite information to the contrary having already been provided to him by the Park Authority and an external law firm, the Panel did not consider the Respondent provided a sufficient factual

⁶ *Jerusalem v Austria* (Application 26958/95 para 45) 12.

⁷ *Dichand v Austria* (Application 29271/95 para 50).

⁸ *Scharsach v Austria* (Application 39394/98).

⁹ *Heesom* (ibid).

¹⁰ *Pedersen and Baadsgaard v Denmark* (GC) 49017/99

¹¹ *Pedersen* (ibid)

basis for his opinions. This was particularly given how serious, shocking, provocative and persistent they were, and given the fact they were made publicly.

43. The Panel accepted that the Respondent had a right to raise concerns about how the Park Authority was handling the planning application and its decision-making. The Panel noted it had found, however, that he had behaved in an aggressive, intimidating and threatening manner towards the Convener and employees. In determining whether the Respondent's conduct was excessive and egregious, the Panel considered that the degree of latitude that should be afforded to it was narrow. This is because, as previously noted, it considered other board members and public body employees have a right to work in a safe and respectful environment, without being subjected to disrespectful and intimidating behaviour. The Panel considered, therefore, there was a clear pressing social need for a restriction to prevent this from occurring.

44. As outlined above, the Panel considered, however, that it would have been entirely possible for the Respondent to have raised issues about the Park Authority's approach to the planning application in a courteous and respectful manner that was compatible with the Code. The Panel noted it had found, instead, that he had behaved in a manner that was intimidating and aggressive, which made others feel uncomfortable and threatened, and went far beyond that which they, as board members or senior employees of a public body, may be expected to tolerate.

45. As such, the Panel was satisfied that the Respondent's conduct was entirely excessive and egregious. The Panel was further satisfied that, in the circumstances, the finding of breach, and imposition of a sanction, was sufficient and proportionate and could not be said to have a chilling effect on his ability to raise questions and concerns (whether these were legitimate or not).

46. The Panel therefore agreed that a restriction on the Respondent's enhanced right to freedom of expression was relevant, sufficient and proportionate in order to meet the aims outlined at the beginning of Stage 3, and in particular to:

- protect the rights and reputation of others;
- ensure public confidence in board members and public bodies; and
- ensure the conduct of public life does not fall below a minimum standard.

47. The Panel concluded, therefore, that the finding of a breach of paragraphs 3.1, 3.3, 3.8, 3.11 and 3.22 of the Code, and the subsequent application of a sanction, would not contravene Article 10.

Impact Statement and Evidence in Mitigation

The Panel noted the Complainer had provided a statement outlining the impact of the Respondent's conduct on her. The Complainer advised that she considered the Respondent had continually questioned her judgment and leadership as Convener and had been both dismissive and condescending towards her. The Panel noted that the Complainer advised, in this, that in over 30 years of professional experience, she had never been told have a conversation with her husband about her best interests in respect of any professional matter. The Complainer considered this, alongside the Respondent's conduct towards her throughout her tenure as Convener, not only undermined women in leadership but also acted as a barrier to greater representation on public boards.

The Panel noted the Complainer further advised that Respondent's conduct had continued after the complaint was submitted to the ESC in August 2024. The Complainer advised that, despite repeated offers of training and support, the Respondent had persisted in behaving in a disruptive and disrespectful manner towards her, his fellow Board members, and Park Authority employees.

In considering the content of the Complainer's impact statement, the Panel was mindful of, and took into account, the fact that the information provided had not been given under oath or tested at the Hearing. The

Panel was nevertheless of the view that it would be reasonable for the Complainer to have felt undermined and disrespected by the Respondent. As such, the Panel considered the alleged impact could be reasonably taken as a being a likely and direct consequence of the conduct it had found to have occurred.

As outlined above, the Panel noted that it had been submitted, on the Respondent's behalf that he was trying to act in the public interest in raising, and making public, his concerns about the Park Authority's decision-making. The Panel accepted the Respondent had not intentionally breached confidentiality by disclosing the personal email addressed of his fellow board members.

The Panel further noted the Respondent was neurodiverse and that this affected how he communicated with others. The Panel acknowledged the Respondent's position was that the Park Authority had failed to make adequate provision for his neurodiversity.

SANCTION

The decision of the Hearing Panel was to suspend, for a period of 6 months with effect from 20 February 2026, the Respondent, Mr Perrie, from all meetings of Loch Lomond and The Trossachs National Park Authority and of any committee or sub-committee thereof and of any other body on which the member is a representative or nominee of the body.

This sanction was made under section 19(1)(c) of the Ethical Standards in Public Life etc. (Scotland) Act 2000.

The Panel further directed, in terms of section 19(6) of the 2000 Act, that any remuneration or allowance deriving from the Respondent's membership of the Park Authority that would be payable to him, be not paid during the period of suspension.

Reasons for Sanction

1. In determining the appropriate sanction, the Panel considered:
 - firstly, whether the interference (i.e. the proposed sanction) was the minimum necessary, or whether less restrictive means could be employed; and then
 - secondly, whether the benefit of that least restrictive measure outweighs its adverse impact on the Respondent's right to freedom of expression. For example, whether any benefit in applying a sanction in respect of protecting the rights and reputations of others, and to ensure good administration which enables public bodies to function effectively, would outweigh any impact on the Respondent.
2. In making its decision on sanction, the Panel had regard to the Standards Commission's Policy on the Application of Sanctions. A copy of the policy can be found on the Standards Commission's website, here: <https://www.standardscommissionscotland.org.uk/cases/hearing-rules>.
3. The Panel began by assessing the nature and seriousness of the breach of the Code. The Panel noted that, in this case, it had identified contraventions of a number of provisions of the Code. The Panel noted, in particular, that the requirement for board members to:
 - behave with courtesy and respect towards their colleagues, employees and anyone else they come into contact with by virtue of being a member of their public body;
 - refrain from conduct that could amount to bullying or harassment; and
 - abide by the principle of collective responsibility and maintain confidentiality,are key requirements of the Codes for members of public bodies. This is because a failure to adhere to these provisions can adversely affect the rights and reputations of others. It can also have a detrimental effect on how a public body's business is conducted and decisions are made which, in turn, erodes public confidence in the public body itself.

4. The Panel recognised that the Respondent held strong views about whether the Park Authority was entitled to decide the application albeit these appeared to be based, to a substantial extent, on a member of the public's ill-informed blog. The Panel acknowledged that the Respondent was entitled to raise concerns he may have had about the Park Authority's decision-making or approach. It considered, however, that he could have done so in a respectful manner, either at a board meeting or in private with the Convener and Chief Executive, without breaching the Code. The Panel further noted the Respondent could have raised any concerns he may have had in accordance with the Park Authority's Whistleblowing Policy.
5. The Panel noted it had found, in particular, that the Respondent had repeatedly failed to communicate in a respectful and courteous manner, had bullied the Convener, and had made serious and unfounded accusations in public about her, the Chief Executive and the Park Authority's decision-making. The Panel noted these included claims of illegality and misconduct. The Panel further noted it had found that the Respondent's emails had been threatening in nature.
6. The Panel noted the Convener's description of how the Respondent's conduct had affected her personally as well as the broader impact on other employees and board members of the Park Authority. The Panel considered that, given the nature of the breaches of the Code it had found, these were entirely likely and predictable consequences that the Respondent would or should have been able to anticipate.
7. While the Panel recognised the events that were the subject of the complaint occurred over a matter of a few days, it did not consider the Respondent's conduct in sending the emails could be categorised as a one-off incident. This was because he made his accusations and threats in frequent and repeated emails sent between 26 and 28 August 2024, and on 12 September 2024.
8. Taking into account the factors outlined above, the Panel considered the breaches of the Code were serious in nature.
9. The Panel then considered the aggravating and mitigating factors as set out in the Policy on the Application of Sanctions, beginning with those in mitigation. The Panel noted that mitigating factors are those which may lessen the severity or culpability of the breach.
10. The Panel noted, in mitigation, there had not been any previous findings of a contravention of the Code by the Respondent. It was concerned, however, that he had not demonstrated any insight in respect of the potential impact of his conduct on others, either on a personal level, or in terms of how it made them feel when working for, or engaging with, the Park Authority. Indeed, the Panel noted that the Respondent appeared to be concerned only with his own views.
11. While the Panel accepted the Respondent was neurodiverse, it was concerned to note that despite being made aware of the potential impact of this on others, there was no evidence or suggestion he had tried to adapt his approach. The Panel noted that, at no point, had the Respondent suggested any of his emails were sent in error or before they were ready.
12. The Panel then proceeded to consider whether there were any aggravating factors; being ones that may increase the severity or culpability of the breach.
13. In this case, the Panel noted that the Respondent had agreed, as part of his acceptance of office as a board member, that he would abide by the terms of the Code, which clearly included the provisions outlined above. The Panel was further concerned that the Respondent engaged in the conduct, despite being reminded by the Convener, in a letter of 17 June 2024, of the requirements of the Code, and in particular, the provisions on respect and courtesy, and collective responsibility.

14. The Panel was particularly mindful of the very serious nature of the Respondent's allegations and the fact they were made over a number of emails as opposed to, for example, being made verbally on one occasion in the heat of the moment.
15. The Panel was disappointed to note that the Respondent did not appear to care that the content, tone and persistent nature of his emails were entirely inappropriate and incompatible with the Code, the provisions of which, as a board member, he had agreed to adhere. Instead, the Panel considered it was apparent that the Respondent intended his emails to be shocking and, further, that was trying to cause upset, offence and fear.
16. The Panel considered that the Respondent had not demonstrated any insight or understanding into either how unacceptable his conduct was, or the effect of his behaviour on others. The Panel further noted the Respondent had not proffered any apology. It was dismayed to note that, instead, the Respondent (through those representing him) had repeated his accusations during the ESC's investigation and, further, following the referral to the Standards Commission, had attempted to publicly undermine the Hearing process through his representatives.
17. The Panel was of the view that a censure or short suspension being the minimum sanctions available to the Panel, was not appropriate in light of the seriousness of the conduct and impact it had.
18. The Panel agreed that a censure would not achieve the aims, as outlined in the Policy on the Application of Sanctions, of:
- preserving the ethical standards framework;
 - promoting adherence to the Code of Conduct;
 - maintaining and improving the public's confidence that members will comply with the applicable Code and will be held accountable if they fail to do so; and
 - achieving credible deterrence.
19. Having considered the nature and seriousness of the breach, as well as any aggravating and mitigating factors identified, the Panel concluded that a suspension towards the middle of the one-year period provided for by the Act was the appropriate sanction in the circumstances. The Panel did not consider that a disqualification or suspension towards the end of the period permitted was warranted or justified.
20. The Panel was satisfied that the imposition of a six-month suspension was the minimum necessary to achieve the aims outlined above. Having considered all the matters outlined above, the Panel concluded, on balance, that the appropriate sanction, in the circumstances, was to suspend the right of the Respondent to attend all meetings of Loch Lomond and The Trossachs National Park Authority, for a period of six months with effect from 20 February 2026.
21. The Panel further considered, in terms of section 19(6) of the Act, whether it should direct that any remuneration or allowance deriving from the Respondent's membership of the Authority that would be payable to him, be not paid during the period of suspension. In making its decision, the Panel had regard to the Standards Commission's Section 19(6) Policy and Procedure, a copy of which can also be found on the Standards Commission's website.
22. In considering whether it was fair and proportionate to issue a direction, the Panel noted the Respondent's remuneration was paid for activities and functions he undertook in his role as a board member. As the Panel had considered a full suspension was appropriate, it noted the Respondent would not be expected, or allowed, to undertake these functions during the period of suspension. The Panel was of the view that members of the public would not expect board members to be paid for work from public funds for work they would not be undertaking or performing. The Panel further had regard to the public

interest in making its decision. The Panel noted the serious nature of the breach which, as outlined above, included bullying and threatening behaviour. The Panel also noted the potential impact on public confidence in the devolved public body and the ethical standards framework in Scotland if the Respondent continued to receive public funds while suspended for such conduct.

23. The Panel was satisfied that a direction under section 19(6) that any remuneration or allowance deriving from the Respondent's membership of the Authority that would be payable to him, be not paid during the period of suspension was appropriate and proportionate in the circumstances.

RIGHT OF APPEAL

The Respondent has a right of appeal in respect of this decision, as outlined in Section 22 of the Ethical Standards in Public Life etc. (Scotland) Act 2000.

Date: 18 February 2026



**Morag Ferguson
Chair of the Hearing Panel**