

CONDUCT of MEMBERS of the SCOTTISH PARLIAMENT

Report by

the Commissioner for Ethical Standards in Public Life in Scotland

on

complaint no. MSP/2229/18-19/12

Complainer:- Mr Kenny McCartney

Respondent:-Ms Rachael Hamilton, MSP

18 March 2019

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CONDUCT of MEMBERS of the SCOTTISH PARLIAMENT

Report on complaint no. MSP/2229/18-19/12 to the Scottish Parliament

Complainer: - Mr Kenny McCartney

Respondent: - Ms Rachael Hamilton MSP

1.0 Introduction

- 1.1 The Code of Conduct for Members of the Scottish Parliament (“the Code”) has been approved by the Scottish Parliament under its Standing Orders to provide a set of principles and standards for its Members. For the purpose of considering these complaints, the relevant edition of the Code is edition 7 which was approved by the Parliament on 30 August 2017.
- 1.2 Other relevant provisions relating to the conduct of MSPs for the period in question include: the Scotland Act 1998 - “the 1998 Act”; The Scotland Act 2012 – “the 2012 Act”; The Interests of Members of the Scottish Parliament Act 2006- “the 2006 Act”, as amended by the Interests of Members of the Scottish Parliament Act 2016 – “the 2016 Act”; and the Interests of Members of the Scottish Parliament Act 2006 (Declaration of Interests) Determination 2007 - “the Determination”.
- 1.3 The applicable provisions of the Code are set out in Part 7 of this Report.
- 1.4 Investigation of the complaint has been undertaken in terms of the Scottish Parliamentary Standards Commissioner Act 2002 (“the 2002 Act”) and the Directions by the Standards Procedures and Public Appointments Committee dated 27 September 2018.
- 1.5 This Report falls to be submitted to the Parliament in terms of section 9 of the 2002 Act.

2.0 Complaint

- 2.1 The complainer is Mr Kenny McCartney (“the complainer”). His complaint is about Ms Rachael Hamilton MSP (the respondent). Ms Hamilton is the MSP for Ettrick, Roxburghshire and Berwickshire and was elected in May 2016. She is currently a member of the Public Petitions Committee.
- 2.2 The complaint was made by letter dated 29 November 2018. This is attached as **Appendix 1**. The complaint deals with the alleged failure of the respondent to make an oral declaration of her registered interest as a business owner when asking a Parliamentary Question on 29 November 2018 concerning research into cost pressures, including business rates, on Scottish retailers in the context of Small Business Saturday.

3.0 Response

- 3.1 The respondent provided a written response to the complaint, dated 11 January 2019. This response is attached as **Appendix 2**.

- 3.2 The respondent refutes the suggestion that she has breached the Code in not making an oral declaration as alleged in this instance. She confirms that her Question made an initial reference to a Report by French Duncan consultants on the rise of insolvencies in the retail sector. Her Question was about the “Small Business Saturday” event with reference to named retail businesses in her constituency and their financial pressures. She makes a clear distinction between “High Street” retailing which was the subject of her Question and her own business. She also provides an example of when she felt the need for an oral declaration of her position as a small hospitality business owner when posing a question on low economic growth and business rates.
- 3.3 At interview the respondent restated her position on the complaint lodged. In summary, she rejected the suggestion of alleged misconduct in this instance. She provided a video recording made in the premises of retailers in High Street, Kelso which explained her support and encouragement for the “Small Business Saturday” event. She confirmed that she had also carried out similar supportive activities in Jedburgh and Melrose in previous years.
- 3.4 The respondent referred to the conclusions of the French Duncan report mentioned in her Parliament Question, which outlined the pressures faced by retail businesses such as those in the centre of Kelso. The pressures on those local businesses had prompted her Parliamentary Question.
- 3.5 The respondent confirmed that her own business interests did not fall into the category of business which was the subject of her Parliamentary Question. The respondent’s interest is in hospitality, as distinct from retail. The respondent’s business is liable for the Large Business Supplement, unlike many of the High Street retailers to whose pressures the question related. Indeed, some of these are eligible for Small Business Rates Relief.
- 3.6 The respondent confirmed that her own business had not been involved in Small Business Saturday.

4.0 Admissibility of the complaints

- 4.1 Stage 1 of the investigation of a complaint requires an assessment of admissibility as set out in section 6 of the 2002 Act. In assessing admissibility, the key tests are whether the complaint is relevant, whether the complaint meets the requirements for form, content and execution and whether the complaint warrants further investigation if it appears after an initial investigation that the evidence is sufficient to suggest that the conduct complained about may have taken place.
- 4.2 I concluded that the details of the complaint and its apparent relevance to the respondent’s obligations under the Code enabled me to find that the complaint was admissible (Stage 1). I wrote to the respondent and the Clerk to the SPPA Committee on 31 January 2019 to that effect. I confirmed that I would be continuing with my investigation (Stage 2). A copy of my letter is attached as **Appendix 3**.

5.0 Investigation and Findings

- 5.1 A copy of the respondent's Register of Interest is attached as **Appendix 4**. It records that the respondent has a 49% shareholding in Borders Hotels Limited. The hotel in which the respondent has registered an interest is not located on a High Street. The terms of that register entry are not in dispute.
- 5.2 The complainer alleges that the respondent has business interests in the hospitality industry which are relevant to the Parliamentary Question she asked on 29 November 2018, by virtue of her shareholding in Borders Hotel Limited ("the company").
- 5.3 The Parliamentary Question is attached as **Appendix 5** and is referred to for its terms. The respondent made no oral declaration of interest.
- 5.4 The complainer points out that the respondent made a declaration of interests when asking a question on business rates on 14 December 2017. The respondent then referred to her "entry in the register of members' interests as a small hospitality business owner."
- 5.5 It is the respondent's view that there is a distinction to be drawn between High Street retailers in Kelso, many of whom run small businesses, and the operation of the hospitality business in which she has an interest. She emphasised that the question specifically referred to Small Business Saturday, in which her own business was not involved, and to research by French Duncan which was specific to Scottish retailers.
- 5.6 I am persuaded that there is a clear distinction between the High Street retail businesses to which the Parliamentary Question related and the respondent's business interests. The content of the respondent's video for Small Business Saturday dealt exclusively with local traders in explaining the event and encouraging the "shop local" concept. It places beyond doubt the category of business she had in mind when asking her Parliamentary Question about the increasing financial burden on these particular retail businesses being promoted on Small Business Saturday.
- 5.7 In connection with the Parliamentary Question posed on 14 December 2017, the respondent declared an interest (describing herself as "a small hospitality business owner") when asking the Parliamentary Question. It was a general Question about a rise in business rates, as distinct from a Question about the impact of cost pressures, including business rates, on High Street retailers. I consider that it was a more general rates question which can therefore be distinguished from the current, more specific issue.

The Code

- 5.8 Members are required to make declarations of interest in the circumstances outlined in the Code at section 3 (Declaration of Interests), which incorporates references to Sections 12 and 13 of the 2006 Act and the Determination.
- 5.9 The 2006 Act defines "declarable interest" in any matter as being "a registrable financial interest in that matter" which is registered in the entry relating to that member. Such an interest must be declared "before taking part in any proceedings relating to that matter" (section 13(1)). The Act at section 13(2)

confirms that such declarations may be oral or written as provided for in such circumstances as Parliament determines.

5.10 The Determination has set out the specific circumstances in which oral or written declarations must be made in parliamentary proceedings. The relevant provisions are contained in paragraphs 3 (oral declarations) and 4, 5 and 6 (written declarations).

5.11 Extracts from the Code are set out in part 7 of this report, along with relevant paragraphs from the additional Guidance to the Code.

6.0 Conclusion

6.1 On the basis of my Investigation and Findings as contained in Section 5 of this report, I have concluded, in respect of the complaint (reference MSP/2229/18-19/12) made by Mr Kenny McCartney that Ms Hamilton has not breached the statutory and Code requirements to make an oral declaration of her interests when asking the Parliamentary Question set out in Appendix 5 to this report.

7.0 Extracts from the Code of Conduct and Guidance

SECTION 3: DECLARATION OF INTERESTS

The statutory requirements

1. Sections 12 and 13 of the 2006 Act set out the legal requirements in relation to declaration of interests.

Section 12, Declarable interests

- (1) *In this Act, a “declarable interest” means a declarable financial interest.*
- (2) *A member has a declarable financial interest in any matter if that member has, or had, a registrable financial interest in that matter which is registered in the entry relating to that member.*
- (3) *A member has a financial interest for the purposes of paragraph (b) of section 39(2) of the 1998 Act [the Scotland Act] if that member has a declarable financial interest.*

Section 13, Declaration of interests

- (1) *Any member who has a declarable interest in any matter shall declare that interest before taking part in any proceedings of the Parliament relating to that matter.*
 - (2) *For the purposes of subsection (1), a member shall declare an interest by making, in such circumstances as the Parliament may determine, either an oral or, as the case may be, a written declaration of that interest.*
2. An interest about which a declaration must be made is referred to as a ‘declarable interest’.

3. Under the statutory requirements, a member has a 'declarable interest' in relation to any matter if that member has a registrable financial interest relating to it. Registrable financial interests are those which must be registered under one of the categories set out in the schedule to the Act. These categories are explained in Section 2 of the Code.

4. Before taking part in any proceedings of the Parliament a member should consider whether they have a 'declarable interest' in relation to the particular matter being addressed in those proceedings. The onus is on individual members to decide.

5. Declarations may be either oral or written. [The Interests of Members of the Scottish Parliament Act 2006 \(Declaration of Interests\) Determination 2007](#) sets out when oral and written declarations apply.

Oral declarations

6. Where a member has a declarable interest in any matter, the member must make an oral declaration of that interest before speaking in any meeting of the Parliament relating to that matter. This includes initiating, contributing to or intervening in any debate whether—

- during a meeting of the Parliament; or
- during a meeting of a Parliamentary committee (or a joint committee meeting or sub-committee meeting).

7. A member is not required to make an oral declaration where the member simply attends or votes at a meeting but does nothing else. The effect of the determination mentioned in paragraph 5 is that the member's register entry is sufficient declaration of their interest. If the member wishes to take part in the meeting in any way, other than simply attending or voting, they must make an oral declaration. Where the proceedings occur after the member has lodged a written statement with the clerks but before it is published in the Register, members are encouraged to make an oral declaration of that interest.

8. A member must declare an interest when speaking or intervening in a debate where that interest relates to the subject being debated. The Act requires that only such interests as actually appear in the member's entry in the Register must be declared (section 12(2)). Following the lodging of a written statement of an interest with the Standards Clerks (in relation to initial registration, newly acquired interests, or late registrations), there could be a period of up to 30 days before the statement actually appears on the Register and so becomes publicly known. In this situation, members are encouraged to make a declaration of that interest (either orally or in writing as appropriate to the proceedings) in order to avoid the suggestion of undue influence of which only they will be aware prior to the registration being published.

Written declarations

9. Where a member has a declarable interest in any matter, and takes part in any proceedings of the Parliament relating to that matter otherwise than as described above, the member must make and lodge with the Clerk (usually understood to be the clerks in the Chamber Desk) a written declaration of that interest before taking part in any such proceedings relating to that matter. The Guidance on the Code of Conduct includes instructions on how this is done.

10. Taking part in proceedings of the Parliament includes any of the following—

- (a) lodging questions for oral or written answer,
- (b) lodging motions, amendments to motions,
- (c) introducing a Bill, or lodging a proposal for a Member's Bill,
- (d) lodging amendments to Bills, or
- (e) adding the member's name in support of any of the proceedings referred to in (a) to (d) above.

11. Members should be aware that other requirements of the Act, for example, in relation to paid advocacy, also apply to voting and other proceedings.

Failure to comply with or contravention of the rules on declaration of interests

12. Failure to comply with, or contravention of, the Rules on declaration of interests may by virtue of section 15, 16 and 17A of the Act result in the Parliament, by resolution, applying sanctions to a member. In terms of section 17 of the Act, as with the failure to register interests, a member who fails to make a relevant declaration commits a criminal offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale. Enforcement of the Rules in the Code is explained in Section 9.

SECTION 3: GUIDANCE ON DECLARATIONS OF INTERESTS

Responsibility of the member

1. Where a member has a declarable interest in any matter, the member is required to make an oral or written statement declaring the nature of the registrable financial interest before taking part in Parliamentary proceedings relating to that matter. Responsibility for ensuring compliance with the rules on declaration of interests lies with the individual member. Since declarations are required by the Code of Conduct and are also a legal requirement under the Interests of Members of the Scottish Parliament Act (2006), members are advised to err on the side of caution. For example, a member who had received and registered a benefit or remuneration from a particular company would have to make a declaration before participating in any proceedings in relation to that company, but the member should also consider whether or not to declare it before participating in any proceedings relating generally to the industry to which that company belongs.

2. If a member is uncertain about how the rules apply, the member may ask the Standards clerks for advice.

Voluntary entries in the Register

3. A member is not required to make a declaration in respect of interests registered under the —Voluntaryll category of the Register, but may make reference to such interests if the member so wishes.

How a declaration should be made

Oral declaration

4. A declaration should be brief but sufficiently informative to enable a listener to understand the nature of the member's interest. It is not necessary to rehearse all the details of an interest which may appear in the member's entry in the Register of Interests if this is more than is required to explain the nature of the interest. A member may wish to preface the declaration with the words —I declare an interestll, explain briefly the interest, and then move on to the business in hand. *Procedure in meetings of the Parliament*

5.

Written declaration of an interest

9. A written declaration of relevant interest is required when—

(a) lodging questions for oral or written answer;

(b) lodging motions or amendments to motions;

(c) introducing a Bill, or lodging a proposal for a Member's Bill;

(d) lodging amendments to Bills; or

(e) adding the member's name in support of any proceedings referred to in (a) to (d) above.

10. In the case of written declarations of interests, the clerks accepting the notice assume that no interest is declarable unless the notice clearly indicates an interest: this should be done by ticking the appropriate box which appears on the Questions & Motions app. Whenever such an interest is declared, the symbol R is published in the Business Bulletin after the relevant text in the case of parliamentary questions, motions, Bills and amendments and after the member's name in the case of a member supporting a motion or amendment.

11. If the interest to which the member is drawing the attention of the Parliament is already entered in the Register and provided it is readily apparent which of the member's registered interests are applicable, the member need simply make reference to the entry in the Register. If this is not the case, or if the interest is a new interest which is not yet available for inspection in the Register, then the member, when giving notice, should send to the Standards clerks a brief written description of the interest which is being declared. This will then be available for inspection by members on request.

12. A written declaration does not replace the need for an oral declaration. For example, in the case of oral questions which are selected for answer, a member with a relevant interest should declare that interest orally when the question is formally asked in the Parliament even though the member will already have made a written declaration when lodging the question. The member should make the declaration, before asking the question, following the format for oral declaration described above.

Bill Thomson
Commissioner

18 March 2019

Mr Bill Thomson
 Commissioner for the Ethical Standards in Public life in Scotland
 Thistle House
 91 Haymarket Terrace
 Edinburgh EH12 5HE



SUPPORTING
PROSTATE CANCER UK

0 DEC 2018
 OFFICE OF PSOS

29th November 2018

Complaint Regarding Breach of The Code of Conduct for Members of the Scottish Parliament

Dear Mr Thomson,

I write to bring to your attention a parliamentary questions asked by Rachael Hamilton which appears to be in breach of the MSP's Code of Conduct relating to the declaration of interests.

As you know, Section 3 of the Code of Conduct ('Declaration of Interests') states:

"Any member who has a declarable interest in any matter shall declare that interest before taking part in any proceedings of the Parliament relating to that matter. For the purposes of subsection (1), a member shall declare an interest by making, in such circumstances as the Parliament may determine, either an oral or, as the case may be, a written declaration of that interest."

Under 'Oral Declarations' it is further stated at :

"Where a member has a declarable interest in any matter, the member must make an oral declaration of that interest before speaking in any meeting of the Parliament relating to that matter."

On 29/11/2018, Rachael Hamilton asked the following question in First Ministers Questions:

"On Saturday many small independent shops up and down our high streets across Scotland will take part in Small Business Saturday such as Swans Shoe Shop and the Tony Huggins-Haig Gallery. However we hear today that the number of Scottish retailers going bust are on the rise according to research conducted by French Duncan and, amongst other cost pressures, rise in business rates are being blamed. When will the First Minister realise that her Government's high tax agenda is punishing our high streets and take urgent action to support Scotland's retailers?"

According to Rachael Hamilton's Register of Interests, he "own[s] 49% of the issued share capital in Borders Hotels Ltd. (of the Green, St Boswells, Melrose, Roxburghshire, TD6 0EW). These are ordinary shares with a market value of £161,158."

This company in question, which runs The Buccleuch Arms Hotel, is a hospitality business and will therefore pay business rates. Ms Hamilton has previously made clear that she appreciates the requirement of registering her interest when asking such a question. For example, when asking a question on business rates on 14th December 2017, she stated "I draw members' attention to my entry in the register of members' interests as a small hospitality business owner." When discussing a "rise in business rates" today, which affects business owners like herself, it is clear that Ms Hamilton should have done the same.

By failing to register her outside interests when asking this question, Ms Hamilton appears to have failed to comply with the aforementioned section of the MSP's Code of Conduct. I would be grateful if you could investigate this matter and consider whether there has been a breach.

Yours sincerely,



Mr Kenny McCartney

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From: Hamilton R (Rachael), MSP <Rachael.Hamilton.msp@parliament.scot>
Sent: 11 January 2019 14:51
To: investigations@ethicalstandards.org.uk
Subject: RE: Complaint Reference MSP/2229/18-19/12

Dear Mr Thomson

I note the contents of the attached letter and the accusation that I did not register my interests appropriately. I have taken the time to look back at the official report and as you will note from parliamentary records, I am a responsible and considered member of parliament. When speaking in particular about hospitality matters, I consider the content of speeches, motions and questions and register my interests.

After visiting four business in my constituency prior to Small business Saturday and hearing their concerns regarding increasing business costs, I decided to ask the First Minister a question. My question coincided with a report from French Duncan about the increase in the number of insolvencies in the retail sector. The shops that I mention in the question are both retail shops on Kelso High Street. The difference in the complainants example is that I registered my interest when speaking about the Large Business Supplement compared to the reference he/she makes to the high tax agenda affecting high streets and retailers. The business of which I am a director is neither situated on a high street or conducts the process of retailing.

Example 1 from complainant Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):

I draw members' attention to my entry in the register of members' interests as a small hospitality business owner.

Given current concerns over forecast low economic growth in Scotland compared with the rest of the UK, does Derek Mackay not think that he should be doing more to stimulate business? Scottish firms operating from medium-sized and larger premises already pay more than they would in similar premises in England due to last year's doubling of the large business rates supplement. Why does the Scottish Government continue to punish hard-working employers and family-owned businesses and make Scottish companies less competitive than their UK counterparts?

Example 2 from complainant

- Small Business Saturday
 - Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):
On Saturday, many small, independent shops up and down high streets across Scotland will take part in small business Saturday, including Swans shoe shop and the Tony Huggins-Haig gallery in Kelso. However, we hear today that the number of Scottish retailers going bust is on the rise, according to research by French Duncan. Among other cost pressures, rising business rates are being blamed. When will the First Minister realise that her Government's high-tax agenda is punishing our high streets, and take urgent action to support Scotland's retailers?

I must say with all sincerity, I object to having to take time to respond to such a spurious accusation and at times feel there is little protection for a member of parliament in public office. I do believe this to be intended to tarnish my reputation in a political slur.

Best, Rachael

Rachael Hamilton MSP for the Constituency of Ettrick, Roxburgh & Berwickshire
Shadow Cabinet Secretary for Culture and Tourism

Constituency Office

7 Abbey Court

Kelso

TD5 7JA

Tel: 01573 224 862

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The Office of Rachael Hamilton MSP processes personal data in relation to casework, policy queries and communications. For further information about what the office does, the lawful basis for processing personal data, what we do with that data and what your rights are, please see the [Privacy Notice](#) on Rachael's website.

From: investigations@ethicalstandards.org.uk [mailto:investigations@ethicalstandards.org.uk]
Sent: 12 December 2018 14:23
To: Hamilton R (Rachael), MSP <Rachael.Hamilton.msp@parliament.scot>
Subject: Complaint Reference MSP/2229/18-19/12

Dear Ms Hamilton

Please see the attached letter, with enclosure, for your information.

Yours sincerely

Casework
Coordinator

Commissioner for Ethical Standards in Public Life in Scotland
Thistle House
91 Haymarket Terrace
Edinburgh EH12 5HE
Tel: 0300 011 0550
www.ethicalstandards.org.uk

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CONFIDENTIAL

Dr Katy Orr
Clerk to the Standards, Procedures
& Public Appointments Committee
The Scottish Parliament
Room TGO1
Edinburgh
EH99 1SP

Reference: MSP/ 2229/18-19/12

31 January 2019

Dear Dr Orr

Public Standards
Code of Conduct for Members of the Scottish Parliament
Complaint against Ms Rachael Hamilton MSP
by Mr Kenny McCartney

I have received a complaint from Mr Kenny McCartney alleging Ms Rachael Hamilton MSP has breached the MSP Code of Conduct. This relates to an alleged failure to make a declaration of interest prior to posing a Question at First Minister's Questions.

I write to inform the Standards, Procedures and Public Appointments Committee that in terms of the section 7(2) of the Scottish Parliamentary Standards Commissioner Act 2002, I have found the complaint is admissible and, therefore, I intend to continue consideration of the matter.

I will write to you further in due course.

Yours sincerely



Bill Thomson
Commissioner

CONFIDENTIAL

Ms Rachael Hamilton MSP
The Scottish Parliament
Edinburgh
EH99 1SP

Reference: MSP/2229/18-19/12/DW

31 January 2018

Dear Ms Hamilton

Public Standards
Code of Conduct for Members of the Scottish Parliament
Complaint by Mr Kenny McCartney

I refer to your correspondence regarding the complaint about you from Mr Kenny McCartney.

Having considered the terms of the complaint, I have concluded that - for the purposes of the Scottish Parliamentary Standards Commissioner Act 2002 - the complaint is admissible and, therefore I intend to continue consideration of the matter.

I am writing to the Clerk of the Standards, Procedures and Public Appointments Committee to confirm this interim conclusion.

I wish to progress the investigation expeditiously and will write to you again as soon as possible regarding progress.

If you have any queries, please contact the office by telephone 0300 011 0550 or email investigations@ethicalstandards.org.uk

I should also be grateful if you would treat this matter on a confidential basis.

Yours sincerely



Bill Thomson
Commissioner

From: <https://www.parliament.scot/msps/currentmsps/105222.aspx>

Register of Interests



Member's Name: Rachael Hamilton
Constituency: Ettrick, Roxburgh and Berwickshire
Date on which initial statement lodged:

All MSPs are required to provide details of their interests under the [Interests of Members of the Scottish Parliament Act 2006 \(asp 12\)](#). The Register of Interests of Members of the Scottish Parliament lists details of interests registered under categories such as remuneration, heritable property and gifts. More information about the exact nature of information required under each category of interest can be found at Volume 2: sections 1 and 2 of the [Code of Conduct for Members of the Scottish Parliament](#).

Information on the exact nature of the requirement under each category can be found in the [Interests of Members of the Scottish Parliament Act 2006 \(asp 12\)](#).

- [Guidance for MSPs: how to update the Register of Interests \(111KB pdf\)](#)

Remuneration and related undertaking:

No registrable interests.

Gifts:

No registrable interests.

Overseas visits:

From 6 to 10 September 2018 I travelled to Qingdao, Shandong Province, China to participate as a panellist in the World Tourism Cities Federation Summit. The costs of the visit were met by the BBC (a public services broadcaster, of Portland Place London W1A 1AA). The trip cost a total of £1,234. [Registered 13 September 2018].

Controlled transactions:

No registrable interests.

Heritable property:

I own a 50% share of a house in the Scottish Borders with a market value of between £90,001 and £100,000. I receive no rental income for this property. [Amended interest 26 September 2018]

Interest in shares:

I own 49% of the issued share capital in Borders Hotels Ltd. (of the Green, St Boswells, Melrose, Roxburghshire, TD6 0EW). These are ordinary shares with a market value of £161,158. The company is a privately owned limited company therefore market value is difficult to determine. The value given is the net asset value based on the latest accounts filed with Companies House.

Voluntary:

No registrable interests.

Contact

- [Full Contact Details](#)
- Email: [Rachael Hamilton](#)

Further information

Email our [Public Information Service](#) for more information.

On 29/11/2018 Rachael Hamilton asked the following question in First Ministers questions:

“On Saturday many small independent shops up and down our high streets across Scotland will take part in Small Business Saturday such as Swans shoe shop and the Tony Huggins-Haig Gallery. However we hear today that the number of Scottish retailers going bust are on the rise according to research conducted by French Duncan and, amongst other cost pressures, rise in business rates are being blamed. When will the First Minister realise that her Government’s high tax agenda is punishing our high streets and take urgent action to support Scotland’s retailers?”

From: Hamilton R (Rachael), MSP
Sent: 04 April 2019 16:22
To: Standards Clerks
Cc:
Subject: RE: PRIVATE AND CONFIDENTIAL - Letter from Standards Clerks
Sensitivity: Confidential

Dear Clerks

Thank you for your letter.

On point one I agree with the commissioner's findings and conclusions. On point two, thank you for your kind invitation but I do not wish to appear before the committee.

As a point of clarification in your papers I was elected as MSP for ERB in June 2017.

May I also point out that the complainant Mr Kenny McCartney wrote to the commissioner on 29th November and the letter was received by the commissioners office on 1st December. I received a letter from Mr. Bill Thomson on 31st January. I was called for an interview on 12th March and on the 18th March, the commissioner sent his conclusions to me and the standards clerks.

On 31st March, 1st April and 2nd April, three different newspapers ran a story about the complaint made by Mr Kenny McCartney with the SNP press office providing a quote.

The point is, how can the SNP Press office provide quotes before a committee has concluded its report if the report is confidential? Does this conclude that the report was leaked and was politically motivated by the SNP?

Best, Rachael

Rachael Hamilton MSP for the Constituency of Ettrick, Roxburgh & Berwickshire
Shadow Cabinet Secretary for Culture and Tourism

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