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Standards, Procedures and Public Appointments Committee

Comataidh Inbhean, Dòighean-obrach is Cur-an-dreuchd Poblach

Complaint against Alexander Burnett MSP



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Standards, Procedures and Public Appointments Committee

The remit of the Standards, Procedures and Public Appointments Committee is to consider and report on—

- (a) the practice and procedures of the Parliament in relation to its business;
- (b) whether a member's conduct is in accordance with these Rules and any Code of Conduct for members, matters relating to members interests, and any other matters relating to the conduct of members in carrying out their Parliamentary duties;
- (c) the adoption, amendment and application of any Code of Conduct for members; and
- (d) matters relating to public appointments in Scotland; and
- (e) matters relating to the regulation of lobbying.



<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/standards-committee.aspx>



SPPA.Committee@parliament.scot



0131 348 6924

Committee Membership



Convener
Clare Adamson
Scottish National Party



Deputy Convener
Patrick Harvie
Scottish Green Party



Tom Arthur
Scottish National Party



Jamie Halcro Johnston
Scottish Conservative
and Unionist Party



Emma Harper
Scottish National Party



Daniel Johnson
Scottish Labour



Alexander Stewart
Scottish Conservative
and Unionist Party

Introduction

1. The Committee met on 7 and 14 September 2017 to consider a complaint from Councillor David Aitchison about Alexander Burnett MSP. The complaint was that Alexander Burnett MSP failed to declare his registered business interests when submitting three Written Parliamentary Questions on 3 February 2017.
2. The complaint alleged that Alexander Burnett MSP had relevant business interests relating to the recent revaluation of commercial rates which will involve consequential financial effects. It was the complainer's submission that Alexander Burnett MSP's lodging of the Written Parliamentary Questions (references S5W-06883; S5W-06884 and S5W-06882) involved a conflict of interest. The complainer referred to the North Banchory Company ("NBC") and other unspecified companies. Reference was also made to the respondent having alleged business interests in "the Leys Estate".
3. The Commissioner for Ethical Standards in Public Life investigated the complaint and found that Mr Burnett was in breach of the requirement in section 13(1) of the 2006 Act and sections 3.18 and 3.19 of the Code of Conduct for MSPs (6th Edition) to make a written declaration of his interests when giving notice of two out of the three Parliamentary Questions. With regards to the third question (S5W-06882), this related specifically to the assessment of business rates for smaller hotels and inns in rural areas, the Commissioner found no evidence that the respondent had a declarable interest in this matter.
4. Annexe B to this report containing the Commissioner's full report and appendices is incorporated in and forms part of this report.

Decisions of the Committee

5. The Committee is unanimous in the decisions reached on the complaint. Firstly, it agrees with the findings in fact and conclusion of the Commissioner. Secondly, it admonishes Alexander Burnett for his failure to make a declaration of a registered financial interest when giving notice of two Parliamentary Questions. The Committee does not consider that the breach justifies the imposition of sanctions on Alexander Burnett on this occasion. In reaching the decision on sanctions, the Committee was mindful of the fact that his business interests were registered in accordance with the requirements of the Register and that the member has taken full responsibility for the error, which occurred as a result of a new member of staff having not attended training provided by the Chamber Desk.

Conclusion

6. The Committee believes that the declaration of registered interests in any matter before taking part in proceedings of the Parliament relating to that matter represents an important aspect of parliamentary transparency and accountability.
7. The Committee notes that the explanation given for this breach was a staff error. The Committee reminds all members that they are responsible for ensuring that staff are properly trained in the systems for lodging questions and aware of Members' legal requirements in respect of declarable interests.
8. On 16 March 2017, in its report to the Parliament on a complaint against Kenneth Gibson, the Committee reminded all members of their responsibilities to declare relevant interests. The wording of the current Code of Conduct is as follows-

 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.
9. The breach for which Alexander Burnett has been found responsible occurred on 3 February 2017. The Committee is minded therefore to be lenient on this occasion. However, the Committee will consider the full range of sanctions available to it for any future breaches of this nature.

Annexe A - Extracts from Minutes

14th Meeting, 2017 (Session 5), Thursday 7 September 2017

Decision on taking business in private: The Committee agreed to take items 5 and 6 in private.

Decision on taking business in private: The Committee agreed to take future consideration of two reports from the Commissioner for Ethical Standards in Public Life in Scotland, and its own draft reports on the complaints, in private at future meetings.

Complaints (in private): The Committee considered two reports from the Commissioner for Ethical Standards in Public Life in Scotland.

15th Meeting, 2017 (Session 5), Thursday 14 September 2017

Complaints (in private): The Committee continued its consideration of two reports from the Commissioner for Ethical Standards in Public Life in Scotland.

Complaints: The Committee announced its decision at Stage 3 on two reports from the Commissioner for Ethical Standards in Public Life in Scotland.

Complaints (in private): The Committee agreed its draft reports.

Annexe B - Report from the Commissioner for Ethical Standards in Public Life in Scotland

[Link to the Report from the Commissioner for Ethical Standards in Public Life in Scotland
\(3MB pdf\)](#)

