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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.



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Introduction

1. The Committee met on 21 and 28 September 2017 to consider a complaint from Christian Allard about Alexander Burnett MSP. The complaint was that Alexander Burnett MSP failed to declare his registered business interests when submitting Written Parliamentary Questions on 4 August 2016.
2. The complaint alleged that Alexander Burnett MSP had relevant business interests related to a housing development in Banchory, Aberdeenshire. It was the complainer's submission that the conflict of interest arose by virtue of entries in the respondent's Register of Interests which confirm his shareholding in Bancon Development Holdings Limited ("the Holdings Company").
3. The Commissioner for Ethical Standards in Public Life investigated the complaint and concluded, in respect of the complaint made by Mr Allard, that Mr Burnett was in breach of the requirement in section 13(1) of the Interests of Members of the Scottish Parliament Act 2006 and section 3.1.8 and 3.1.9 of the Code (6th Edition) to make a written declaration of his interests when giving notice of the five Parliamentary Questions set out in Appendix 5 of the Commissioner's report.
4. The basis of the Commissioner's conclusion was that the five written Parliamentary Questions submitted by the respondent on 4 August 2016 consisted of:
 - three Questions on the approach of the Scottish Government and Planning Authorities to planning policy on development, which were of relevance to planning applicants and to objectors;
 - and two Questions on the specific planning application for the site at Auchattie/Braehead;in all of which the respondent had a declarable interest by virtue of his registered financial interest in the North Banchory Company Limited ("the Objecting Company").
5. 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

6. 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 considers that the breach justifies the imposition of a sanction on Alexander Burnett.

Conclusion

7. The Committee again reiterates that the declaration of registered interests in any matter, before taking part in proceedings of the Parliament relating to that matter, is an essential aspect of parliamentary transparency and accountability. Furthermore, it is a legal requirement under the Interests of Members of the Scottish Parliament Act 2006 and the Code of Conduct for MSPs.
8. Before taking part in any proceedings of the Parliament a member must always consider whether they have a declarable interest in relation to the particular matter being addressed in those proceedings. It is incumbent on members to make the appropriate written and oral declarations if they have a declarable interest.

Recommendation

9. The Committee wishes to focus its recommended sanction on the behaviour complained about. Accordingly, it recommends that Alexander Burnett be prohibited from lodging Parliamentary Questions for written answer for a period of two weeks, which will not overlap with any period of recess.

Annexe A - Extracts from Minutes

16th Meeting, 2017 (Session 5), Thursday 21 September 2017

Decision on taking business in private: The Committee agreed to take item 3 in private.

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

Complaint (in private): The Committee considered a report from the Commissioner for Ethical Standards in Public Life in Scotland.

17th Meeting, 2017 (Session 5), Thursday 28 September 2017

Complaint (in private): The Committee continued its consideration of a report from the Commissioner for Ethical Standards in Public Life in Scotland.

Complaint: The Committee announced its decision at Stage 3 on a report from the Commissioner for Ethical Standards in Public Life in Scotland.

Complaint (in private): The Committee agreed its draft report.

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
\(11MB pdf\)](#)

