

At a Hearing of the Standards Commission for Scotland held on the 14 & 15 January 2015 the Panel concluded Councillor Fraser McAllister of East Lothian Council had breached the Councillors' Code of Conduct.

The Hearing Panel censured Councillor McAllister.

Councillor McAllister had identified his non-financial interest as a member of the Hollies Day Centre Management Committee in his Register of Interests.

The Panel heard that when an application for grant funding was being considered for the Hollies Day Centre during meetings of the Musselburgh Common Good Fund Committee Councillor McAllister had:

- a. On 23 March 2013, declared a non-financial interest and remained in the room; and
- b. On 9 August 2013, failed to declare a non-financial interest, remained in the room and participated in the voting on the grant application. This resulted in a decision being made to award the grant.

The Hearing Panel considered having registered this non-financial interest relating to the Hollies Councillor McAllister should have complied with the requirements of the Councillors' Code of Conduct, considered the application of the Objective Test, and thereafter withdrawn from the meeting room until discussion of and voting on the relevant item had concluded at each meeting.

The objective test is 'whether a member of the public, with knowledge of the relevant facts would reasonably regard the interest as so significant that it is likely to prejudice your discussion or decision making in your role as a councillor'.

The Chair of the Hearing Panel said: 'The Hearing Panel accepts that Councillor McAllister sought advice and that the breach of the Code may not have been intentional. The Panel, however, stressed that it is the personal responsibility of every councillor to comply with the Councillors' Code of Conduct'.

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The Standards Commission for Scotland's Hearing Panel decision and report from the Commissioner for Ethical Standards in Public Life in Scotland will be available to download from the Commission's website within 15 working days.

15 February 2015