

At a Hearing of the Standards Commission for Scotland, held in Dumbarton on 22 November 2016, Councillor Thomas Rainey of Dunbartonshire Council was censured for failing to declare an interest.

The decision was a result of Councillor Rainey's failure to declare a non-financial interest and to withdraw from a Planning Committee that determined a planning application in respect of a car park development on a site which formed part of the estate of St Patrick's Church, Dumbarton, despite Councillor Rainey having a close association with the Church.

In reaching its decision, the Hearing Panel:

1. Considered it would be reasonable for a member of the public to conclude that Councillor Rainey's close association with the Church meant that he may have had an interest in the outcome of the specific planning application, which may prejudice his decision-making.
2. Found that while Councillor Rainey had sought advice, had acted in accordance with a Council officer's recommendation and had gained no personal benefit whatsoever; he nevertheless had non-financial interest and it was his personal responsibility to have made such a declaration.

The Panel Chair, Mrs Julie Ward, in delivering the Hearing Panel's decision said:

"The declaration of interests is a fundamental requirement of the Code. A failure to declare interests removes the opportunity for openness and transparency in a councillor's role and denies members of the public the opportunity to consider whether a councillor's interests may or may not influence the decision-making process."

22 November 2016

**Note for editors:**

*It should be noted that complaints in terms of the Councillors' Code are made to the Commissioner for Ethical Standards in Public Life in Scotland (CESPLS). It is for the CESPLS to investigate and determine if any matter should be referred to the Standards Commission for Scotland as alleged breach of the Councillors' Code. It is for the Standards Commission for Scotland to determine if there has been a breach and if so proven, to issue an appropriate sanction.*

*The Hearing Panel concluded that the Respondent had breached paragraphs 5.3, 5.7(ii), 5.9 and 7.12 of the Councillors' Code of Conduct.*