

Decision of the Hearing Panel of the Standards Commission for Scotland following the Hearing held at Scotland's Rural College, Oatridge Campus, Ecclesmachan, Broxburn on 24 November 2016.

Panel Members: Mrs Lindsey Gallanders, Chair of the Hearing Panel
Mr Matt Smith, OBE
Mrs Julie Ward

The Hearing arose in respect of a Report by Mr Bill Thomson, the Commissioner for Ethical Standards in Public Life in Scotland ("the CESPLS") further to complaint references LA/WL/1882 & NHS/Lo/1872 concerning alleged contraventions of both the Councillors' Code of Conduct and the Code of Conduct for Members of Lothian NHS Board by Councillor Frank Toner ("the Respondent").

The CESPLS was represented by Mrs Claire Gilmore, Investigating Officer. The Respondent was represented by Mrs Frances Randle, solicitor.

COMPLAINT

Two complaints were received by the CESPLS about the alleged conduct of the Respondent. Following investigation, the CESPLS referred the complaints to the Standards Commission for Scotland.

The substance of the allegations were that the Respondent had contravened both the Councillors' Code of Conduct and the Code of Conduct for Members of Lothian NHS Board and, in particular, the provisions concerning the declaration of interests.

The CESPLS investigated the complaints and concluded that the Respondent had breached paragraphs 5.3, 5.6 and 5.12 of the **Councillors' Code of Conduct**. The relevant provisions were:

Declarations of Interests

5.3 You may feel able to state truthfully that an interest would not influence your role as a councillor in discussion or decision-making. You must, however, always comply with the objective test ("the objective test") which 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.

5.6 You must declare, if it is known to you, ANY FINANCIAL INTEREST (including any financial interest which is registrable under any of the categories prescribed in Section 4 of this Code and any interest as defined in a specific exclusion defined in paragraph 5.18).

There is no need to declare:-

(i) an interest where a general exclusion, as defined in paragraph 5.18, applies but an interest where a specific exclusion applies must be declared; or

(ii) an interest which is so remote or insignificant that it could not reasonably be taken to fall within the objective test.

You must withdraw from the meeting room until discussion of and voting on the relevant item where you have a declarable interest is concluded other than in the following circumstances.

There is no need to withdraw in the case of:-

- (i) an interest covered by a general exclusion or a specific exclusion; or*
- (ii) an interest which is so remote or insignificant that it could not reasonably be taken to fall within the objective test.*

The Non-Financial Interests of other persons

5.12 You must declare if it is known to you ANY NON-FINANCIAL INTEREST of:-

- (i) a spouse, a civil partner or a co-habitee;*
- (ii) a close relative, close friend or close associate;*
- (iii) an employer or a partner in a firm;*
- (iv) a body (or subsidiary or parent of a body) of which you are a remunerated member or director;*
- (v) a person from whom you have received a registrable gift or registrable hospitality; or*
- (vi) a person from whom you have received registrable election expenses.*

There is no need to declare the interest unless it is clear and substantial.

There is only a need to withdraw from the meeting if the interest is clear and substantial.

The CESPLS further concluded that the Respondent had breached paragraphs 5.3, 5.4, 5.8 and 5.12 of the **Code of Conduct for Members of Lothian NHS Board**. The relevant provisions were:

5.3 In considering whether to make a declaration in any proceedings, you must consider not only whether you will be influenced but whether anybody else would think that you might be influenced by the interest. You must, however, always comply with the objective test ("the objective test") which 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 member of a public body.

5.4 If you feel that, in the context of the matter being considered, your involvement is neither capable of being viewed as more significant than that of an ordinary member of the public, nor likely to be perceived by the public as wrong, you may continue to attend the meeting and participate in both discussion and voting. The relevant interest must however be declared. It is your responsibility to judge whether an interest is sufficiently relevant to particular proceedings to require a declaration and you are advised to err on the side of caution. If a board member is unsure as to whether a conflict of interest exists, they should seek advice from the board chair.

Your Financial Interests

5.8 You must declare, if it is known to you, any financial interest (including any financial interest which is registrable under any of the categories prescribed in Section 4 of this Code).

If, under category one (or category seven in respect of non-financial interests) of section 4 of this Code, you have registered an interest

(a) as an employee of the Board; or

(b) as a Councillor or a Member of another Devolved Public Body where the Council or other Devolved Public Body, as the case may be, has nominated or appointed you as a Member of the Board; you do not, for that reason alone, have to declare that interest.

There is no need to declare an interest which is so remote or insignificant that it could not reasonably be taken to fall within the objective test.

You must withdraw from the meeting room until discussion of the relevant item where you have a declarable interest is concluded. There is no need to withdraw in the case of an interest which is so remote or insignificant that it could not reasonably be taken to fall within the objective test.

The Non-Financial Interests of Other Persons

5.12 You must declare if it is known to you any non-financial interest of:-

(i) a spouse, a civil partner or a co-habitee;

(ii) a close relative, close friend or close associate;

(iii) an employer or a partner in a firm;

(iv) a body (or subsidiary or parent of a body) of which you are a remunerated member or director;

(v) a person from whom you have received a registrable gift or registrable hospitality;

(vi) a person from whom you have received registrable election expenses.

There is no need to declare the interest if it is so remote or insignificant that it could not reasonably be taken to fall within the objective test.

There is only a need to withdraw from the meeting if the interest is clear and substantial.

The CESPLS submitted reports on both complaints to the Standards Commission on 12 August 2016 in accordance with section 14(2) of the Ethical Standards in Public Life etc. (Scotland) Act 2000 as amended.

Joint Statement of Facts

The CESPLS and the Respondent submitted a Joint Statement of Facts, which indicated that a number of points had been agreed. The Hearing Panel noted that it was not in dispute that the Respondent had participated in a discussion on the structure, progress and timescales of a Royal College of Paediatrics and Child Health's (RCPCH) review of child health and medical paediatric inpatient services in Lothian at a meeting of the St John's Hospital Stakeholder Group on 20 January 2016, despite being aware that his employer, Mr Neil Findlay MSP, had an interest in retaining paediatric services at St John's Hospital, Livingstone.

It was also not in dispute that the Respondent had participated in a discussion at a Lothian NHS Board meeting on 3 February 2016 when a paper on the RCPCH review was considered, despite being aware on 26 January 2016 that a Freedom of Information (FoI) request seeking background information in respect of the RCPCH review had been submitted to NHS Lothian on behalf of his employer, Mr Findlay.

Evidence Presented at the Hearing

The Hearing Panel heard that the Respondent was an elected member of West Lothian Council and, at the time of the events in question, had also been a member of the Lothian NHS Board. The Hearing Panel heard that the Respondent was appointed by West Lothian Council as a non-executive director of NHS Lothian, and was one of three elected members representing the Council on the St John's Hospital Stakeholder Group.

Submissions made by the CESPLS's Representative

The CESPLS's representative outlined the facts as set out in the CESPLS's Reports on the two complaints. In particular, she explained that the Respondent had taken up part-time remunerated employment with Mr Findlay as a trainee parliamentary assistant in March 2012. The Respondent had recorded this employment in his register of interests for both West Lothian Council and NHS Lothian.

The CESPLS's representative advised the Stakeholder Group had been established in 2008. The RCPCH review was commissioned by NHS Lothian in 2015 after staff shortages led to a temporary closure of the children's ward at St John's Hospital. It was originally anticipated that the RCPCH review would be completed by April 2016. The review was delayed, however, and did not conclude before the Scottish Parliamentary election in May 2016.

The CESPLS's representative indicated that Mr Findlay had expressed a keen interest in the retention of paediatric services at St John's Hospital. Mr Findlay had also expressed concerns about timescales of the RCPCH review in both the Scottish Parliament and the press and had made it clear he considered the review had been delayed for political reasons. The CESPLS's representative advised that the FoI request was submitted to NHS Lothian on Mr Findlay's behalf on 24 November 2015. She accepted, however, that the Respondent had been unaware of the FoI request until 26 January 2016, when it was mentioned in a press report.

Complaint reference LA/WL/1882: The CESPLS's representative noted that the minutes of the meeting of the Stakeholder Group on 20 January 2016 demonstrate that the Chair reminded members to declare any financial or non-financial interests in any items of business to be considered. The Respondent declared non-financial interests as a Non-Executive Member of Lothian Health Board, as Chair of the West Lothian Health and Care Partnership, and through his involvement with the West Lothian Integration Joint Board. He had not, however, declared any interests arising from his employment with Mr Findlay.

The CESPLS's representative drew the Hearing Panel's attention to the contents of the minute, which recorded that the Respondent asked questions and made a number of

comments in respect of the RCPCH review timescales. He made it clear through these that he considered there was political motivation behind the delay in publishing the outcome of the review. The CESPLS's representative contended that the Respondent's comments echoed the public statements made by his employer, Mr Findlay.

Paragraph 5.6 of the Councillors' Code of Conduct obliges councillors to declare any financial interests unless they were so remote or insignificant that it could not reasonably be taken to fall within the objective test, as outlined under paragraph 5.3. The CESPLS's representative argued that the Respondent should have declared his registered financial interest as a remunerated employee of Mr Findlay. She contended this interest could not be said to be remote or insignificant given that Mr Findlay, as the Respondent's employer, had clearly made his concerns about the delay in concluding the RCPCH review publicly known, and given that the review process was the principle topic of discussion at the Stakeholder Group meeting. The CESPLS's representative argued that a member of the public, with knowledge of the relevant facts, would reasonably regard this interest as being of sufficient significance as to be likely to prejudice the Respondent in his discussions at the meeting. The CESPLS's representative asserted, therefore, that by failing to apply the objective test and declare his financial interest, the Respondent had contravened paragraphs 5.3 and 5.6 of the Councillors' Code of Conduct.

The CESPLS's representative further contended that, given that Mr Findlay's concerns had been well publicised, the Respondent should have also declared the non-financial interests of his employer in the matter, as required under paragraph 5.12 of the Councillors' Code of Conduct.

Complaint reference NHS/Lo/1872: The CESPLS's representative advised that a paper providing an update on the progress of the RCPCH review was provided to members of the Lothian NHS Board at their meeting on 3 February 2016. The report indicated that a FoI request had been received in respect of the review and that there had been press coverage on the matter.

The CESPLS's representative noted that minutes of the meeting of Lothian NHS Board on 20 January 2016 evidenced that the Chair reminded members to declare any financial or non-financial interests in any items of business to be considered. No declarations of interest had been made. The CESPLS's representative advised that the minutes demonstrate that the Respondent made detailed reference to the FoI request made by Mr Findlay and expressed his concerns about the delay in concluding the RCPCH review. In addition, the minutes record that the Respondent referred to Mr Findlay's FoI request in a motion he made to amend the paper.

Paragraph 5.4 of the Code of Conduct for Members of Lothian NHS Board indicates that members should err on the side of caution when judging whether an interest is sufficiently relevant to require a declaration. Paragraphs 5.3, 5.8 and 5.12 of the Code of Conduct for Members of Lothian NHS Board mirror the provisions in paragraphs 5.3, 5.6 and 5.12 respectively of the Councillors' Code of Conduct. The CESPLS's representative argued that, given the Respondent's awareness of the FoI request submitted on behalf of his employer and his knowledge of his employer's well publicised concerns about the RCPCH review, he should have applied the objective test and declared his financial interest as a remunerated

employee at the Lothian NHS Board meeting on 3 February 2016. The CESPLS's representative argued that, for the same reasons she had previously outlined in respect of the Stakeholder Group meeting, the Respondent should have also erred on the side of caution and declared his employer's non-financial interest in the RCPCH review. In failing to make the appropriate declarations, the CESPLS's representative contended that the Respondent had breached paragraphs 5.3, 5.4, 5.8 and 5.12 of the Code of Conduct for Members of Lothian NHS Board.

The CESPLS's representative acknowledged that the Respondent himself had actively campaigned to retain paediatric services at St John's Hospital. She argued, however, that as an MSP, his employer's views were known at a national level. While there was no dispute that the Respondent shared Mr Findlay's political interest in the matter, there was nevertheless an employment relationship between them. The CESPLS's representative contended that the inherent nature of such a relationship would lead a member of the public to perceive that the Respondent may be influenced by Mr Findlay. As such, he should have declared the interests arising from his employment by Mr Findlay regardless of the fact that, as in this case, the interest did not give rise to any benefit either to him or his employer and/or no benefit was sought.

Submissions made by the Respondent's Representative

The Respondent's representative advised that the Respondent had an enthusiasm for, and interest in, health care provisions. He had campaigned on this basis and had continued to be a keen advocate for the retention of services at local hospitals after being elected to West Lothian Council in May 2012. The Respondent's representative advised this was in line with the Respondent's party's political manifesto. She argued, therefore, that the Respondent had a personal interest and had been passionately and actively engaged in the matter before he was elected and before he commenced working for Mr Findlay. The Respondent was, therefore, advocating his own position and that of his party, not Mr Findlay's personal views.

The Respondent's representative advised that the Respondent's interest as an employee of Mr Findlay had been too remote and insignificant to warrant a declaration being made at either meeting in question. This was because the Respondent's own position and his party's political views on the matter were widely known and, therefore, a member of the public with knowledge of these relevant facts would consider these alone would influence his discussion or decision-making, as opposed to any interest in promoting the view of his employer.

The Respondent's representative contended that while his views on the retention of paediatric services and the RCPCH review matter coincided with those of Mr Findlay, this had not always the case. She advised that Mr Findlay had publicly campaigned to save a nursery for St John's Hospital staff and also a homeopathy service but the Respondent had voted at NHS Lothian Health Board meetings to remove both services. The Respondent's representative argued this demonstrated that the questions he raised, and comments he made, at both the Stakeholder Group meeting and the Lothian NHS Board meeting reflected his own views and not those of Mr Findlay. There was, therefore, no need for him to have declared any interests arising from his employment.

The Respondent's representative indicated that the Respondent had been campaigning against the closure of the paediatric ward at St John's Hospital since his election in 2012. He had become suspicious that the conclusion of the RCPCH review would be deliberately delayed until after the Scottish Parliamentary election in May 2016, which is what had indeed happened. The Respondent's representative conceded that Mr Findlay's concerns on the matter had been reported in the national media but argued it was inevitable he would be asked by the press to comment given his prominent position as an MSP, as opposed to a local politician. A member of the public would realise this and would not reasonably think that the Respondent, in raising analogous concerns, was simply acting on behalf of his employer.

The Respondent's representative argued that the situation was not the mischief that the Codes of Conduct were designed to combat. It was common practice for MSPs to employ fellow party members. The Respondent's representative contended that it could not be the intention of the Codes of Conduct to prevent politicians from taking part in discussions and decision-making on matters that were the subject of party policy, simply because they were employed by a fellow politician of the same party, who shared the same views. The Respondent's representative urged the Hearing Panel to reject an inflexible interpretation of the Codes of Conduct that would lead to such an unfair and unjust situation.

The Respondent's representative explained that Mr Findlay had written to every group of his party's councillors in Scotland in 2013 asking that they submit a motion on a particular campaign to their full council meeting. The Respondent was concerned that he would have to declare an interest if he did so. As such, he had sought advice from the Council's Monitoring Officer at that point in 2013, who had indicated that the interest was too remote to require a declaration. The Respondent recalled this advice when considering whether or not he was required to make any declarations at the Stakeholder Group and Lothian NHS Board meetings. The Respondent acted in good faith in accordance with it when deciding no declarations were required.

The Respondent's representative contended that the Respondent had considered the objective test when deciding whether or not to declare any interests arising out of his employment at the two meetings in question. The Respondent was of the view that he had been transparent about whom he worked for, and had been open about his concerns in relation to the RCPCH review timescales. In addition, his views on local healthcare provision and services, which reflected his party's policies, were widely known. Members of the public with knowledge of these relevant facts would not, therefore, reasonably regard his employment by Mr Findlay as being likely to prejudice his discussion or decision-making.

The Respondent's representative argued that, for the reasons outlined, the Respondent had applied the objective test and had correctly determined there was no need to declare a financial interest. There had not, therefore, been any breach of paragraphs 5.3 of the Councillors' Code of Conduct and the Code of Conduct for Members of Lothian NHS Board. As paragraph 5.4 of the Code of Conduct for Members of Lothian NHS Board pre-supposed a relevant interest, it followed that there also had been no contravention of that provision.

The Respondent's representative noted that the Respondent was employed by Mr Findlay as parliamentary assistant, as opposed to a political assistant. He only worked two days a week and the duties he undertook had nothing to do with the matters being discussed at either meeting in question. The Respondent's representative further argued, therefore, that any interest relating to his employment was too remote and insignificant to require a declaration under paragraph 5.6 of the Councillors' Code of Conduct and paragraph 5.8 of the Code of Conduct for Members of Lothian NHS Board. As such, there had been no breach of either provision.

The Respondent's representative noted that paragraph 5.12 of both Codes required the non-financial interests of an employer to be declared if they could reasonably be taken to fall within the objective test. As the Respondent's own position and campaigning on the matters in question were well known, members of the public with knowledge of the relevant facts would not consider that Mr Findlay's non-financial interests as being of sufficient significance as to be likely to influence the Respondent. There had not, therefore, been a breach of paragraph 5.12 of either Code.

The Respondent's representative reiterated that the Respondent had acted in good faith at both meetings and in what he perceived the public interest to be. He had not sought, or indeed gained, any financial or other material benefit for either himself or Mr Findlay.

The Respondent's representative led evidence from the Respondent himself. The Respondent confirmed that he considered had not declared any interests arising from his employment by Mr Findlay at either meeting because his interest in the retention of the paediatric service was publicly known. This interest reflected his party's manifesto and stance, as opposed to any specific interests of his employer. The Respondent argued that a distinction should be drawn between employment by someone of the same party, who shared that party's views and stance on a matter, to that of other types of employment. This was because such an employment relationship was secondary or incidental to the political relationship. If no such distinction was drawn, councillors who were employed by other politicians would inevitably be impaired from fully undertaking their roles.

DECISION

The Hearing Panel, having considered the submissions made by both the CESPLS and the Respondent's representatives, including the presentations made during the Hearing, found as follows:-

A. Decision in respect of LA/WL/1882

1. The Councillor's Code of Conduct applied to the Respondent.
2. The Hearing Panel found the Respondent had breached paragraphs 5.3, 5.6 and 5.12 of the Councillors' Code of Conduct, which concern the declarations of interests.

B. Decision in respect of NHS/Lo/1872

1. The Code of Conduct for Members of Lothian NHS board applied to the Respondent at the time of the events in question.
2. The Hearing Panel found the Respondent had breached paragraphs 5.3, 5.4, 5.8 and 5.12 of the Code of Conduct for Members of Lothian NHS Board, which the concern declarations of interests.

Reasons for Decision

The Hearing Panel noted that it had to interpret the Codes of Conduct as presently worded.

The Hearing Panel determined that:

- Despite being reminded about having to declare financial and non-financial interests, the Respondent failed to declare, at the meeting of the St John's Hospital Stakeholder Group on 20 January 2016, a financial interest arising from his employment by Neil Findlay MSP. This was despite the fact that he was aware that Mr Findlay had taken an active interest in the retention of paediatric services at St John's Hospital and in the RCPCH review, which had included raising the issue in the Scottish Parliament and making public statements in the press.
- The Respondent also failed to declare an interest at a Lothian NHS Board meeting on 3 February 2016 when a paper on the RCPCH review, its reporting schedule, correspondence, an FoI request and press coverage was considered; despite being aware on 26 January 2016 that a FoI request had been submitted to NHS Lothian on behalf of his employer, Mr Findlay, on 24 November 2015.
- While it is accepted the Respondent had repeatedly made his interest in the retention of paediatric services known before being elected; the matters he raised during both meetings that were analogous to the significant and repeated concerns raised publicly both in the press and the Scottish Parliament, by his employer, Mr Findlay.
- The Respondent's remunerated part-time employment with Mr Findlay had been registered in his registers of interest for both West Lothian Council and NHS Lothian.
- It accepted that there was no evidence that the Respondent was influenced by Mr Findlay's views in his discussions. However, the objective test, as outlined in paragraph 5.3 of both the Councillors' Code of Conduct and the Code of Conduct for Members of Lothian NHS Board, obliges councillors and members of public bodies to consider whether a member of the public, with knowledge of the relevant facts, would reasonably regard an interest as so significant it was likely to prejudice their discussion or decision-making.
- In applying the objective test, therefore, the Respondent should have considered not only whether he could be influenced by his employer's interest in the matter, but also whether his actions might be perceived by as member of the public as being so influenced.

- The Respondent failed to apply the objective test as, had he done so, he would have realised that in raising issues and concerns that were similar to those raised by his employer, a member of the public might have perceived him as being influenced by his employer. The Hearing Panel concluded that the nature of an employee / employer relationship could not reasonably be considered to be remote or insignificant.
- The Respondent also failed to consider how his participation in the item of business might be perceived by the public, as required by paragraph 5.4 of the Code of Conduct for Members of Lothian NHS Board.
- Having regard to the objective test, the Respondent should have declared a financial interest under paragraph 5.6 of the Councillors' Code of Conduct and 5.8 of the Code of Conduct for Members of Lothian NHS Board, as a remunerated employee of Mr Findlay.
- Knowing Mr Findlay's widely known and publicised concerns about the matter, the Respondent should also have declared a non-financial interest of his employer, as required under paragraph 5.12 of both the Councillors' Code of Conduct and the Code of Conduct for Members of Lothian NHS Board.
- It was the Respondent personal responsibility to be aware of and comply with the provisions in the Councillors' Code of Conduct and in the Code of Conduct for Members of Lothian NHS Board. He had failed to do so.

The Hearing Panel therefore concluded that the Respondent had breached paragraphs 5.3, 5.6 and 5.12 of the Councillors' Code of Conduct and also paragraphs 5.3, 5.4, 5.8 and 5.12 of the Code of Conduct for Members of Lothian NHS Board.

Evidence in Mitigation

The Respondent's representative reiterated that the Respondent had recalled the advice given by the Council's Monitoring Officer in 2013 in relation to an analogous matter and had acted in good faith in accordance with this advice when he decided that no declarations of interest arising from his employment were required.

The Respondent's representative confirmed that the Respondent had not sought, or indeed gained, any financial or other material benefit for either himself or Mr Findlay. His actions had been based on selflessness and were made solely in the public interest. The Respondent was honest and transparent and had, in no way, sought to hide his employment. He had simply been tenacious and diligent in following his party's manifesto.

The Respondent's representative indicated that the Respondent was dyslexic. As such, he sometimes found it difficult to process information quickly. Despite having asked for papers to be sent to him well in advance of meetings, the paper on the RCPCH review had been presented at the Lothian NHS Board meeting on 3 February 2016. This had left the Respondent with insufficient time to fully consider matters.

The Respondent's representative advised that the Respondent was an active local representative who worked hard in the interests of members of his community. He made a valuable contribution to the Council and had a blemish free record. The Respondent's representative asked the Hearing Panel to note that the Respondent was a member of various committees of the Council, including the Health and Care Policy Development and Scrutiny Panel, the Culture and Leisure Policy Development and Scrutiny Panel, the Licensing Board and the Education Executive. In addition, he was Chair of the Audit and Governance Committee and Vice Chair of the Social Policy, Policy Development and Scrutiny Panel. The Respondent was also on the West Lothian Integration Joint Board.

SANCTION

The decision of the Hearing Panel was to censure the Respondent.

The sanction was made under the terms of the Ethical Standards in Public Life etc. (Scotland) Act 2000 section 19(1)(a).

Reason for Sanction

In reaching their decision, the Hearing Panel:

1. Took account of the statement in mitigation made on behalf of the Respondent and, in particular, that he had acted in good faith and in accordance with advice provided by a council officer on an analogous matter in 2013.
2. Accepted that there was no evidence the Respondent had been influenced by his employer and also that he had neither sought to gain, nor in fact had gained any personal benefit whatsoever. The Hearing Panel further noted that no decisions were made on the RCPCH review by either the St John's Hospital Stakeholder Group or Lothian NHS Board at the meetings in question.
3. Heard evidence that the Respondent was a dedicated, diligent and honest councillor who worked hard for his community.

However the Hearing Panel:

1. Found there had been a breach of both of the Councillors' Code of Conduct and the Code of Conduct for Members of Lothian NHS Board in respect of the declaration of interests. The Hearing Panel confirmed it was the Respondent's personal responsibility to ensure that he complied with the provisions in the Codes and to seek assistance if he was having difficulty in doing so.
2. Emphasised that councillors and Board Members must comply with the Codes of Conduct and must take care when determining whether or not they have interests that require to be declared.

RIGHT OF APPEAL

The attention of the Respondent was drawn to Section 22 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 as amended which details the right of appeal in respect of this decision.

Date: 29 November 2016

L. M. Gallanders

**Mrs Lindsay Gallanders
Chair of the Hearing Panel**