

For immediate release

Provost of City of Edinburgh Councillor censured for breach of the Councillors' Code of Conduct

The Standards Commission for Scotland, at a hearing held in Edinburgh on 29 November 2017, censured the Provost of Edinburgh Council, Councillor Frank Ross, for a breach of the Councillors' Code of Conduct.

The Hearing Panel found that Councillor Ross failed to include, in his Register of Interests, an 82% shareholding in a company that owned a hotel in Kingussie until 20 April 2017, despite having held the shares since February 2015.

Councillor Ross admitted the breach of the Code but did not attend the Hearing. The Hearing Panel noted that Councillor Ross accepted he should have registered his shareholding. His position was that he had completed a handwritten document declaring this interest and had placed it in the Council's internal mail system. The Hearing Panel noted, however, that the Council had no record of this. The Hearing Panel further noted that the Respondent accepted he had not checked to confirm whether his Register of Interests had been updated to record the interest.

The Hearing Panel determined that the shareholding should have been registered. It was Councillor Ross' personal responsibility to be aware of, and comply with, the provisions in the Councillors' Code of Conduct, which includes ensuring his interests are registered. He failed to do so in respect of the shareholding. The Hearing Panel issued the censure as a severe and formal reprimand.

The Panel Chair, Professor Kevin Dunion, in delivering the Hearing Panel's decision said:

"The Hearing Panel was concerned that the points made by the Respondent in mitigation failed to recognise that the requirement under the Code to register a shareholding did not distinguish between an active and dormant company. The Respondent's submission also failed to recognise that the Code required an interest to be registered regardless of whether or not the company or any assets it owned was located in the Council area. We wish to emphasise that the obligation to register a shareholding is an absolute requirement and integral part of the Councillors' Code of Conduct. The registration of interests should not be seen by councillors as merely a tick box exercise as it is fundamental part of the ethical standards framework. It provides the opportunity for openness and transparency in a councillor's role and affords members of the public the opportunity to consider whether a councillor's interests may or may not influence their discussion and decision-making."

For further information please contact Lorna Johnston, Executive Director of the Standards Commission on 0131 348 6666 or by email to enquiries@standardscommission.org.uk

29 November 2017

Note for editors:

(1) 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.

(2) The Hearing Panel concluded that the Respondent, Councillor Ross, had breached paragraphs 4.2 and 4.20 of the Councillors' Code of Conduct.