



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# **Standards, Procedures and Public Appointments Committee**

**Thursday 16 March 2017**

**Session 5**



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Pàrlamaid na h-Alba

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**STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE**  
**7<sup>th</sup> Meeting 2017, Session 5**

**CONVENER**

\*Clare Adamson (Motherwell and Wishaw) (SNP)

**DEPUTY CONVENER**

\*Patrick Harvie (Glasgow) (Green)

**COMMITTEE MEMBERS**

\*Tom Arthur (Renfrewshire South) (SNP)

\*Clare Haughey (Rutherglen) (SNP)

\*Daniel Johnson (Edinburgh Southern) (Lab)

\*John Scott (Ayr) (Con)

\*Alexander Stewart (Mid Scotland and Fife) (Con)

\*attended

**CLERK TO THE COMMITTEE**

Douglas Wands

**LOCATION**

The Sir Alexander Fleming Room (CR3)



# Scottish Parliament

## Standards, Procedures and Public Appointments Committee

Thursday 16 March 2017

*[The Convener opened the meeting in private at 10:00]*

10:14

*Meeting continued in public.*

### Complaint

**The Convener (Clare Adamson):** We move to agenda item 2. This morning, the committee has been considering a complaint about a member of the Scottish Parliament. I will now read a statement that sets out the committee's findings.

"On behalf of the Committee I would like to make the following statement in relation to a complaint against an MSP. In accordance with the rules, I will first cover whether the Committee agrees with the Commissioner for Ethical Standards in Public Life in Scotland's findings in fact and conclusions on the complaint and then move on to cover the Committee's decision on sanctions.

The Committee has considered complaints from Mr Ian Gemmell and Mr Charles Vass about Kenneth Gibson MSP. The complaints are as follows—

A complaint from Mr Gemmell that Kenneth Gibson—

- failed to declare his financial interests as registered property owner and landlord during parliamentary consideration of the Private Housing (Tenancies) Scotland Bill. In particular, Mr Gemmell focuses on a meeting of the Parliament's Finance Committee on 11 November 2015;
- failed to register appropriate rental income;
- failed to register increased property value;
- failed to register 'pay' made to a relative;
- failed to register employment of a relative; and
- failed to register interest in spouse's property.

And a complaint from Mr Vass that Kenneth Gibson failed to register and declare as an owner and landlord in Glasgow.

The Commissioner for Ethical Standards in Public Life investigated the complaints and found that Kenneth Gibson had failed to make an oral declaration of a registered interest as a property owner and landlord during parliamentary consideration of the Bill. This being the case Mr Gibson was in breach of the relevant provisions of the Interests of the Members of the Scottish Parliament Act 2006 and the Code of Conduct for MSPs.

In respect of all of the other elements of the complaints, the Commissioner concluded that there was no evidence of any breach of the Code or the Act.

The Committee is unanimous in the decisions reached on the complaint. It agrees with the findings in fact and conclusion of the Commissioner that Kenneth Gibson breached both the Code of Conduct and the 2006 Act. Accordingly, the Committee admonishes Kenneth Gibson for his failure to make an oral declaration of a registered financial interest.

However, the Committee does not consider that the breach justifies the imposition of sanctions on Kenneth Gibson on this occasion. In reaching the decision on sanctions, the Committee was mindful of the fact that the property was registered in accordance with the requirements of the Register and that it is a matter of judgement for the member on whether a registered interest is sufficiently relevant to particular proceedings to require a declaration.

In general terms, the Committee regards the oral declaration of registered interests to represent an important aspect of parliamentary transparency and accountability.

The relevant wording in the Code of Conduct is as follows—

'Any member who has a declarable interest in any matter shall declare that interest before taking part in any proceedings of the Parliament relating to that matter.

Before taking part in any proceedings of the Parliament a member should consider whether they have a "declarable interest" in relation to the particular matter being addressed in those proceedings. The onus is on individual members to decide.'

We regard any breach of the Act and the Code as a serious matter and note that, in recent weeks, the Presiding Officer has ruled on a number of points of order relating to Members' responsibilities in this regard.

On behalf of the Committee, I would like to remind MSPs of their responsibilities under the 2006 Act and the Code of Conduct.

Full details of the complaint, and the Commissioner's investigation of it, will be included in the Committee's report which we expect to be published later this afternoon."

10:18

*Meeting continued in private until 10:21.*



This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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