



# Commissioner for Ethical Standards in Public Life in Scotland

## **Minutes of the Investigating Officers Meeting** held on 4 October 2017 from 10.15 to 12.00 at Thistle House, 91 Haymarket Terrace, Edinburgh

### **Present:**

Bill Thomson, Commissioner (BT)  
Claire Gilmore, Senior Investigating Officer (CG)  
Ian Mackay, Investigating Officer (ITM)  
Ian Innes, Investigating Officer (II)  
Jon Miller, Investigating Officer (JM)  
Karen Chambers, Investigating Officer (KC)  
Ralph Noble, Investigating Officer (RN)  
Helen Hayne, Investigations Manager (HH)  
Ruth Hogg, Casework Coordinator (RH)

### **Apologies:**

Douglas Winchester, Investigating Officer (DW)  
Brenda McKinney, Investigations Manager (BM)

### **1. MINUTES OF PREVIOUS MEETING AND MATTERS ARISING**

1.1 Minutes of the meeting held on 21 July 2017 were approved.

### **2. STYLE AND LAYOUT GUIDE**

2.1 BT had previously circulated a Style and Layout Guide as well as a checklist for Draft reports and notes of decision. BT requested any comments on the documents by the end of the day. BT also advised that the Standards Commission guidance on Article 10 of the ECHR was expected this week and would be circulated to IOs.

### **3. SPSO response – LA/DG/1920**

3.1 BT advised that a response had been received from the SPSO on their investigation in to the handling of LA/DG/1920. The SPSO had concluded that the investigation carried out by CESPLS was reasonable.

### **4. STANDARDS COMMISSION MEETING UPDATE**

4.1 BT provided an update on the most recent Standards Commission meeting, including informal discussion of the starting points for the six month time limit for summary prosecutions under regulatory statutes. A discussion followed.

## **5. CMS UPDATE**

- 5.1 HH summarised the current position following SPCB approval of the business case for the CMS. HH is working on system procurement with specialist (paid) advice from the Scottish Government procurement office. The objective is to complete the tendering process before the end of the financial year.

## **6. REVIEW OF CURRENT COMPLAINTS/CASES – COUNCILS AND PUBLIC BODIES**

- 6.1 Report on cases in progress:
- Current cases were discussed.
- 6.2 Any other current issues:
- No other issues to discuss.
- 6.3 Target and Statistics Reports:
- HH noted that the number of cases being received by the office was lower than in recent years.
  - HH noted that most of the targets were being achieved. The only target that wasn't being achieved was the completion within 9 months: this was due to five cases.

## **7. RECENT/UPCOMING HEARINGS**

- 7.1 Investigations with concluded Hearings were:
- LA/G/1942 – Former councillor William McAllister was found in breach. The sanction was censure.
  - LA/ED/1863 – former Councillor Eric Gotts was found in breach. The sanction was censure.

Investigations where Standards Commission decided to take no action

- LA/AB/1967, LA/AB/1969, LA/AB/1972/A,B, LA/AB/1979/A,B,C and LA/AB/1986 – Standards Commission agreed there could have been a breach of the Code by Councillors Roderick McCuish and Richard Trail. However, noting that this had not been part of the original complaint to the Commissioner their decision was that it would not be in the public interest or proportionate to hold a Hearing.

Investigations with upcoming Hearings are:

- LA/R/1946 and 1973 – The hearing involving the complaint against Councillor Paul Mack will be held on 23 October 2017.
- LA/E/2028 – The Hearing involving the complaint against Councillor Frank Ross is scheduled to be held on 29 November 2017.

## **8. REVIEW OF CURRENT COMPLAINTS/CASES – MSPS**

- 8.1 Report on cases in progress:
- BT presented a summary of recent cases. A discussion followed.

## **9. LOBBYING**

- 9.1 ITM provided an update on the implementation of the Lobbying Register, due to come in to force on 12 March 2018. The CESPLS will deal with complaints which allege breaches of the registration requirements. ITM has been attending the Lobbying Register Working Group and will prepare a draft investigation protocol for dealing with Lobbying complaints.

## **10. SPPA COMMITTEE REPORTS**

- 10.1 BT referred to three recent reports from the SPPA committee referring to completed investigations: these had been circulated. A discussion followed.

## **11. DATA PROTECTION**

- 11.1 CG provided an update on the offices position in terms of preparing for GDPR. She advised that a working party had been put together and the office was carrying out a data audit of personal information held. A discussion followed.

## **12. ANY OTHER BUSINESS**

- 12.1 An invitation to attend the Standards Commission's Monitoring Officer workshop on Monday 6 November had been received. It was agreed that CG, KC and JM would attend.

## **13. CC RECRUITMENT**

- 13.1 After an external recruitment round, the successful candidate is expected to take up the vacant full time Casework Co-ordinator role towards the end of October.

## **14. DATES FOR FOLLOWING MEETINGS**

20 December 2017  
31 January 2018  
14 March 2018  
25 April 2018  
6 June 2018  
18 July 2018  
29 August 2018  
10 October 2018  
21 November 2018  
19 December 2018 (TBC)



Chair of meeting  
Bill Thomson, Commissioner for  
Ethical Standards in Public Life in Scotland

09-01-18

Date of Approval

