



# Commissioner for Ethical Standards in Public Life in Scotland

## **Minutes of the Investigating Officers Meeting**

held on

15 August 2018 from 10.15 to 12.30  
at Thistle House, 91 Haymarket Terrace, Edinburgh

### **Present:**

Bill Thomson, Commissioner (BT)  
Claire Gilmore, Senior Investigating Officer (CG)  
Ian Mackay, Investigating Officer (ITM)  
Jon Miller, Investigating Officer (JM)  
Karen Chambers, Investigating Officer (KC)  
Douglas Winchester, Investigating Officer (DW)  
Brenda McKinney, Investigations Manager (BM)  
Helen Hayne, Investigations Manager (HH)  
Stuart Scott, Casework Co-ordinator (SS)

### **Apologies:**

Ralph Noble, Investigating Officer (RN)

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

1.1 Minutes of the meeting held on 6 June 2018 were approved with one minor amendment.

## **2. CMS**

2.1 HH advised that a meeting had been held with Arcus, the supplier, in July. During the meeting, Arcus had outlined their normal process and it had been agreed that certification phase could be omitted because the specification was comprehensive. HH advised that she was working with Claire Turnbull (Data Protection Officer, Scottish Parliament) who was assisting with data protection and data transfer matters. The next meeting with Arcus would be in September; it was hoped that the system would be available by December 2018.

## **3. WEBSITE DEVELOPMENT**

3.1 BM provided an update, advising that the work was slightly behind plan. A user feedback survey had been completed by Civic and website analytics had been reviewed. BM gave examples of the feedback received. Following receipt of a proposed visual identity, it had been decided that the name to be used would be 'Ethical Standards Commissioner'. A colour scheme had been agreed but other details of the visual identity were still being discussed. BM advised that advice had been received from Civic against migration of current content to the new website. Therefore, consideration would have to be given as to how our content should be

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reworded, if still relevant. Feedback would be required from IOs regarding the uploading and categorisation of Web Notes to aid end users searching.

#### **4. COMMUNITY EMPOWERMENT ACT – ASSET TRANSFER**

- 4.1 BT drew attention to a circular and guidance on the Community Empowerment Act – Asset Transfer. ITM and JM advised that they had both dealt with complaints which had aspects relevant to the Act. A discussion followed.

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

- 5.1 Report on cases in progress:
- Current cases were discussed.
- 5.2 Any other current issues:
- None.
- 5.3 Target and Statistics Reports for the period ending 31 July 2018:
- BM advised that complaints received were 107% above the same period last year. The number of cases was 70% above the same period last year.
  - Completed complaints were 10% below the same period last year, with 52 complaints completed. In terms of cases, this was the same as the same period last year, with 37 cases completed.
  - BM also advised that 65% of cases were completed within the office.
  - Targets for completion within 3, 6 and 9 months were all being achieved.

#### **6. RECENT/UPCOMING HEARINGS**

- 6.1 Investigations with upcoming Hearings were:
- LA/As/2062 – The Hearing involving the complaint against Councillor Anne Allan will be held on 28 August 2018.
  - LA/I/2113 – The Hearing involving the complaint against Councillor Luciano Rebecchi will be held on 21 September 2018.
- 6.2 Investigations currently under appeal were:
- LA/Fi/2050 – The appeal against the decision of the Standards Commission was heard by the Sheriff Principle of Tayside and Fife on 13 August 2018. BT offered his observations on the arguments canvassed.

#### **7. REVIEW OF CURRENT COMPLAINTS/CASES – MSPs**

- 7.1 Report on cases in progress:
- BT presented a summary of recent cases. A discussion followed.
- 7.2 Update on completed case submitted to the SPPA Committee:
- MSP/2118/17-18/23 – BT advised that the SPPA Committee had imposed a sanction of one month's suspension from Parliament upon Mark McDonald MSP. He also made reference to issues of confidentiality which were being examined by the Committee.

## **8. LOBBYING REGISTER INVESTIGATION PROTOCOL**

- 8.1 ITM provided an update on the process to be followed when considering complaints regarding lobbying for investigation and on the registration of lobbyist data. A discussion followed.

## **9. NEW STYLE OF REPORT**

- 9.1 CG gave an update on the proposed changes to the Report to be issued by the Commissioner following investigation. Comments on the Proposed Report were received and a discussion followed. It was agreed key stakeholders would be consulted on the revised style.

## **10. ANY OTHER BUSINESS**

- 10.1 In relation to IO/SIO review BT advised that the results were available for submission to the parliamentary system. A brief discussion on the next stages of the review followed. BT hoped that the results of the review would be available for the next meeting.
- 10.2 JM queried the process of IO correspondence being issued via the office. BT explained the reasons for the process being in place and agreed to reconsider this process when the new CMS was in place.

## **11. DATES FOR FOLLOWING MEETINGS**

10 October 2018  
21 November 2018  
18 December 2018  
30 January 2019  
27 March 2019  
8 May 2019  
19 June 2019  
31 July 2019  
25 September 2019  
6 November 2019  
18 December 2019



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

*10.10.18*  
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Date of Approval