



# Commissioner for Ethical Standards in Public Life in Scotland

## **Minutes of the Investigating Officers Meeting** held on 26 April 2017 from 10.15 to 12.00 at Thistle House, 91 Haymarket Terrace, Edinburgh

### **Present:**

Bill Thomson, Commissioner (BT)  
David Sillars, Senior Investigating Officer (DS)  
Douglas Winchester, Investigating Officer (DW)  
Jon Miller, Investigating Officer (JM)  
Ian Mackay, Investigating Officer (ITM)  
Karen Chambers, Investigating Officer (KC)  
Ralph Noble, Investigating Officer (RN)  
Helen Hayne, Investigations Manager (HH)  
Ruth Hogg, Casework Coordinator (RH)

### **Apologies:**

Claire Gilmore, Investigating Officer (CG)  
Ian Innes, Investigating Officer (II)  
Brenda McKinney, Investigations Manager (BM)

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

1.1 Minutes of the meeting held on 15 March 2017 were approved.

1.2 The following points were noted:

- The Investigations Guidelines are still under revision. They will shortly be sent to IOs for comment before approved document is circulated;
- BT + DW attended a workshop on Lobbying – the register should be up and running by October 17 and it is anticipated that it may be possible for formal complaints to be made any time after early 2018;
- BT reminded all IO's to have an awareness of and to flag up any complaint that appeared to involve a whistleblower, in case that had not been made plain at the stage of initial assessment.

## **2. SERVICE STANDARDS**

2.1 A recent draft of the Service Standards was circulated. BT advised that all comments had been considered.

## **3. LOBBYING**

3.1 Already discussed under item 1.2.

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

##### **4.1 Report on cases in progress:**

- Current cases were discussed.

##### **4.2 Any other current issues:**

- A discussion followed on current complaints where respondents or complainers were not standing for re-election. BT advised that complaints would be looked at individually and a decision made on how to proceed.

##### **4.3 Target and Statistics Reports**

- HH gave an update on year end statistics and targets. IOs were asked to be mindful of targets when planning and completing the investigation of complaints.
- BT welcomed the good performance in terms of output, which involved significantly more cases being completed than in the previous year.
- A discussion followed in relation to the number of complaints involving allegations of disrespect.

#### **5. RECENT/UPCOMING STANDARDS COMMISSION HEARINGS**

##### **5.1 A summary of recently completed Hearings was provided:**

- LA/NL/1940 – Councillor Rosa Zambonini was found in breach. The sanction was censure.

##### **5.2 Investigations with upcoming Hearings were:**

- LA/WL/1824 – The Hearing in relation to the complaint against Councillor Angela Moohan will be held on 24 May 2017.
- LA/E/1737 and 1751 – The Hearing in relation to the complaints against Councillors Jeremy Balfour and Cameron Rose is scheduled to be held over 17 - 19 May 2017.
- LA/NL/1936 – The hearing involving the complaint against Councillor Marina Lyle is scheduled to be held on 5 June 2017.
- LA/As/1963 and 1993 – The Hearing involving the complaints against Councillor Alexander Duncan is scheduled to take place on 21 June 2017.
- LA/E/1924 – The hearing involving the complaint against Councillor Jim Orr is scheduled to be held on 11 July 2017.

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

##### **6.1 Report on cases in progress:**

- Current cases were discussed.

#### **7. FUTURE TOPICS**

- 7.1 It was suggested that Data Protection would be suitable as a future topic. A discussion followed.

#### **8. ANY OTHER BUSINESS**

- 8.1 The allocation of cases was discussed. HH advised that decisions on allocation of cases were dependant on a number of factors, such as local authority area and number of cases being dealt with by each IO. Consideration was given to a suggestion that cases might be allocated dependant on skill set. BT was concerned that IOs only being allocated cases which matched their specialist knowledge could limit flexibility in the allocation of complaints.
- 8.2 How well CESPLS is known was raised for discussion. It was noted that a complaint leaflet issued by a council did not include any reference to the CESPLS. HH advised that our own leaflets had previously been issued to all councils advising of our remit. It was noted that google searches directed people to our website, and that councils' complaints leaflets were designed to cover complaints about how the council had dealt with issues, as distinct from the conduct of individual councillors.

## 9. DATES FOR FOLLOWING MEETINGS

31 May 2017 (starting at 12.00)  
19 July 2017  
30 August 2017  
11 October 2017  
20 December 2017  
31 January 2018  
14 March 2018



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



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Date of Approval

