

ETHICAL STANDARDS IN PUBLIC LIFE 205

OFFICE OF CHIEF INVESTIGATING OFFICER

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CONFIDENTIAL

D Stuart Allan
Chief Investigating Officer

Mr Andrew Fraser
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30 December 2008

Dear Mr Fraser

Ethical Standards in Public Life
Councillors' Code of Conduct

My investigation into the complaint from Mr David McMillan, Councillor Ronald McColl and Councillor Craig McLaughlin against Councillor James Bollan has now been completed and I have concluded that – for the reasons given in the attached Report – the respondent has contravened the Councillors' Code of Conduct in terms of this complaint.

In accordance with section 14 of the Ethical Standards in Public Life etc. (Scotland) Act 2000, I have today submitted my Report to the Standards Commission for Scotland. I have informed the respondent. At this stage I have also advised the complainants that I have submitted a Report to the Commission, although the Report has not been made available to them.

It is now a matter for the Commission to decide what action to take on the Report in terms of section 16 of the 2000 Act. A copy of the provisions contained in sections 14 to 16 of the 2000 Act is enclosed for your information.

Should you have any queries please contact the Investigations Manager, telephone 01383 428033 or email investigations@ethicalstandards.org.uk.

Finally, I should point out that, in terms of section 12 of the 2000 Act, my investigations are to be conducted confidentially. I should be obliged therefore if you would regard this letter as confidential.

Yours sincerely



D Stuart Allan
Chief Investigating Officer

Enc Report (with Appendices) and Note on Act

Ethical Standards in Public Life etc. (Scotland) Act 2000

Sections 14 to 16

14 Chief Investigating Officer's reports

(1) Subject to section 10 above, it is for the Chief Investigating Officer to decide whether to report to the Commission on the outcome of any investigation.

(2) No report concluding that a councillor or a member of a devolved public body has contravened the councillors' or, as the case may be, the members' code shall be submitted to the Commission unless the councillor or member has been given a copy of the proposed report and an opportunity to make representations on the alleged contravention and on the proposed report.

(3) At the same time as the Chief Investigating Officer gives a copy of a proposed report to a councillor or a member of a devolved public body for the purposes of subsection (2) above, that Officer shall give a further copy to the council or, as the case may be, the devolved public body.

15 Publication of reports

The Commission may publish a report submitted to it under section 14 above, and may do so in whatever way and send it to whomever it thinks fit.

16 Action on receipt of reports

On receiving a report from the Chief Investigating Officer, the Commission may -

- (a) direct that Officer to carry out further investigations;
- (b) hold a hearing; or
- (c) do neither,

and, where it acts under paragraph (a) or (b) above, may do so at any time.