

The Owen McKee case (4) – Scottish Government complicity in cover-up

Description

In April the Standards Commission decided that Owen McKee, the former convener of Planning for the Loch Lomond and Trossachs National Park who had been trading in the shares of the Cononish goldmine, had breached the Code of Conduct for Standards in Public Life. They would have suspended him if he had not resigned <https://parkswatchscotland.co.uk/2016/04/20/owen-mckee-hearing-standards-commission-2/> Clearly what Owen McKee had done was wrong. However, what I believe was more serious was that the LLTNPA had tried to cover this up and then failed to report this to Audit Scotland <https://parkswatchscotland.co.uk/2016/04/22/owen-mckee-case-lltnpa-audit-scotland-3/>

I was slightly surprised therefore that the Government has now revealed that it was informed about Owen McKee's share-trading, at the time, in December 2014 [Scottish Government EIR Response 4 May Cononish goldmine](#) through a telephone call from the LLTNPA Convener, Linda McKay, to the lead civil servant for the Park, Keith Connal. What we still don't know – and I suspect never will as there appears to be no written record of the conversation – is actually what was discussed or decided in the conversation or if Scottish Ministers were informed.

However, what the information does tell us is that a) the Government received a copy of the Investigation Report and b) knew that the full report had not been seen by Board Members. This suggests that civil servants in the Scottish Government – and I would be very happy to offer them space on parkswatchscotland to refute this – were, at the very least, content that the matter should be taken no further: no need for anyone to report Owen McKee to the Commissioner for Ethical Standards; no need for anyone to report the matter to Audit Scotland. The implications are that officials in the Scottish Government believe it is acceptable for breaches of the Code of Conduct not to be reported to the Commissioner for Ethical Standards and also that is acceptable for Audit Scotland to produce their Annual Reports on non-departmental public bodies, which include a section on sound governance, without being in possession of the relevant facts. I believe this is serious.

What is more, the original response to my information requests to the LLTNPA (<https://parkswatchscotland.co.uk/2016/04/05/owen-mckee-hearing-standards-commission/>) showed that one Board Member, David McKenzie, to his credit, had raised the need to call in the Standards Commission. Linda McKay had replied on 18th December 2014 "I have been considering at what point to draw in the Standards Commission" but there was no further information supplied about why this was never progressed. It now appears possible, depending on the date of the telephone call, that it could have been the telephone conversation between Linda McKay and Keith Connal at the Scottish Government where it was decided not to refer the matter to the Standards Commission and even

perhaps not to make the report public and keep the involvement of other Board Members to a minimum. In other words that there was a telephone discussion raises questions of how far Scottish Government involvement in the Owen McKee cover-up might have been pro-active, not just complicit.

There are still no definite answers to the question as to why would the civil servants and the LLTNPA Board wanted to cover up Owen McKee's share-trading? There was little to no risk, as the Park Investigation Report concluded, of Owen McKee's share-trading undermining the original planning approval for the Cononish goldmine, so why not let the matter become public? A more likely answer is the Park were worried that any publicity about Owen McKee's resignation as convener of planning might be difficult to manage and could influence people's response to the Your Park consultation on the camping bye-laws and these worries were shared by the civil servants, if not the Scottish Government. In other words nothing was to be allowed to get in the way of the approval of the camping bye-laws.

Whatever the reasons for the cover-up, I believe the handling of the Owen McKee case has implications for the civil service and all non-departmental public bodies which needs to be considered by the new Scottish Parliament. Specifically there needs to be a public duty on all Board Members AND civil servants to report breaches of the Code of Conduct to the Commissioner for Ethical Standards. If a Board Member knows someone on the same Board has breached the Code of Practice – and the LLTNPA did know this, they accepted Owen McKee's resignation – there should be a duty to report this. Similarly, if a senior official within a NDPB or the civil service becomes aware, they should also have to report this. Otherwise we are keeping the doors to corruption wide open.

Category

1. Loch Lomond and Trossachs

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