

## The Owen McKee case, the Scottish Government and the Cononish goldmine

### Description

Early in August Scotgold announced it had produced the first gold from its bulk ore processing trial at Cononish goldmine ([see Herald](#)). This involves the crushing of ore that has already been extracted from the old mine to see how much gold it contains. The original planning approval for the goldmine did not allow this. It only became possible because of two alterations to the original planning application approved by the Loch Lomond and Trossachs National Park Authority. The latest was in February 2016 (to allow a shed to be used for this crushing ore) but the more important one was the application which the full Board considered at a special Board Meeting in January 2015 which agreed that processing could take place 24 hours a day except Sundays [2014\\_0285\\_DET-Committee\\_Report\\_Final-100126516](#).

*“The consented processing hours are 7am to 11pm Monday to Saturdays. The current application is also to extend processing to allow for a 24 hours working pattern starting at midnight on Monday through to Saturday midnight, allowing processing (condition 13(c)) to more closely match production (condition 13(b))”*

While the justification for this change was to link mining production with processing, without it the current trial would have had to be considerably extended and might not have been financially viable.

The change in operating hours was first mooted by Scotgold during Owen McKee’s convenorship of the planning committee. The production of the first gold at Cononish brings into focus the strong financial interest he had in the application being approved having bought thousands of shares. When it became known, probably in November 2014, that Owen McKee had been buying Scotgold shares the LLTNPA then tried to cover this up and it only became public as a result of Freedom of Information requests I submitted <https://parkswatchscotland.co.uk/2016/04/05/owen-mckee-hearing-standards-commission/>. What is still not known, because the Park’s investigation never covered this, is the extent to which (if any) Owen McKee may have paved the way for the application being approved outside of Board Meetings before he resigned as convener.

I have previously revealed on Parkswatch that civil servants were informed about the Owen McKee case in December 2014 and were apparently content that the Park conduct a secret investigation into what had happened and that no referral was made to the Commissioner for Ethical Standards in Public Life. I have contrasted this with the findings of the Standards Commission <https://parkswatchscotland.co.uk/2016/04/20/owen-mckee-hearing-standards-commission-2/> which re-

inforced the importance of such interests being declared and which would have suspended Owen McKee had he not resigned.

I have since been trying to find out when Scottish Ministers were informed about the Owen McKee case using Freedom of Information requests and whether they were involved in the cover-up. I have now had an answer in an email sent on 12th August by a civil servant who has been very polite and helpful and whose identity I will protect because he is only the messenger:

*" Dear Mr Kempe*

*I refer to your email of 1 July. Unfortunately I am unable to add to the information provided in my letter of 16 June, but would reiterate that Ministers were made fully aware of the situation regarding a directly elected Board member and shares in Scotgold. I'm sure that you will appreciate that senior level discussions with Ministers take place regularly and on a wide variety of subjects. Details of the timing and content of such discussions as part of routine sponsorship arrangements are not formally recorded."*

My email asking for this information was as follows:

**From:** Nick Kempe  
**Sent:** 01 July 2016 00:59  
**To:** (civil servant Scottish Government  
**Subject:** Re: FOI of 18 May 2016 ref no. Fol 16/00761

*Dear Mr (I have blanked out),*

*Thankyou very much for this response. I appreciate you hold no written communications to the Minister about Owen McKee's shareholding and I appreciate even more therefore you giving me an indication of what the Minister was told. I appreciate too its difficult for people to recall content of discussions, but I think it would be in the public interest to know if the Minister was made aware of the Park's internal investigation and also approximately when the Minister was made aware of Mr McKee's shareholding. From your response it appears that could be any time between when Keith Connal was informed about this in December until just before Owen McKee resigned, a period of approximately seven months"*

What this tells us is the Scottish Government has no record of when Aileen McLeod, the Environment Minister at the time with responsibility for National Parks, was told about the Owen McKee case or what her views were. I am sure a senior civil servant will remember this but because nothing is in writing the public have no right to know. We will probably therefore never know whether the decision

by the Scottish Government to let the LLTNPA conduct a secret internal investigation without any referral to the Commissioner for Ethical Standards or other external investigation was taken by civil servants or the Minister. Either way there has been a serious failure in governance.

If senior civil servants and Government Ministers are incapable of assessing when there has been a breach of the Code for Ethical Standards in Public Life and fail to act on information that is provided to them, what does this say about the ethical standards at the heart of government? What level of corruption would be needed to be uncovered before someone in Government decided action was needed? In my experience if someone in a Local Authority tried to cover something like this up, all hell would break loose. There are though it seems different rules for our National Parks and central government.

The [Scottish Civil Service Code](#) contains a number of provisions in respect to transparency, integrity and honesty which appear to have been breached by senior officials in the Owen McKee case. Unfortunately, it appears that members of the public have no redress in cases where the civil service code is breached. But maybe its not the civil servants fault because Linda McKay, the Convener of the LLTNPA who led the cover-up, sits on the Strategic Board for the Scottish Civil Service. She is the civil servants ultimate boss.

Its well past time that the serious failures in governance by both the LLTNPA and Scottish Government were raised in the Scottish Parliament.

## Category

1. Loch Lomond and Trossachs

## Tags

1. Governance
2. LLTNPA
3. Minister Environment
4. planning
5. Scottish Government

## Date Created

August 21, 2016

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