

ABERDEEN CITY COUNCIL

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COMMITTEE	Council
DATE	5 March 2014
LEAD OFFICER	Chief Executive
TITLE OF REPORT	First Minister's professional conduct: Aberdeen Donside by-election – Motion by Councillor Young
REPORT NUMBER	OCE/14/005

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1. PURPOSE OF REPORT

The report brings before the Council the response received by the Chief Executive from Sir Bob Kerlake, Head of the Civil Service following her letter to him in the terms of the motion agreed by the Council at its meeting of 21 August 2013.

2. RECOMMENDATION

That the Council considers the response from the Head of the Civil Service and decides how it now wishes to proceed.

3. FINANCIAL IMPLICATIONS

The report has no specific financial implications.

4. OTHER IMPLICATIONS

The report has no other specific implications.

5. BACKGROUND/MAIN ISSUES

Following consideration at its meeting of 26 June 2013 of a motion by Councillor Young in relation to the First Minister's professional conduct during the Aberdeen Donside by-election, the Council at its meeting of 21 August 2013 had before it a report by the Chief Executive bringing before the elected members the response she had received from Sir Peter Housden, Permanent Secretary to the Scottish Government following her letter to him in terms of the motion seeking an investigation (OCE/13/025).

Having considered the response from the Permanent Secretary, the Council resolved:

- i) to note the reply received from the Permanent Secretary in which he states that has seen sight of the First Minister's response to the Chief Executive, which includes reference to our complaint to the Permanent Secretary. To note with astonishment that the First Minister responds to the Chief Executive seemingly on behalf of the Permanent Secretary and to note that the First Minister has been allowed to write his own response to the formal complaint made to the Permanent Secretary. Indeed, it would appear that the Permanent Secretary has failed to investigate the complaint made, with no indication of an investigation, nor that any follow-up has taken place. The Permanent Secretary made no further contact with our Chief Executive prior to sending his response.
- ii) to agree that the situation has escalated since the Chief Executive first wrote her letters to the Permanent Secretary as the First Minister is on record as saying that his visit to Bramble Brae School was "impromptu and not pre-planned". Given that the SNP issued a calling notice stating that the First Minister would be in attendance at the school and that there would be an opportunity for interviews and photographs, it would appear that the First Minister may have deliberately misled the Permanent Secretary on this matter.
- iii) to therefore instruct the Chief Executive to write to Sir Bob Kerslake, Head of the Home Civil Service calling on him to carry out an investigation into the events which led to the complaint being sent to the Permanent Secretary to the Scottish Government, to establish whether or not the Ministerial Code was broken, whether or not there was an appropriate investigation undertaken by the Permanent Secretary and whether or not the complaint was managed in an appropriate and suitable way.
- iv) to instruct the Chief Executive to report back to the Council the response received from the Head of the Home Civil Service in order that the Council may determine its position on this matter.

Attached are copies of the letter sent to the Head of the Civil Service by the Chief Executive on 23 August 2013 and the reply dated 23 January 2014.

## 6. IMPACT

The report has no specific impact on the delivery of the Council's business plan or the Council's role in delivering the Single Outcome Agreement. The correspondence on this matter has been the subject of public interest.

7. MANAGEMENT OF RISK

The report fulfils the instruction to bring back to the Council the response received from the Head of the Civil Service in order that the Council may determine its position on the matter.

8. BACKGROUND PAPERS

None

9. REPORT AUTHOR DETAILS

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