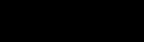




Our Reference: 202400402284

Your Reference: 

1 March 2024

Dear ,

Thank you for your letter of 6 February 2024, seeking information on a potential breach of the Scottish Ministerial Code by Minister for Energy, Just Transition and Fair Work, Gillian Martin MSP. As one of his supporting officials, the First Minister has asked me to respond to you on his behalf.

Section 8 of the Code provides the relevant guidance on Ministerial engagement on planning matters, noting that Ministers should take particular care to avoid conflicts of interest when dealing with planning matters, including the granting of energy consents.

In particular, Paragraph 8.3(b) of the Code states that the Planning Minister, or any other Minister involved in the planning decision, should not meet objectors to discuss proposals unless it is possible to meet all interested parties or at least offer all parties the opportunity to meet.

Whilst the requested meeting may have looked to focus on Scottish Government policy at large, there was significant potential for the Minister to have heard of specific proposals for context and/or called on to provide an opinion on proposals which will come before them for determination or are currently under consideration. Any comments made to or by the Minister could potentially have been construed or represented as either supportive or otherwise.

It should also be noted that it is not possible for the Minister to accept meetings from all who request one and it is common occurrence for supporting officials to fulfil the request on their behalf.

In this instance, offering a meeting with planning officials, who would not be personally involved in decisions on the developments in your area, to discuss matters further was deemed to be the most appropriate approach to protect the Minister's ability to determine future energy consents applications

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)



without prejudice. I am aware that you have now met twice with our planning officials, including once in person in visiting your area.

With regards to the Minister attending an event in Wishaw to open a new battery storage facility, this was deemed appropriate and in line with the Code because it was not related in any way to the discussion of a live application, but rather was in relation to a facility which had already completed the consenting process. During this routine event, the Minister did not accept any gift or hospitality which might, or might reasonably appear to, compromise their judgement or place them under an improper obligation.

Yours sincerely



**OESC : Energy Consents**

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St Andrew's House, Regent Road, Edinburgh EH1  
3DG  
[www.gov.scot](http://www.gov.scot)



St Andrew's House, Regent Road, Edinburgh EH1 3DG  
T: 0300 244 4000

Alex Cole-Hamilton MSP  
By email: [Alex.Cole-Hamilton.msp@parliament.scot](mailto:Alex.Cole-Hamilton.msp@parliament.scot)

12 February 2024

Dear Alex,

Thank you for your letter of 25 January 2024 in which you urged me to invite the independent adviser on the Scottish Ministerial Code to investigate the alleged absence of minutes of (former) First Minister-led Gold command meetings during the pandemic as a potential breach of the Code.

Let me start by reiterating my position that the Covid-19 pandemic was a tragedy for people and communities across Scotland. Individuals and families who have suffered such heart-breaking loss and trauma remain foremost in my thoughts. I share your strong desire and determination to provide scrutiny and answers to the questions people have about the handling of the pandemic. It is vital that lessons are learned for our future resilience and capability to respond to public health challenges of this nature. That is why the Scottish Government is wholly committed to responding to both the UK Covid-19 Inquiry and the Scottish COVID-19 Inquiry.

As has been heard in evidence to the Inquiry, the Scottish Government has provided over 19,000 documents in response to the requests received from the UK Covid-19 Inquiry. This has included notes of meetings often referred to as 'gold-command'. As I set out in answer to your questions on this during FMQs on 1 February, we are continuing to review all material held to ensure that the Scottish Government is cooperating fully with the Inquiry's requests and we will provide all relevant material as necessary.

I believe that matters should only be referred to my independent advisers when there are sufficient grounds for a meaningful investigation, when their conclusions could usefully inform my deliberations. It is difficult to see how any investigation they might undertake could add to the existing scrutiny of the judge-led statutory Inquiries, particularly given the fact that the scope of any investigation they may make on this matter under the Code would be limited given its provisions do not apply to former Ministers.

Moreover, it would not be appropriate for me to pre-empt the findings of the Inquiry in any way. The Inquiry is considering all issues relating to management of the Covid-19

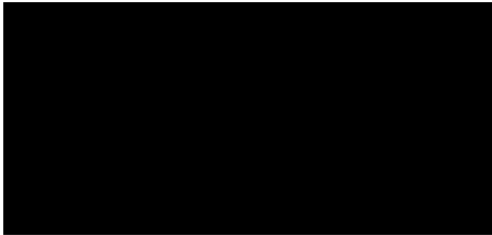
pandemic in detail and I am not going to offer a running commentary on issues currently being considered. There are, of course, lessons to be learned. We are listening to all the evidence and opinions expressed in the Inquiry carefully in order to learn, and to save lives and prevent harm in any future pandemic. We will await their conclusions and respond as appropriate.

A handwritten signature in black ink, appearing to read 'H. Yousaf', is centered within a white rectangular box.

**HUMZA YOUSAF**



E: [Helen.Webster@gov.scot](mailto:Helen.Webster@gov.scot)



1 September 2023

Dear 

Thank you for your correspondence dated 10 August 2023 to Humza Yousaf, the First Minister, in which you alleged potential breaches of the Scottish Ministerial Code by Angus Robertson MSP, the Cabinet Secretary for the Constitution, External Affairs and Culture.

As the senior official with responsibility for the Ministerial Code of Conduct, the First Minister has asked me to reply on his behalf.

Your complaint relates to statements made by Mr Robertson on a planning application when it was under consideration by the Loch Lomond and The Trossachs National Park Authority in 2022. Planning permission for that development was refused by the National Park Authority, has subsequently been appealed to the Scottish Ministers, and will be determined in due course by Joe FitzPatrick MSP, Minister for Local Government Empowerment and Planning as it has been recalled for determination by Ministers.

I have considered the terms of the Scottish Ministerial Code that your complaint refers to, in particular the relevant parts of Section 8 of the Code which focuses on planning decisions.

I can firstly confirm that, as Mr Robertson has no involvement in this planning decision, the provisions of Section 8.3 are not applicable to his actions in this instance, including Section 8.3 that relates to meeting with interested parties. There is also no evidence that Mr Robertson has any personal interest in this application and his Ministerial powers do not restrict him from expressing a view as referred to by Sections 8.4 and 8.5 of the Code respectively.

Turning to Sections 8.6 and 8.7 of the Ministerial Code, which I consider to be applicable in this instance, it is entirely legitimate for Ministers who are not involved in a planning decision to make a representation, providing it is clear that their views are being expressed in their capacity as constituency MSP rather than as a Minister.



Having reviewed the information you provided, I am satisfied that Mr Robertson's correspondence is clearly written in his constituency capacity, rather than from his Ministerial office, and the content of his letter shows that his view is informed by a meeting he had with Loch Long Salmon, whose headquarters are located within his Parliamentary constituency.

I am therefore satisfied that the correspondence and actions to which you refer do not breach the Ministerial Code.

Thank you for bringing this matter to our attention. I trust you are content with the action we have taken in response.



**HELEN WEBSTER**  
**Head of Cabinet, Parliament and Governance Division**