

Laura Baird

From: Linda Email [REDACTED]
Sent: 14 December 2014 11:39
To: Fiona Logan
Cc: Sandra Dalziel; Jane Filshill
Subject: Follow Up to Board Meeting of 8th December

Categories: Yellow Category

Colleagues

During our Board Business session on the morning of 8th December Owen McKee advised colleagues that he had a shareholding in Scotgold which he intended to declare ahead of discussion of agenda item 6 at the formal Board meeting in the afternoon. A number of Board members raised concerns over this shareholding and the potential for reputational risk to the Authority. In response to this feedback from colleagues, Owen decided to sell his shares in Scotgold and instructed the sale before the formal meeting began. On this basis Owen made no declaration of interest and was present when agenda item 6 was discussed.

Beyond the meeting, however, it became clear that the transaction had not been completed until 9th December and that Owen should therefore have declared an interest and absented himself from the meeting for agenda item 6. Owen has since written to me to point out this error and to apologise.

In these circumstances I have taken legal advice on how to ensure that Board decisions are sound and that we now follow due process. If there had been any evidence to suggest that Owen had influenced the Board's decision in relation to agenda item 6, then I would have called for an emergency meeting to retake that decision. However the draft notes of meeting show that Owen took no part in the discussion and that the officer recommendation, contained in the paper, was approved by Board consensus. I do not, therefore, propose to call an emergency meeting and I am content to let the decision in relation to item 6 stand.

I have spoken with a number of Board members since the meeting on Monday and many have expressed serious concern over Owen's judgement in purchasing a shareholding in Scotgold whilst he held the position of Chair of Planning and Vice Convener. I have discussed this loss of confidence with Owen along with the reputational risks to the Authority, given the strength of public feeling around the Scotgold planning application.

For a number of reasons, Owen has now resigned from his roles as Vice Convener and as Chair of the Planning and Access Committee with immediate effect. Owen will continue as a Board member and a member of the Planning and Access Committee.

In the new year the Board will want to take steps to fill both of these senior Board roles. In the short term however there is an immediate practical issue to be addressed to allow the meeting of the Planning and Access Committee to go ahead as scheduled on Monday 15th December. Since our Vice Chair Petra is unavailable, the Board needs to appoint an interim Chair. We are proposing to do this in accordance with Standing Order 35, which provides that any urgent matter of business can be dealt with by correspondence. I would therefore be grateful if all Board members could confirm to me by email their support for Colin Bayes to be appointed as interim Chair for the meeting of the Planning and Access Committee on Monday. If I do not hear back from you by 10.30 on Monday I will assume that you approve this interim appointment. The decision will then be ratified at the next Board meeting.

Finally I wanted to reassure you that, although Owen has requested to step back from his role in the CEO selection process also on Monday/Tuesday, we still have a panel of 4 members who are well prepared and well equipped for the task.

I have appreciated the advice, engagement, and support of colleagues over the last few days and I hope, as a result, the Authority is now in a good position to move forward.

Best wishes
Linda McKay

Sent from my iPad