

The ethics of the LLTNPA Board and the Owen McKee case (7)

Description

The Owen McKee case ([see here](#)), which I last considered a couple of months ago ([see here](#)), is on the agenda for the Loch Lomond and Trossachs Board Meeting on Monday. Owen McKee was the former convener of the LLTNPA planning committee who, after approving the Cononish goldmine, started trading in the shares of the company that owned the mine, Scotgold Resources Ltd. When the Board found out they conducted a secret investigation and covered up what had happened. This came to light six months later through my FOI requests about discrepancies in the LLTNPA Board minutes. After I referred Owen McKee to the Commissioner for Ethical Standards in public life he resigned last year. A Hearing of the Standards Commission in April found Owen McKee had breached the Code of Conduct and would have suspended him had he not resigned.

The reason the Owen McKee case is on the agenda is not because the LLTNPA Board has suddenly started to act transparently but because the Standards Commission has forced them to do so [agenda-item-6-appendix-1-standards-commission-hearing-decision](#). In this letter dated 15th April the Standards Commission Chief Executive informed the Park the law required them to consider the content of the decision within three months (in public). There is nothing in the Board paper [agenda-item-6-standards-commission](#) paper to indicate that the Park asked for an extension and it could and should have been considered at the June Board Meeting. Another basic failure in governance which the Park's new auditors should take a look at.

The Board paper itself says very little. It asks Board Members to approve a) that their attendance at a further training workshop on the registration and declaration of interests in December 2015 was an appropriate response to what happened and b) that they should continue to update their own register of interests and declare interests at meetings. Why Board Members should have found the declaration of interests so difficult that they needed to attend extra training, I am not sure, particularly when they rehearsed what declarations they would make at the secret Board Briefing session which took place before the meeting that approved the camping byelaws ([see here](#)):

Declarations of Interest & Decision Making 09:50-09:55

I will now hand over to Sandra to brief you on how Declarations of Interest and Decision Making will be handled at the Special Board Meeting today.

Rehearse declarations.

As we are discussing Live Park any Members with property interests (including residential property) in the Park, should declare a potential interest in this matter.

i? Linda â?? I declare a potential interest in both the Your Park and Live Park items. I own a residential house [and an area of adjoining land] within the Park. In relation to Your Park, this may be relevant because the house is within the boundary of the proposed Trossachs North management zoneâ?•.

i? David McCowan â?? potential interest in business, landowner on boundary of Park

i? Owen McKee â?? village shop, residential shop selling fishing permits, half acre land

and vice Chair of Management Committee of Rural Stirling Housing Association.

i?· Martin Earl â?? residential house

i?· David McKenzie â?? residential house in Blairmore

i?· David Warnock â?? residential house in Callander and why they need to approve what they are legally bound to do anyway is beyond belief.

The ironic thing about this was, having written down exactly what she would say, Linda McKay forgot to actually say it at the meeting which led to another investigation by the Commissioner for Ethical Standards. Just why the LLTNPA on Monday also need to approve that they should keep their register of interests up to date and declare interests at meetings, when they are legally bound to do anyway, is beyond belief.

When I discovered the LLTNPA Board had covered up the Owen McKee case I referred all the Board Members at the time to the Commissioner for Ethical Standards for acting contrary to the principles of transparency, honesty and integrity which are supposed to govern public life. The Commissioner for Ethical Standards however said that since there was NO specific clause in the Code of Conduct requiring Board Members to report colleagues who had breached the Code he could take no action. I found this bizarre but accept that what the Commissioner can and can't do at present is closely regulated.

What the LLTNPA should do following the Owen McKee Case

LLTNPA Board Members though do have a chance to redeem themselves on Monday. The Paper asks them for any other actions or decisions as a result of the decision by the Standards Commission. I think they should welcome what the Standards Commission panel chair, Kevin Dunion, said after the Hearing:

The failure to declare such interests removes the opportunity for openness and transparency in a Board Member's role and denies any member of the public the opportunity to consider whether a Board Member's interests may or may not influence the decision making process•

and admit they were wrong not to refer Owen McKee to the Commissioner for Ethical Standards.

They could consider:

- whether it was right for Board Members to sign off the investigation into Owen McKee by the chair of Audit, Lindsay Morrison, without reading his report
- whether Owen McKee's backing for the Cononish goldmine planning application prior to buying the shares was motivated by a wish to benefit from this personally and what influence Owen McKee had, as planning chair, on the decision-making process
- why Owen McKee continued to purchase shares in Scotgold Ltd (as documents in Lindsay Morrison's report) when the share price was falling
- what procedures need to be put in place to ensure cases like this are referred to their auditors timeously (Audit Scotland only found out when the story appeared in the Sunday Herald)
- the role of their Audit Committee in such cases. The Audit Committee never considered the case despite referring to *the Authority's values of transparency* and claiming that *The Committee has received full reports on issues raised; considered recommendations made; and approved responses and actions* in their annual report to the Board which also appears in Monday's meeting papers.
- the role of their Convener, Linda McKay, in the whole debacle and whether they should not have challenged her further on the need to refer Owen McKee to the Commissioner for Ethical Standards (as suggested by one Board Member).

Whether the Board will consider all of this is another matter.

Category

1. Loch Lomond and Trossachs

Tags

1. Freedom of Information
2. Governance
3. LLTNPA
4. planning

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