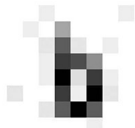


## Decision of the Determination Sub-Committee held on Wednesday 23 November 2011

This decision is published for information in advance of the publication of the Minutes

<b>NAME OF AUTHORITY:</b>	Ilkley Parish Council
<b>NAME OF SUBJECT MEMBER:</b>	Councillor A McKie
<b>NAME OF COMPLAINANT:</b>	Mr J E Brown
<b>CASE REFERENCE NO:</b>	2010-04
<b>CHAIR OF THE DETERMINATION SUB-COMMITTEE:</b>	Mr Dobson
<b>MEMBERS OF THE DETERMINATION SUB-COMMITTEE</b>	District Councillor G Reid and Town Councillor G Mitchell
<b>MONITORING OFFICER:</b>	Suzan Hemingway
<b>INVESTIGATING OFFICER:</b>	Ivan Harrison
<b>CLERK TO THE DETERMINATION SUB-COMMITTEE:</b>	Tracey Sugden
<b>DATE OF REPORT:</b>	28 July 2011
<b>DATE OF HEARING:</b>	28 July 2011, Saville Room, City Hall and 23 November 2011, Committee Room 1, City Hall



## **DECISION:**

### **1. COMPLAINT IN RESPECT OF A PARISH COUNCILLOR**

**This decision has been made in respect of the complaint set out in Determination Sub-Committee Document “A” concerning paragraphs 9 and 12 of the Ilkley Parish Council Code of Conduct, in accordance with resolution (1) of the meeting of this Sub-Committee held on 28 July 2011 which was subsequently adjourned and has now reconvened in the absence of Councillor McKie, no reason having been provided for further adjournment and having considered the documentary evidence provided by the investigating officer and representations made by him.**

**The Sub-Committee has agreed the investigator’s precis of facts set out in Not for Publication appendix 3 to Document “A” as its findings of fact and has therefore**

**Resolved –**

- (1) That having considered the size of the development and its proximity to Councillor McKie’s property, it was likely to affect his wellbeing and he therefore had a personal interest which should have been disclosed; failure to disclose a personal interest is a breach of paragraph 9 of the Ilkley Parish Council Code of Conduct.**
- (2) That the interest should also have been regarded as prejudicial because the development was sufficiently close to Councillor McKie’s property, large scale, controversial and high profile that it was reasonable for a member of the public in possession of the facts to consider that Councillor McKie’s personal interest was so significant that it is likely to affect his ability to judge what was in the wider public interest; Councillor McKie failed to disclose this prejudicial interest, took part in the meeting concerned and voted on the relevant item this constitutes a breach of paragraph 12 of the Ilkley Parish Council Code of Conduct.**
- (3) That in the light of resolutions (1) and (2) above Councillor McKie be suspended from the position of Chair of the Plans Committee at Ilkley Parish Council for a period of three months from notification of this decision or until such time as he has undertaken one to one training with the Monitoring Officer on the issue of disclosure of interest.**
- (4) That the reason for the above sanction is that the Determination Sub-Committee is concerned that as Chair of the Plans Committee it is important to ensure that Councillor McKie understands the specific provisions of the Code relating to disclosure of interest.**
- (5) That the Clerk to Ilkley Parish Council be recommended to investigate with the National Association of Local Councils the availability of training for all members of the Parish Council on the Code of Conduct post implementation of the Localism Act**
- (6) That the reason for the above recommendation is to ensure that all members of Ilkley Parish Council are aware of the requirements of their Code of Conduct.**

- (7) **That it be noted that Councillor McKie may apply in writing to the President of the Adjudication Panel for permission to appeal against the above findings, such application must be received within 21 days of notification of the decision.**

(Suzan Hemingway - 01274 432496)

Signed \_\_\_\_\_

(Chair of the Determination Sub-Committee)

*FROM:* S Hemingway  
City Solicitor  
City of Bradford Metropolitan District Council

*Committee Secretariat Contact: Tracey Sugden – 01274 434287*  
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