
CAIRNGORMS NATIONAL PARK AUTHORITY

MINUTES OF THE BOARD MEETING held at The Village Hall, Boat of Garten on Friday 5th November 2004 at 2pm

PRESENT

Eric Baird	Alastair MacLennan
Stuart Black	William McKenna
Duncan Bryden	Andrew Rafferty
Sally Dowden	Gregor Rimell
Basil Dunlop	David Selfridge
Angus Gordon	Joyce Simpson
Lucy Grant	Sheena Slimon
David Green	Richard Stroud
Bruce Luffman	Andrew Thin
Eleanor Mackintosh	Susan Walker
Anne MacLean	Bob Wilson

In Attendance:

Jane Hope
Murray Ferguson
Fran Potheary
Kristin Scott

Apologies:

Douglas Glass
Marcus Humphrey
Sandy Park

Minutes of Last Meeting – approval

1. The minutes of the previous meeting (8th October) were approved with no changes.

Matters Arising

2. The actions following from Paragraphs 7, 10, 13, 17 and 19 were all in hand.

Proposals for a Local Access Forum (Paper 1)

3. The paper was introduced by Murray Ferguson, Kristin Scott, and Fran Potheary, seeking the Board's approval of arrangements for the establishment of a Local Access Forum for the Cairngorms National Park as required under Section 25 of the Land Reform (Scotland) Act 2003. In introducing the paper, Murray Ferguson made the point that these proposals were particularly important for a number of reasons. Establishing a Local Access Forum (LAF) was a core duty of the Cairngorms National Park Authority, and it was essential to get it right. The Local Access Forum would be an important source of advice on a wide range of matters concerning access rights over the next few years, and there was understandably a high degree of public interest in the arrangements. The paper sought the Board's approval for these arrangements, so that officials could press ahead with some speed.
4. At its meeting in May, the Board had approved a set of criteria for developing proposals for a LAF in the Cairngorms and these had provided the basis for discussions at a number of public workshops in the area in the previous few months. A number of complex issues had emerged from the workshops. First, the objective was the establishment of a forum, and not an organisation. The LAF was not seen as a body in its own right, although it clearly would have a degree of independence from the CNPA. There was clearly a delicate balance to be struck on this score. Secondly, there was also a balance to be struck on the matter of the size of the Local Access Forum, ensuring on the one hand that all relevant interests had a voice, while on the other also ensuring the group was of a size that could operate effectively.
5. A series of 6 workshops had been run during September, with around 160 people attending. There had also been good attendance by members of the Board. The meetings had been advertised widely in the press, community newsletters, to national organisations, and through direct letters. Feedback from the workshops themselves was generally positive, particularly on the use of small groups for discussion within the workshops.
6. The paper set out conclusions based on the feedback from the workshops as well as feedback received from national organisations, and with the 5 neighbouring local authorities who had been particularly constructive in discussing how to ensure a smooth transition from one local access authority to another across boundaries. The Paths for All Partnership and Scottish Natural Heritage had also been involved in discussions, through the CNPA Access Working Group.
7. The recommendations for a Local Access Forum for the Cairngorms were set out on the covering page of the paper. Attention was drawn to the point that the proposal was for a single Forum, which would be referred to as the "Cairngorms Local Outdoor Access Forum". The question of having one or more Forums in the area had been discussed at all of the workshops, and there had been general agreement that there should be a single Forum. The point was also made that the LAF for the Cairngorms was being established as an advisory group as set out by the requirement of the Land Reform (Scotland) Act. The Forum was not established as a committee of the CNPA Board and the paper was not proposing any places on the Forum for members of CNPA staff or Board.

8. In discussion the following points were made:
- a) Staff were congratulated on the preparation and presentation of a very comprehensive paper, which represented a substantial amount of work over the previous 6 months. It managed to distil a wide range of comments from all of the workshops, and present complex issues very clearly for consideration. This was a new area of work, and there were few precedents to go by. The paper therefore represented the outcome of both discussion and original thinking. In addition to the CNPA staff, all the many other people who had been involved in the preparation of this paper, and who had contributed to the public discussion sessions were thanked.
 - b) The proposal for the first review of the operation of the LAF after 3 years sat oddly with the proposal that initial membership could just be for 2 years. There might be merit in having the first review of the operation of the LAF before there was any change in membership.
 - c) The proposals for membership as they stood could in theory allow a geographic imbalance in membership in the LAF. This would be of particular concern for the Angus Glens, an area which was quite isolated from the rest of the Park. It would be important to ensure that there was no serious geographic balance in membership. This would be partly dealt with through publicising the call for membership of the LAF very widely, to ensure a large number of applications from across the Park. In addition, the selection criteria should reflect the need to ensure an appropriate geographic balance.
 - d) In order to ensure some continuity, it would be worth considering ways to ensure that the retirement of members from the LAF was staggered, so that not all members changed at once. There would be benefits in allowing the Forum, once established, to take a view about how best to achieve this as part of the discussion about operating principles, and taking into account guidance received from CNPA through the Convener.
 - e) The Forum would comprise 20 members, appointed on the basis set out in the paper. The Forum itself would elect its own chair from amongst its own membership, but to ensure the initial establishment and operation of the Forum, the first meeting would be chaired by the Head of Visitor Services and Recreation Group of the CNPA until such time as a chairperson was elected. The secretariat for the LAF would be provided by the Access Officer of the CNPA.
 - f) There was some discussion about the inclusion of three relevant public bodies. It was agreed that two of these should be SNH and the Forestry Commission Scotland as proposed, and that the decision on the third should be delegated to the Head of Visitor Services and Recreation Group.
 - g) The references at paragraph 23 to the Nolan Standards and to the Commissioner for Public Appointments, and the reference in Paragraph 27 to the use of an Independent Assessor were not technically correct and needed amending. The Local Access Forum was not a public body listed in the relevant legislation, and did not come under the auspices of the Commissioner for Public Appointments in Scotland. However, the principle of ensuring that the process for selecting members to sit on the Local Access Forum was open to scrutiny, was a sound one. The paper should be amended to indicate in Paragraph 27 that what was sought was an independent advisor, with HR expertise. Paragraph 23 should be amended so that that sentence read "this method fits best with the Nolan Principles," and the rest of that paragraph deleted. Paragraph 27 should be amended to delete the final

sentence. The recommendations of the covering page of the paper should be amended so that the reference to an Independent Assessor was replaced with “independent advisor with HR expertise”.

- h) The proposals in the paper were thorough, and provided necessary but not sufficient conditions for selection of membership. It would be important when making appointments, that individuals were chosen not just to ensure sectoral representation as set out in the proposals, but also ensure that individuals were able to take a wider view. What was wanted was sectoral knowledge, not sectoral interest. This would be made clear in adverts, job descriptions and letters of appointment.

9. The papers recommendations were agreed as follows:

- a) **That a Local Access Forum is established for the Cairngorms National Park Authority which comprises twenty members with places allocated to people with relevant knowledge, skills and experience of outdoor access in relation to specific stakeholder groups as follows:**
- **recreational users - five places;**
 - **land management interests - five places;**
 - **community interests - seven places (to include all-abilities interests);**
 - **other relevant public bodies - three places (to include Scottish Natural Heritage, Forestry Commission and one other relevant public body to be decided by the Head of Visitor Services and Recreation Group).**
- b) **That the selection process for the members of the LAF should be undertaken by:**
- **direct invitation to the public agencies to nominate a named representative; and**
 - **a paper-based selection exercise undertaken by CNPA staff from Visitor Services and Recreation Group, overseen by a small panel comprising two Board Members; a representative from the Association of Cairngorms Community Councils; an officer from the Paths for All Partnership and an Independent Assessor.**
- c) **That:**
- **all appointments are made initially for a period of two years and that the Forum agrees, with guidance from CNPA, the future duration of tenure; and**
 - **a full review of operation of the LAF, including membership and other matters, takes place after two years.**
- d) **That the LAF is chaired by Head of Visitor Services and Recreation Group until such time as a Chairperson is elected from amongst the membership, and that the Forum is encouraged to develop a set of operating principles within the first six months of its existence. A guidance framework will be provided initially by CNPA through the Convener.**
- e) **That the Forum should be referred to as the “Cairngorms Local Outdoor Access Forum”.**

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10. All members had received a letter from the Association of Cairngorms Community Councils, encouraging members to attend their meetings. The point was made that while this was desirable, it would be important to coordinate attendance at such meetings, to avoid over-representation by staff and members from the CNPA.

11. Action:

- a) **Eric Baird to liaise with ACC on appropriate attendance by CNPA Board Members at their meetings.**

Date of Next Meeting

12. Friday 3rd December, at Dalwhinnie