

## CAIRNGORMS NATIONAL PARK AUTHORITY

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### FOR DECISION

**Title: ELECTION OF BOARD DEPUTY CONVENER**

**Prepared by: DAVID CAMERON, DIRECTOR OF CORPORATE SERVICES & DEPUTY CHIEF EXECUTIVE**

#### **Purpose**

This paper seeks agreement to the process and terms of election of the Cairngorms NPA's Deputy Convener. The paper follows on from the Board's agreement to consider a change in Standing Orders agreed at its meeting of 26 August 2022.

#### **Recommendations**

**The Board is recommended to:**

- a) **Temporarily suspend standing orders which provide for a three year term of office for members elected as Deputy Convener, as provided for in paragraph 5 of this paper.**
- b) **Approve a temporary amendment to Standing Orders providing for the election of the Deputy Convener of Cairngorms NPA for a term ending 30 September 2023 as provided for in paragraph 6 of this paper.**
- c) **Approve amendments provided for in paragraph 8 of this paper to implement all subsequent elections with effect from June of any calendar year and terminating office in June unless curtailed by resignation or a member ceasing to be a member of the Board.**
- d) **Agree the commencement of the election for the office of Deputy Convener from Monday 12 September - the first business day following the Board – as provided for in paragraph 14 of this paper.**
- e) **Agree arrangements for role sharing elected offices should be researched further with a view to establishing proposals by June 2023.**

#### **Background**

1. As advised at a previous meeting, the position of Cairngorms NPA Deputy Convener becomes vacant with effect from 1 October 2022.
2. The Board considered the process, timetable and terms of election for the Park Authority's Deputy Convener at its meeting of 26 August 2022.  
<https://cairngorms.co.uk/resource/docs/Boardpapers/26082022/220826CNPABdPaper/IAADeputyConvenerElection.pdf>

3. The Board agreed at this meeting to consider a change to standing orders to provide for a number of potential amendments to the approved Convener / Deputy Convener election process. This paper sets out the changes to standing orders to be considered, and seeks approval to the election process for the Deputy Convener.

### **Term of Office**

4. The Board agreed in principle on 26 August that a term of office of one year, to September 2023, is an appropriate temporary amendment to standing orders in the context of the turnover in Board membership between October 2022 and January 2023 and further potential turnover following direct elections to the Board in March 2023.
5. As such, the Board are requested to temporarily suspend Standing Order paragraph 6, that “The duration of the office of Convener and Deputy Convener will be 3 years (unless the member concerned ceases to be a Member of the NPA, or resigns from the position of Convener/Deputy Convener before the end of the period).”
6. The Board are requested to approve a temporary variation to Standing Orders. For the election of the Deputy Convener commencing in September 2022 only, taking office from 1 October 2023 (or such date thereafter as the result of the election is declared), the term of office of the Cairngorms NPA Deputy Convener shall be until 30 September 2023 (unless the member concerned ceases to be a Member of the NPA, or resigns from the position of Convener/Deputy Convener before the end of the period).

### **Timing of Elections**

7. The Board agreed in principle that future elections of Board offices would be best undertaken in June of a calendar year in order to provide for distance from key Board turnover dates linked to local authority nominations (October) and direct elections (March).
8. The Board is therefore asked to approve an addition to standing orders, with paragraph 4 of standing orders amended as follows:
  - a) Delete from paragraph 4: The election of the Convenor shall take place at a special meeting arranged for that purpose to be scheduled prior to the end of the existing Convenor’s term of appointment.
  - b) Replace in paragraph 4 with: Elections required and held under these provisions shall take place in June. The Proper Officer shall put in place appropriate arrangements to support the election process.
  - c) Add to end of current paragraph 7: In such instances, the term of appointment shall be a maximum of three years as provided in paragraph 6 or to 30 June of the third calendar year of appointment, whichever is the shorter duration.

### **Multiple Members in Role Share of Elected Office**

9. The Board agreed to investigate the potential for the Deputy Convener appointment to be undertaken by members as a “role share”.

10. Paragraph 11(1) of Schedule 1 to the National Parks (Scotland) Act 2000 requires that: “Members must elect from amongst their number a convener and a deputy convener.” [My emphasis added.] The implication of the wording of the Act is therefore of a single member being identified in each role, although this is neither defined nor made more explicit. In the time available between the 26 August Board meeting and the 1 September distribution of papers for the 9 September Board meeting, it is not possible to receive definitive advice on this matter. Taking forward an election of Deputy Convener with an allowance for multiple members to undertake the role in a “role share” format would therefore be with some legal risk.
11. As such, it is recommended that the Board agree that the idea of providing for role sharing in elected Board offices is further researched by officers with a view to being in position to establish proposals by June 2023. This timetable would be in time for incorporation in the next scheduled meeting should the recommendations in this paper be agreed.
12. In developing thoughts on role sharing of the Board’s elected offices, the following points require consideration and any immediate or future feedback on these points is welcome:
  - a) Is the opportunity to role share limited to two members, or more?
  - b) In the nomination and seconding processes, those members seeking to undertake a role share will presumably have to identify themselves to the Board and seek joint / collective nomination. How would the Board wish to operate this process?
  - c) Would nominations and seconds be required to explicitly cover all members forming a proposed role share?
  - d) In the event of one member forming a role share for Depute Convener either resigning or coming to the end of their period of appointment to the Board, is an election triggered? Or the remaining member(s) are deemed to continue in the role until the end of the term of appointment?
  - e) Who specifies the proportion of the role each participant of a role share will undertake?
13. The Board’s views on the above points are therefore sought, either at this meeting or in feedback direct to the Deputy Chief Executive.
14. Subject to the Board’s views on the points set out in this paper, the election is proposed to take place with effect from Monday 12 September, commencing with the nomination and seconding process opening on that date for a period of two weeks until Monday 26 September and an election process taking place, to be advised by the Proper Officer, once candidates have been confirmed and in the event there are multiple candidates for the office. The election shall be undertaken by either postal or secret electronic ballot.

**David Cameron**  
**29 August 2022**  
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## Annex 1: Summary of changes to Standing Orders

4. In accordance with schedule 1, paragraph 11, of the Act, the Board elects the Convener and Deputy Convener from among its number. ~~The election of the Convener shall take place at a special meeting arranged for that purpose to be scheduled prior to the end of the existing Convener's term of appointment. Elections required and held under these provisions shall take place in June. The Proper Officer shall put in place appropriate arrangements to support the election process.~~ The process of election for Convener shall be conducted by the Proper Officer.

6. [To be suspended for the forthcoming Deputy Convener election only] The duration of the office of Convener and Deputy Convener will be 3 years (unless the member concerned ceases to be a Member of the NPA, or resigns from the position of Convener/Deputy Convener before the end of the period).

Replaced with for the forthcoming Deputy Convener election only:

For the election of the Deputy Convener commencing in September 2022 only, taking office from 1 October 2023 (or such date thereafter as the result of the election is declared), the term of office of the Cairngorms NPA Deputy Convener shall be until 30 September 2023 (unless the member concerned ceases to be a Member of the NPA, or resigns from the position of Convener/Deputy Convener before the end of the period).

7. For cases in which a Convener/Deputy Convener resigns or ceases to be a Member, the election process will apply as the first item of business at the next Board meeting following the vacancy arising. In such instances, the term of appointment shall be a maximum of three years as provided in paragraph 6 or to 30 June of the third calendar year of appointment, whichever is the shorter duration.