

CAIRNGORMS NATIONAL PARK AUTHORITY GOVERNANCE COMMITTEE

FOR DECISION

Title: ELECTION OF BOARD DEPUTY CONVENER

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Governance Committee Consideration

This paper sets out the draft paper for presentation to the board to deal with the election of the Deputy Convener.

Governance Committee are asked for any comments on the paper prior to its submission to the board, with current plan to have a single item board meeting on 26 August to handle this item of business.

Governance Committee are asked to consider a point of process around Cairngorms NPA board elections regarding the potential involvement in members holding the office of Convener and Deputy Convener in the nomination and seconding candidates for election. This matter was raised following the most recent election process for the Planning Committee Deputy Convener and has yet to be resolved. Previously, points raised by board members on conduct of elections have been considered by the full board in a process of ongoing refinement of the process. Governance Committee are therefore asked if this specific point of feedback should be brought out in this Board paper.

Draft Board Paper

Purpose

This paper notifies board members of the forthcoming end of appointment as a board member of the current Board Deputy Convener.

The paper notifies board members of the need for an election to the role of Board Deputy Convener seeks agreement of Board members to the process for conduct of that election.

Recommendations

It is recommended that the Board:

- a) **Note the term of appointment of the Board Deputy Convener to the Cairngorms National Park Authority board will end on 30 September 2022.**
- b) **Agree the method of election: either continuation of current business continuity arrangements which provide for postal ballots or rescinding**

these arrangements to revert to elections held at a meeting which require in person attendance.

- c) **Agree the timetable for the election process.**

Information

1. The current Board Deputy Convener will come to the end of their appointment as a Cairngorms NPA board member on 30 September 2022.
2. The relevant parts of the National Park Authority's Standing Orders are presented in Annex I to this paper.

Process of Election

3. The Board have agreed interim amendments to its Standing Orders over the duration of the Cairngorms NPA's implementation of business continuity arrangements. The Standing Order amendments include a change from a voting process that requires in person attendance at meetings to a postal voting system. This ensures full participation by all members where they are unable to attend a meeting for any reason.
4. These amendments to standing orders remain in force, not having been formally repealed by the Board. This position reflects the Cairngorms NPA's ongoing evolution of meeting arrangements as the Authority establishes new, forward looking hybrid meeting arrangements with a combination of in person and virtual attendance.
5. As there is some expectation that the September 2022 Board meeting will remain hybrid meetings, and in the context of amendments to Standing Orders not yet being formally repealed, it appears appropriate that the board again adopt a postal vote process for the election of the Board Deputy Convener.
6. Alternately, the Board may wish to revert to the underlying standing orders as set out in the Annex to this paper.
7. The Standing Orders state at section 4) d) ii) that "Only Members who are present may vote". This is clarified further in paragraph 10: "Participation will normally be in person and must be in person for meetings arranged to conduct elections of Convener and Deputy Convener and elections of Planning Committee Convener and Planning Committee Deputy Convener". Therefore, repealing business continuity amendments and reverting to Standing Orders provisions for the conduct of an election will allow only those members present in person at the meeting where an election will take place to participate in that election.

Timing of Election

8. The timing and process of the Board Deputy Convener is potentially a sensitive matter given this falls at a point where some members may be coming to the end of their membership of the Board, and in advance of new members potentially joining in

October. The Board needs to consider when the election should be held in the context of forthcoming changes in Board membership.

9. Commencing the process immediately will mean that the election will be determined in part by members coming to the end of their term of office. Delaying the election until after the end of the current Deputy Convener's term will allow new local authority nominees joining the board participate in the process. Timetables therefore have to balance consideration of members' knowledge and understanding of candidates with input of new members to an election for a Board office that will have relevance to their tenure.

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Extract of Board Standing Orders

Convener and Deputy Convener

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. The process of election for Convener shall be conducted by the Proper Officer. The process of election will be as follows:

- a) The Proper Officer or their authorised representative will seek nominations from members of the NPA at least 15 working days prior to the meeting. Any member may propose another NPA member as Convener, and a third member must second the nomination for it to be valid. Nominations must be received and valid no later than seven working days prior to the meeting, to allow a final list of valid nominees to be circulated by the Proper Officer to all members prior to the meeting in accordance with schedules for issue of Board papers for the meeting. Proposers and seconds of nominations may be delivered in any permanent form – email, letter, recorded oral message – provided that the form provides a means of permanent record of the proposal or second of a nomination to the satisfaction of the Proper Officer. The member nominated must also provide a permanent form of record that they consent to being nominated for the role in question.
- b) Each candidate who has a valid nomination will be asked if they wish to make a short statement to the meeting. Candidates will be listed on a ballot paper and invited to speak in the order in which their validated nomination is received by the Proper Officer, with first valid nomination received listed and speaking first. Each candidate may supply a written statement with their nomination papers. These statements shall be circulated by the Proper Officer to all members in advance of the meeting at which the election shall take place.
- c) Members who are absent from the meeting may be put forward for election, nominate or second a candidate, provided they have made appropriate, signed written statements prior to the meeting to the Proper Officer their consent to being nominated. A statement by a candidate who is unable to be present at the meeting may be read at the meeting.
- d) Election will be by absolute majority, using a single, transferrable vote system as follows:
 - i. Members will be asked to state clearly on their voting paper their preferred candidate in their order of preference, e.g. candidate A = 1, candidate C = 2, candidate B = 3 etc.
 - ii. Only Members who are present may vote.
 - iii. Once all votes are cast and collected, the Proper Officer supported by a second officer will count all first preferences. If this count gives rise to a candidate holding a majority of votes, they shall be declared as elected to the

role. If this count does not give a majority for a single candidate, the candidate receiving fewest votes shall be excluded and their votes reallocated to remaining candidates on basis of any second preferences stated.

iv. This process will continue until one candidate emerges with an absolute majority of the votes cast by those members present and voting.

v. Where there is an equality of votes among those candidate who have least votes, then a decision on who is to be excluded will be determined by lot.

vi. Where there is an equality of votes with only two candidates for a position, then a decision on who is to be elected will be determined by lot.

vii. If it is the case that there is only one candidate for either position, then that person will be declared elected.

viii. Voting will be by secret ballot. Each round of balloting will be counted by the Proper Officer and witnessed by a second member of staff. Ballot papers will be retained for inspection by any member of the Board or the Chief Executive for a period of seven days.

5. Where any part of the election process is required to be determined by “lot”, this will be achieved through the process established as an Annex to these Standing Orders and in force at the time of the election.

6. 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).

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.

8. The above process in paragraphs 4-5 will also apply to the election of Deputy Convener, which shall take place after the election of Convener if both posts are to be decided at the same meeting.