

THE CAIRNGORMS NATIONAL PARK AUTHORITY	Agenda Item	1
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15th APRIL 2003

**ELECTION OF CONVENER AND DEPUTY CONVENER FOR
CAIRNGORMS NATIONAL PARK AUTHORITY**

. . . . **SUMMARY:** The legislation pertaining to the Cairngorms National Park Authority requires that the first item of business transacted at the first meeting is to elect a Convener. Thereafter the Authority are invited to elect a Deputy Convener.

1. Background

- 1.1 The National Parks (Scotland) Act 2000 requires the Authority to elect from amongst its membership a Convener and a Deputy Convener. The Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2002 requires that the election of the Convener must be the first item of business transacted at the first meeting of the Authority.
- 1.2
- 1.3

Subject to the provisions of the 2002 Order, meetings of the Authority are to be conducted in line with the provisions of Schedule 7 to the Local Government (Scotland) Act 1973. Paragraph 5(1) of Schedule 7 makes it clear that 'all questions coming before the Authority shall be decided by a majority of the Members of the Authority present and voting thereon at a meeting of the Authority'. Paragraph 5 (2) requires that 'in the case of an equality of votes the person presiding at the meeting shall have a second or casting vote except where the matter which is the subject of the vote relates to the appointment to any particular office or committee, in which case the decision shall be by lot. Accordingly, the votes of half of those Members **present and voting** at the first meeting, plus 1 additional Member present and voting at the meeting, will be needed in favour of one candidate for Convener (and one candidate for Deputy Convener) to enable the declaration of a successful candidate for appointment to these positions.

As to the method of voting, there is nothing in legislation, which provides for this. In practice, where there are more candidates than there are places, local authorities adopt a process of elimination, which enables one candidate for any particular office to emerge with an absolute majority. Some time ago the then Society of Directors of Administration in Scotland issued model standing orders. Paragraph 41 of these orders state that:-

. . . "Where there are two or more candidates for appointment of a Member to an office or committee, voting shall be by ballot. If the first ballot does not produce an absolute or overall majority of votes in favour of one candidate, the candidate having the least number of votes shall be struck off the list and a fresh ballot as between the remaining candidates shall take place and so on until there is an absolute majority of votes in favour of one candidate. If however, there is an equality of votes for all the candidates remaining on the list and if the subject of the vote relates to the appointment of a Member of the (Council) to any

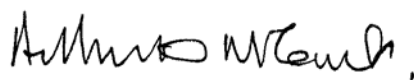
	<p>particular office or committee, the decision shall be by lot."</p>
<p>1.4</p>	<p>In line with the above, it is proposed that voting will be as follows:-</p> <ul style="list-style-type: none"> • • Members must not cast more than one vote for any one candidate. • • Once the first set of votes has been cast, the candidate with the lowest number of votes will be excluded • • A fresh vote will be taken on the remaining candidates where again, each Member can only cast one vote for the candidate of their choice; again, the candidate with the lowest number of votes will be excluded. • • This process will continue until one candidate emerges with an absolute majority of the votes cast by those Members present and voting. • • Where there is an equality of votes amongst those candidates who have the least votes, then a decision on who to exclude will be determined by lot. • • Where there is an equality of votes for all candidates remaining on the list, the decision shall be by lot. • • If it is the case that there is only one candidate for either position, then that person will be declared elected.
<p>1.5</p>	<p>Normally, voting is conducted by means of a show of hands. However, it would be open to the Authority to decide either that:-</p> <ul style="list-style-type: none"> • • • • (i) the voting will be by means of a roll-call vote, in which case the names of those voting for each candidate will be taken down in writing and entered into the Minute; or, ii. iii. the voting will be by secret ballot.
<p>1.6</p>	<p>The legislation governing the Authority makes no provision for the term of office for either the Convener or Deputy Convener. Normally, any person elected to such positions would be expected to hold office for the term of their membership. In due course, it is intended that the standard term of office for all National Park Members will be four years, however, in the case of the first Local Authority Members appointed, their term of appointment will initially be for 18 months. Other</p>

	Members appointed, their term of appointment will initially be for 18 month. Other Members' terms of office run for 3 or 4 years. In due course it is anticipated that terms of office will be harmonised. Accordingly, to allow a level playing field for the appointment of a Convener and Deputy Convener, it is suggested that the period of appointment for the Convener and Deputy Convener shall be for a period of 18 months in the first instance.
1.7	It is the usual practice that all propositions put to an authority require to be moved and seconded. On this basis, each candidate for appointment will require to be proposed and seconded. It is open to the Authority to decide whether it would inform their choice of candidate if each candidate were allowed to make a short statement in support of their nomination. It is also open to the Authority, in compliance with standard practice, to accept nominations, proposed and seconded, for candidates who have consented to being nominated but who, for one reason or another, will be unable to attend the meeting on 15 th April, and to have, if so determined, a statement made or circulated on their behalf.
1.8	In terms of the legislation, a Convener or Deputy Convener who ceases to be a Member of the Authority ceases to be a Convener, or as the case may be Deputy Convener. Any person who ceases to hold office as Convener or Deputy Convener is eligible for re-election.
1.9	The Chief Officer of Highland Council is required to act as Convener of the meeting until the election of a Convener at which time the newly elected Convener will chair the meeting.

RECOMMENDATIONS: The Authority is invited to:-

- i.
 - i. adopt the voting procedure recommended in paragraph 1.4 for the election of its Convener and Deputy Convener;
 - ii. agree that voting will be conducted by means of a show of hands; or otherwise determine;
 - iii. determine whether or not candidates for election are to be permitted to make a short statement in support of their nomination;
 - iv. consider whether or not to accept nominations, proposed and seconded, for candidates who have consented to being nominated but who, for one reason or another, will be unable to attend the meeting on 15th April and, if so determined, have a statement made or circulated on their behalf;
 - v. elect its Convener and Deputy Convener, and
 - vi. agree that the period of appointment of Convener and Deputy Convener should be for a period of 18 months in the first instance.

Signature:



Designation: Chief Executive, Highland Council

Date: 2nd April 2003

