
CAIRNGORMS NATIONAL PARK AUTHORITY

FOR DECISION

Title: BOARD STANDING ORDERS: ELECTIONS

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Purpose

This paper presents, at the request of the Convener, proposed revisions to current Standing Orders and Business Continuity arrangements in place amending Standing Orders, in order to put in place arrangements to support elections of Convener / Deputy Convener.

Recommendations

The Board is requested to:

- a) **Agree that the current business continuity arrangements in place for Board operations and governance of the Authority should be amended at this time to allow for the election of Convener / Deputy Convener;**
- b) **Approve, subject to any agreed amendments, the elections process set out in paragraphs 7 to 13;**
- c) **Review the illustrative timetable at paragraph 15 and consider any changes to the timetable and / or planned time allowances for each stage of the process;**
- d) **Note the proposals, should they be agreed, represent amendments to business continuity arrangements only and in due course Board operations will revert to agreed Standing Orders.**

Context

1. The Board agreed business continuity arrangements involving amendments to its Standing Orders at its meeting of 27 March 2020. These arrangements remain in force since that date.
<https://cairngorms.co.uk/resource/docs/boardpapers/27032020/200327CNPABdPaper3AABusinessContinuity.pdf>
<https://cairngorms.co.uk/resource/docs/boardpapers/27032020/200327CNPABdPaper3Annex2BusinessContinuityStandingOrderAmendments.pdf>
2. One of the provisions of the business continuity arrangements to standing orders is a suspension of elections to roles of Convener or Deputy Convener – a suspension of paragraph 4 of the standing orders.
<https://cairngorms.co.uk/resource/docs/boardpapers/14062019/190614CNPABdPaper4Annex1BoardStandingOrders.pdf>

Rather than holding elections to determine who will fill these roles in the event of a resignation or end of appointment, alternate business continuity arrangements were put in place to establish who would preside over meetings in the absence of a Convener and Deputy Convener. These provisions have reinforced the standing orders (paragraph 10) that members must be present in person at a meeting of the Board to participate in an election. Business continuity arrangements have been agreed which establish an approved order of 6 members who will preside at meetings, supplementing paragraph 21 of the standing orders.

3. Geva Blackett resigned as Deputy Convener of the Authority on 29 July 2020.
4. In further consideration of the roles and responsibilities to be covered by a Deputy Convener on behalf of the Authority, the Convener has reflected that there is a need to replace the Deputy Convener as soon as practicable. In light of the COVID19 restrictions around holding face to face meetings which are expected to remain in force for some months for public organisations such as the Authority, the Convener has asked that a paper is brought forward to allow the Board to consider amendments to business continuity arrangements and standing orders which would allow elections to roles of Convener and Deputy Convener to take place.

Decision Point I

5. The first decision required by the Board is whether the current business continuity arrangements in place for Board operations and governance of the Authority should be amended at this time to allow for the election of Convener / Deputy Convener.
6. As a point of clarity, only an election of Deputy Convener is proposed at this specific time. However, standing orders provide for the election of Convener and Deputy Convener in the same way (as they do also for Convener and Deputy Convener of the Planning Committee) and therefore any amendments to standing orders and business continuity arrangements will apply to all roles elected by the Board unless the Board specifically resolves that the process shall apply to a single election only.

Proposed Election Process

7. The following election process is proposed to be deployed, should members agree. References in square brackets are to the relevant paragraphs of the approved standing orders linked at point 2 of this paper. Provisions established in existing, approved standing orders have been utilised in order to provide as broad a base for these proposals on existing, agreed process.
8. In line with [4a], members will be given 15 working days from the date of the approved election process to submit valid nominations to the Proper Officer.
9. Valid nominations consist of the following, each of which may be submitted separately and all of which must be submitted by the closing date 15 working days from

commencement of the process, in any permanent form such as email, attachment to an email, letter, or recorded oral message:

- a) Proposal of a member to stand for election from a second Board member;
 - b) Secunder of the proposal from a third Board member;
 - c) Confirmation from the member proposed and seconded that they are willing to stand for the role in question;
 - d) A written statement from the member in question to support their candidature for the election for circulation to all Board members [4b].
10. Following closure of the nomination period, the Proper Officer will validate nominations and prepare a ballot paper to include all valid nominations. Nominations shall be listed in chronological order of the time at which all nomination requirements were completed [4b].
11. Should there be only a single, valid nomination then that candidate shall be declared as elected [4 d vii]. If there are multiple valid nominations then an election shall take place.
12. Ballot papers will be sent by post to all members, with a stamped envelope for return of the ballot paper to the Proper Officer at the Authority's to enable a confidential postal ballot return. The ballot shall be issued no later than 5 working days following the closure of the nomination process.
13. Elections will be by absolute majority, using a single, transferrable vote system [4d] as follows:
- a) The ballot paper will list all candidates;
 - b) Members will be asked to state clearly on their voting paper their preferred candidate in their order of preference, with their top preference marked clearly with a "1", their second preference marked clearly with a "2", their third preference marked clearly with a "3" and so on;
 - c) There is no requirement to rank all candidates, however at least a first preference must be marked in order to represent a valid vote;
 - d) Should the count of first preferences give rise to an absolute majority, i.e. 10 or more votes for a single candidate, the candidate with the majority of votes shall be declared the winner of the election [4 d iii];
 - e) Where the count of first preferences does not provide for a majority of votes to 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 [4 d iii];
 - f) The process of excluding the candidate with fewest votes and redistributing those votes to remaining candidates on the basis of the next preference stated on the ballot paper will continue in this way until a single candidate has an absolute majority [4 d iv];
 - g) Where there is a tie at any stage between two candidates, the tie shall be resolved according to the process for resolution of a tie set out in Annex 2 to the Standing Orders [Annex 2 paragraph 2].
 - h) Where there is a tie between three or more candidates, it is not possible to conduct a tie break through cutting a deck of cards as required by current

standing orders [Annex 2 paragraph 3]. Instead, the Proper Officer will randomly select an appropriate number of playing cards and number them from one to the number required. Candidates with a tied number of votes will be asked to select a card by number, again using the order in which candidates appear on the ballot paper with the tie break resolved by the rank of the card as set out in Annex 2 of the Standing Orders [amends Annex 2 paragraph 3].

- i) The resolution of any tie will require candidates to be available on a conference or video call and may therefore result in some delay to finalisation of the count process;
- j) All acts of counting and tie break processes will be conducted by the Proper Officer and witnessed by another member of staff;
- k) Ballot papers will be retained for inspection by any member of the Board or the Chief Executive for a period of seven days [4 d viii].

Decision Point 2

- 14. The Board is requested to review and approve, subject to any agreed amendments, the elections process set out in paragraphs 7 to 13.

Illustrative Timetable

- 15. Should the Board agree to amend business continuity and standing order processes as set out in this paper, the following represents an illustrative timetable for conduct of the election of the Deputy Convener:
 - a) 28 August: Board confirms process for election.
 - b) 18 September 17:00: final date and time for receipt of valid nominations and associated papers. This provides the 15 working days allowed for in the approved Standing Orders.
 - c) In week commencing 21 September: Issue ballot papers and candidates statement following validation of nominations, development of ballot papers and compilation of materials including candidate statements. Target issue of these papers by Wednesday 23 September.
 - d) Wednesday 7 October 17:00: target final date and time for receipt of ballots. (The period for return of ballots seeks to resolve the ballot process prior to the October holiday period for both Board members and staff, while allowing two weeks for completion and return of ballots.)
 - e) Friday 9 October: target count of ballot and announcement of result, subject to availability of members in the event of any tie break.

Decision Point 3

16. The Board is requested to review the illustrative timetable at paragraph 15 and consider any changes to the timetable and / or planned time allowances for each stage of the process.

Next Steps

17. The proposals, should they be agreed, represent amendments to business continuity arrangements only and in due course Board operations will revert to agreed Standing Orders. We will continue to monitor COVID19 operational restrictions and make ongoing changes to business continuity management processes which are appropriate to circumstances.

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