

CAIRNGORMS NATIONAL PARK AUTHORITY

FOR DECISION

Title: STANDING ORDERS

Prepared by: DAVID CAMERON, DIRECTOR OF CORPORATE SERVICES

Purpose

This paper presents a revision to the Authority's Standing Orders. Following recent discussions with Board members, the opportunity has been taken to revise the Standing Orders last reviewed in 2014, based on both feedback from members and observations by the Director of Corporate Services as Proper Officer.

The paper also presents a review of Audit and Risk, Staffing and Recruitment and Finance and Delivery Committees' Terms of Reference.

Recommendations

The Board is requested to:

- a) Review the draft revised Standing Orders set out at Annex 1 to this paper;**
- b) Review the Committees' Terms of Reference set out at Annex 2 to this paper;**
- c) Subject to any agreed amendments to the drafts, agree that the revised and finalised documents should be approved by the Convener, Deputy Convener and Chief Executive for endorsement and publication, to be effective from that publication date.**

STANDING ORDERS – FOR DECISION

Strategic Context

1. The Standing Orders represent a key governance document, supporting, complementing and interacting with:
 - a) The National Parks (Scotland) Act 2000 and associated designation orders;
 - b) The Management Statement and Financial Memorandum agreed by Scottish Government to establish the overarching operations of the Authority;
 - c) The Authority's Code of Conduct;
 - d) Various complementary statutes and regulations, such as the Freedom of Information (Scotland) Act 2002.
2. The Standing Orders seek to ensure that the operations of the Authority are based on the highest standards of governance, support the Code of Conduct, in particular in terms of integrity and leadership, and deliver on the organisation's values as an open, inclusive, innovative and professional organisation that behaves with integrity. The work on governance also supports our cultural aspiration to be the best small public body in Scotland.

Strategic Policy Considerations

3. The Standing Orders were last reviewed in full by the Authority in 2014, and adopted in May 2014. While these have been generally effective in supporting good and effective governance, it is also good practice to review key governance documents from time to time, ensuring these remain up to date and fit for purpose. Recent informal Board discussions have highlighted a number of desired changes and improvements, while the Director of Corporate Services has also highlighted a number of areas where clarification of process may improve understanding and transparency of governance.
4. In developing this paper and Annexes, further matters have arisen that may warrant consideration by the Board prior to finalisation of the review of Standing Orders.
5. Observation of counts of any secret ballots: counts have until this point been undertaken by the Proper Officer and witnessed by a second member of staff. There has been some suggestion that counts should be witnessed by the Convener or other designated members, for example the proposer of a candidate for election. It is noted that in such cases Board member observers will also have voted and this may be a consideration as to whether they should observe the count. An alternate may be to

ensure that ballot papers are retained for a specified period of time and made available for inspection if the count is challenged for any reason within that time period.

6. Duration of office to an elected role: there is no provision in Standing Orders for the Board to be able to curtail the duration of a member in an elected office. Standing Orders of this type typically provide for this action in the event of exceptional circumstances, often with the requirement that a two-thirds majority of members is required to agree an early curtailment of term of office. Should members wish to pursue an addition of provisions to allow for such actions, it is suggested that a majority of members must confirm to the Proper Officer their desire for the consideration for early curtailment of an elected role to be considered as an item of business, with the Standing orders providing that the required number of members voting to agree such a proposal is required to be at least two-thirds of members eligible to vote at the time the item of business is considered at an appropriate meeting.
7. Scheme of delegation: a question has arisen as to the merit of a fuller scheme of delegation. The respective roles and responsibilities of Members, the Convener, Chief Executive and staff are set out in the Management Statement and Financial Memorandum established by Scottish Government. Prior to any further work to establish a scheme of delegation, which may duplicate this document, members' views are sought as to whether a fuller review of the Management Statement would be welcomed.
8. Suspension or amendment of standing orders: is currently allowed within Standing Orders by a simple majority. Members may wish to reflect on whether there is merit in changing this provision to require a larger majority for actions of this type.

Strategic Risk Management

9. While this paper supports the ongoing improvement in good and transparent governance, there are no specific strategic risks addressed or created by the proposals.

Implications

10. There are no specific resource or communication implications established by the proposals set out in this paper.

Success Measures

11. The Board will be able to assess the success of the revised Standing Orders proposed through ongoing self-evaluation of Board transparency and effectiveness.

David Cameron

13 March 2019

davidcameron@cairngorms.co.uk

Supporting Information

Proposed revised Standing Orders are presented at Annex 1 to this paper.

The terms of reference for the Board's Audit and Risk, Staffing and Recruitment and Finance and Delivery Committees are also presented at Annex 2 to this paper. These Committees are established under the Board's Standing Orders and it is therefore appropriate to review these Terms of Reference at this point.

Following approval of revised Standing Orders by the Board, the Planning Committee's Standing Orders will be reviewed to determine whether any changes in Board Standing Orders require consequent adjustment to the Planning Committee's Standing Orders. For the avoidance of doubt, the terms of the existing Planning Committee Standing Orders shall remain in force pending a full review.