

STANDING ORDERS FOR MEETINGS OF THE CAIRNGORMS NATIONAL PARK AUTHORITY

1. The Cairngorms National Park Authority (referred to as “the Board” in the rest of this document) was established on 25 March 2003 by the Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003, which in turn was made under the National Parks (Scotland) Act 2000. Under paragraph 19 of schedule 1 of that Act, the National Park Authority may determine its own procedures for conducting its business.
2. This paper sets out the procedures which apply to meetings of the Board and of its committees. These standing orders are in addition to any requirements set out in the Act and in the founding designation order, and any further Acts of Parliament or guidance from Scottish Ministers.

NPA Membership

3. The NPA board comprises 19 members as prescribed in the Designation Order. The 19 is made up of 5 members directly elected in accordance with the Cairngorms National Park Elections (Scotland) Order 2003; 7 members directly appointed by Scottish Ministers and 7 appointed by Scottish Ministers on the nomination of the relevant Local Authorities. All members are appointed or elected on an individual basis, and not as representatives of organisations. Duration of appointments is as set out in a Member’s letter of appointment, and in the case of elected Members is until the next NPA election.

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. At the second-last CNPA meeting before the term of office of a current Convener expires, election of the next Convener shall take place. 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.
- 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.

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.

Quorum

9. The quorum of the NPA board will be half of its total number plus one - in other words, 10 Members. This will apply regardless of vacancies in membership. No business will be transacted at a board meeting unless a quorum is present. If the Convener of the meeting finds during a board meeting that the number of members present has reduced below the quorum, the meeting shall end at that point. All attendance and absences shall be recorded in the minutes of the meeting. The quorum for committees will be as agreed for each committee individually.
10. Participation will normally be in person, but may exceptionally (with agreement of the Convener of the meeting) be by telephone or video-conference provided the Member’s contribution is fully accessible to all members and public attending the meeting. In these cases, such members will be deemed to be present and constitute part of the board for the purpose of the meeting.
11. People who are not members of the NPA board may be invited by the Convener to attend and speak for all or part of the meeting, but they will not be entitled to vote.

Schedule of Meetings

12. The board shall approve in advance of each calendar year a provisional set of dates and venues for its board meetings. The schedule will be published on the CNPA website, and posted up in the reception area of the CNPA offices, and will be notified to the five local authorities with part of their area within the Park.

13. The Convener may convene a special meeting of the board when it appears that an item of business requires urgent attention. In the absence of the Convener, such a meeting may be convened by the Deputy Convener. Any member may request that such a meeting be called, but the final decision rests with the Convener (or Deputy Convener in the absence of the Convener) unless the request is made to the Proper Officer by at least 10 members in which case the meeting must be called within 21 days of receipt of the request.
14. The Chief Executive is responsible for overall organisation, management and staffing of the NPA. It is the responsibility of the Chief Executive to advise the board on matters of financial propriety and regularity. The Chief Executive shall have the right to attend and speak at all Board meetings and Committee meetings (albeit without voting rights), except for parts of meetings when agreed by Board Members that the matters under discussion should involve Members only, for example where performance, remuneration or conduct of the Chief Executive is under discussion.

Public Attendance at Meetings

15. The National Parks Scotland Act (Schedule 2, paragraph 12) provides that access to meetings and documents of the NPA board are covered by the provisions of Part IIIA of the Local Government (Scotland) Act 1973. In broad terms this means that meetings of the CNPA board are to be open to the public, unless there are good reasons to the contrary (such as breach of an obligation of confidence, or a confidential staffing matter). Annex 1 to these standing orders sets out more detail.
16. The Proper Officer for the CNPA is appointed by the board (as required under the terms of the National Parks (Scotland) Act 2000) and is charged with ensuring the application of the provisions outlined in paragraph 15 above about public access to meetings. The Proper Officer advises on the issues that arise, such as exclusion of papers from public inspection, for example, if it is decided this relates to an item likely to be taken in private session.
17. The venues for board meetings will be decided by the Convener in discussion with the Deputy Convener and Chief Executive, ensuring good access by the public of all abilities.

Board Papers

18. Board papers will be prepared by CNPA officials, and considered and approved by the Chief Executive prior to submission to the board. The CNPA's policy will be to

circulate papers to Members 7 clear days in advance of a meeting. As required through statutory provisions in the National Parks (Scotland) Act, copies of the papers will be sent to the five local authorities with part of their area within the Park. Papers will be available for public inspection at all the offices of the CNPA. Papers will also be sent to the sponsor division of the Scottish Government, and will be made available on the CNPA website. The CNPA will strive to ensure the papers of the board and its committees are made as readily available as possible to members of the public, but commensurate with the need to make prudent use of resources. Methods of ensuring this will be kept under review, but is likely to mean, for example, that staff will not be required to send out copies of papers on request except in exceptional circumstance. Copies of papers may be available at board meetings and committee meetings to members of the public who attend, depending on venue and availability of facilities. Copies of board papers will be available on the CNPA's website as soon as they have been circulated to Members.

19. Drafts of papers will normally be circulated to the Convener and Deputy Convener 14 clear days in advance of a meeting. The circulation of drafts is intended to allow senior managers to brief the Convener and Deputy Convener on matters being raised, and allow for feedback to be given. The Chief Executive and Management Team remain responsible for finalising papers for circulation to the Board having considered any feedback received to drafts, where adequate time has been received for feedback to be reviewed prior to issue of papers to the full Board.

Members' Issues and Questions at Board Meetings

20. Each board meeting will take an item at the end of the agenda of **Any Other Competent Business** under which a member may raise an issue if they consider the matter is of significant interest and relevance to the Board as a whole. In keeping with the rules on openness and transparency, this may only draw attention of Members to an issue and may lead to its addition to a future agenda. Such issues/questions must be notified to the Convener in advance of the meeting— it will not always be practical for Members to do so in writing, but advance notice should be given orally to the Convener before the start of the meeting, unless the matter is one which has arisen during the course of the meeting. It is clearly in the interests of efficient use of everyone's time that Members use this item with discretion. On questions of order, including whether an item is considered "competent" the Convener's ruling will be final.

Convening Meetings

21. At a meeting of the NPA board, the Convener will preside. In his/her absence the Deputy Convener will preside. If neither is able to be present, the Convener will indicate which other member should preside. If no advice from the Convener is available, Board Members present will choose by majority vote of those present, that one of their number will preside. If deemed necessary by the Chief Executive and Proper Officer in such circumstances, for example where there are multiple nominations of members to preside, an election may be carried out in line with the election process set out in these Standing Orders.
22. Planning Committees will be convened by the person agreed by the whole NPA Board as the Convener of the Planning Committee; and in his/her absence, by the Vice Planning Convener who is also agreed by the whole board. In the absence of both of these individuals, the members of the Planning Committee shall use paragraph 21 of the Board Standing Orders in determining who shall convene the meeting.
23. The Convener of a Board meeting or Committee meeting will preserve order; determine all matters of order, competency and relevancy; and will ensure members have sufficient opportunity to express their views on any matter under consideration.

Board Decisions

24. Decisions of the board will generally be by consensus of attending members. A member departing early will be treated as a non-attending member for the purpose of any decision taken after the time of departure. A board member may have his/her dissent recorded to a decision of the Board provided he/she has attended for the whole of the discussion and decision, and asks to record his/her dissent immediately after the decision is concluded.
25. Written comments on agenda items submitted by board members who are not attending will be circulated to Board Members, and will be read into the record of the meeting by the Convener.
26. Exceptionally, if a Board decision is required urgently and it is not possible to convene a meeting, the matter will be dealt with through correspondence. The decision to do this will be made by the Convener or Deputy Convener. In such circumstances, views will be sent to the Convener (or Deputy Convener, as appropriate). The decision will be ratified at the next board meeting.

27. At board meetings, where a decision is necessary it will be reached by simple majority following a vote (with the Convener having the casting vote in cases of a tied vote) on the following occasions:
 - a) when the Convener detects that there is a body of opinion among members who either disagree with a proposal or have expressed reservations about it and no clear consensus has emerged;
 - b) when a member requests a vote to be taken and this is supported by another member in attendance;
 - c) any other circumstances where at the Convener's discretion it is felt that a decision should be preceded by a vote.

28. Only attending members will be able to vote, and generally this will be done by a show of hands. At the Convener's discretion, this can be conducted through a secret ballot. In such circumstances the Convener will arrange for officers to issue and collect ballot papers, count the vote, and announce the result to the board.

29. A decision made by the Board will not generally be reconsidered by the board within 6 months of that decision being carried, except in exceptional circumstances and with the agreement of the board. In such circumstances, therefore, a majority of the Board must be in favour of reconsidering a decision within period of 6 months from the original decision for the decision to be brought back as an item of business within the 6 month time period.

30. In cases pursuant to either paragraph 24 (record of dissent) or 27 (decision by vote rather than consensus) the requirements of the CNPA Members' Code of Conduct shall remain in force in full for all subsequent engagement by members on the subjects in question. The requirements of the Code on Duty, Leadership and Respect are likely to require that all members support the forward direction established by a decision of the Authority in their future actions irrespective of their dissent recorded or voting direction on a specific matter. This requirement is reinforced through paragraph 34 of these Standing Orders.

Declaration of Interests

31. The NPA holds a register of Members' interests, available for public inspection. The rules on registration and declaration of interests are set out in the Members' Code of Conduct.

32. Members must consider their potential interests in items of business at all meetings of the Authority, make any declarations of interest and take any necessary action

required by those declarations of interest at each meeting prior to commencement of consideration of the relevant item of business. A standing item will be included in all agendas supporting meetings of the Authority and its Committees allowing for declarations of interest in items of business of the meeting to be considered.

Personal Liability of Members

33. As set out in the Model Code of Conduct for Members, if an individual Board Member incurs a civil liability in the course of carrying out his/her responsibilities for the Board, that Member will not be required to personally pay that liability provided he/she acted honestly and in good faith. This indemnity does not, however, protect a Member who acts recklessly or in bad faith.

Corporate Responsibility and Confidentiality

34. Board Members share corporate responsibility for decisions taken by the Board as a whole. Members must therefore either accept and publicly support the collective decision of the Board or resign. Members must respect the confidentiality of sensitive information held by the organisation, as well as the discussions and papers taken in private session.

Board Minutes

35. The Chief Executive is responsible for putting in place appropriate arrangements for taking minutes of all Board and Committee meetings. Taken in conjunction with the papers presented to the meeting, the minutes should provide a correct record of the meeting and the decisions reached, and sufficient detail to indicate the issues discussed in reaching those decisions.
36. Minutes should include the action points agreed at the meeting, and these carried forward to following meetings until discharged.
37. Draft minutes will be approved by the Chief Executive and the Convener of the meeting, marked clearly as “draft”, and circulated to Members, who can propose amendments in writing or raise these at the next board meeting. The Convener, Deputy Convener and Chief Executive will arbitrate over matters of dissent.
38. Minutes will be approved at the following meeting, and minuted as a correct record (subject to any amendments agreed) at that following meeting. Approved minutes will be put on the CNPA website.

39. With reference to paragraph 14, the Convener is responsible for making arrangements to have appropriate minutes taken of any meeting or part meeting where the Board has agreed that only members should be present. The Convener with the Board must determine at which stage, if any, these minutes may become public. In this regard, the Convener must comply with all requirements of the Freedom of Information (Scotland) Act 2002 and associated regulation and must personally deal with all interactions in managing any information requests.

Committees

40. In accordance with Schedule 1 paragraph 17 of the Act, The Board may establish Committees, and may appoint onto those Committees people who are not NPA board members, but a majority of Committee members must be NPA board members. The board may delegate functions and decisions to Committees, or to officers of the CNPA. The board shall decide the remit and membership of committees. Committees shall report direct to the board. Committees, other than Planning Committee provided for at paragraph 22, shall appoint a Chairperson and a Vice Chairperson at their first meeting following agreement of their membership by the Board, from among the membership of the Committee agreed by the Board. Committee Chairs and Vice Chairs must be CNPA Board members. Committee Chairs and Vice Chairs shall serve for a period of three years, or the remaining part of the three year Committee cycle with reference to paragraph 43.
41. These standing orders shall apply to each Committee of the Board unless a Committee adopts its own standing orders, in which case they must be endorsed by the whole Board. The Planning Committee in particular will be expected to have its own standing orders covering issues which arise only in the context of determining planning applications (such as dealing with representations by applicants, management of site visits, etc).
42. Agendas and minutes of all committee meetings will be sent to all members of the Board.
43. Committee memberships will be established for a term of three years, and membership reviewed in full every three years. Appointments made during each three year cycle will be for the remaining duration of that three year cycle.
44. Committees shall have at least 6 Board members appointed to their membership.

45. Committee meetings shall be quorate provided that at least 4 members are present to conduct business. If meetings remain without a quorum 15 minutes after the designated start time then the meeting shall be postponed with the Chief Executive and Proper Officer then responsible for arranging an appropriate date and time for the meeting to take place.

Delegation of Functions

46. As set out in Schedule I of The Act, the Board may delegate authority (generally or specifically) to Committees of the Board, to staff, or to any of its Members.

Suspension and Amendments of Standing Orders

47. These standing orders may be suspended, varied, revoked or added to only by the NPA board, and any such alterations will require the consent of 10 members. Notice of the intention to bring forward proposed amendments to standing orders must be signified at the previous board meeting. Notwithstanding this provision, no standing order may be suspended or amended if this would contravene any statutory provision or direction made by Scottish Ministers.

Other Provisions which together with these standing orders, provide for the conduct of NPA board meetings

Local Government (Scotland) Act 1973, Part III (*by virtue of Schedule 2, paragraph 12, of the National Parks Scotland) Act*)

- a) Access to Meetings and Documents

Members' Code of Conduct

- a) Registration of Interests

Annex I to CNPA Standing Orders

Access to Meetings and Documents –Rules Governing the CNPA

Schedule 2 paragraph 12 of the National Parks (Scotland) Act 2000 applies **Part IIIA of the Local Government (Scotland) Act 1973** to a National Park Authority. Its provisions are broadly as follows:

- I. Meetings of the CNPA and its Committees to be open to the public, unless:
 - a) Confidential information would thereby be disclosed in breach of an obligation of confidence; this includes information furnished by the Government on terms which forbid disclosure to the public, of information for which disclosure is prohibited by law or a court order;
 - b) These provisions, including provisions for making papers and other information available to the public, have been augmented by the Freedom of Information (Scotland) Act 2002, Environmental Information (Scotland) Regulations 2004, and the INSPIRE (Scotland) Regulations 2009.

Or, the CNPA resolves to exclude the public from consideration of a particular item when they consider it is likely that there would be disclosure of exempt information as follows:

- a) Information relating to a particular employee or potential employee of the CNPA, or particular office holder or potential office holder.
- b) Information relating to a particular individual who is an occupier of accommodation provided by the CNPA; a recipient of or applicant for financial assistance from the CNPA; a recipient of or applicant for any service provided by the CNPA.
- c) Information relating to the financial or business affairs of any particular person;
- d) The amount of any expenditure proposed to be incurred by the CNPA, or terms proposed under any particular contract for property, goods or services.
- e) The identity of any person offering any particular tender for a contract with the CNPA.
- f) Information relating to any consultation or negotiations in connection with labour relations matters arising between the CNPA or Minister and employees or office holders of the CNPA.
- g) Any instructions to Counsel and any opinion of Counsel in connection with legal proceedings by or against the CNPA, or the determination of any matter by the CNPA.

- h) Information which, if disclosed to the public, would reveal that the CNPA proposes to make an order or direction under an enactment.
 - i) Other legal considerations pursuant to our obligations under the Data Protection Act 1998.
2. Where a resolution is passed to exclude the public on these grounds, the resolution must identify the proceedings affected, and state the reasons. The meeting is then not required to be open to the public.
 3. For a meeting of the CNPA, public notice of the time and place of the meetings shall be posted at the offices of the CNPA at least 3 clear days before the meeting (unless the meeting is convened at shorter notice).
 4. Where a meeting is open to the public, duly accredited members of the press shall be given reasonable facilities (as far as is practicable) for taking their report of the meeting (but not necessarily photographs).
 5. Copies of the agenda and reports for the meeting shall be open to inspection by members of the public at the CNPA offices at least 3 days in advance of the meeting (except where the meeting is convened at shorter notice). It is for the Proper Officer to exclude from this such reports as are not likely to be open to the public. Copies of reports and agenda shall be available to the public at the meeting.
 6. An item of business may not be considered at a meeting unless the report (assuming it is open to the public) has been available for public inspection as set out above, or if there are special circumstances (to be specified in the minutes) which lead the Convener to the view that the item must be considered as a matter of urgency.
 7. Every report which is not open to the public shall be marked appropriately, with reason given for its exclusion from public circulation.
 8. Media outlets may request a copy of a meeting agenda and reports.
 9. Various meeting documents shall be available for public inspection up to 6 years after a meeting – the minutes, agenda, and relevant reports.
 10. Where various parts of a meeting are closed to the public, to prevent disclosure of exempt information, and the minutes do not provide the public with a reasonably fair and coherent record of the proceedings, where possible the proper office shall make a written summary to provide such a record without disclosing the exempt information.

11. The rules above apply to all Committees of the CNPA in addition to the full Board.
12. The CNPA shall keep a register of the names of members of each of its current committees, open to the public. All members shall be contactable through the CNPA Offices.

Annex 2 **Drawing Lots / Tie-Break Procedure**

Where operation of the Standing Orders election procedures requires a tie-break procedure to be implemented, the following procedures shall apply.

Where the tie break is required between only two candidates, a tie-break shall be effected by the toss of a coin. The Proper officer will agree with both candidates which side of the coin to be used represents heads and which side represents tails. The Proper Officer shall ask whichever candidate is listed highest in the order of candidates included in the original ballot to call either heads or tails, toss the coin and declare who is the winner of the tie break based on that coin toss. It will be at the Proper Officer's sole discretion to ensure the coin toss is clear and represents a final conclusion to the process.

Where the tie break is between three or more candidates, the tie break shall be effected by each candidate cutting a deck of cards. The winner of the tie break shall be based on the candidate drawing the highest value card based on the suit rank, in ascending order, of club, diamond, heart, spade and the card order in ascending order of two to ace. Each candidate shall retain their card drawn, with the Proper Officer declaring the candidate to be excluded by that tie break based on their card held.