

CAIRNGORMS NATIONAL PARK AUTHORITY

FOR DECISION

Title: ELECTION OF BOARD DEPUTY CONVENER

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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.

The paper reflects on the consideration of these matters by the Board's Governance Committee at its meeting on 12 August 2022.

Recommendations

It is recommended that the Board considers the proposal of the Governance Committee and agrees to:

- 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) **Note the proposal to consider amendment to Standing Orders at the 9 September board meeting, to allow a temporary amendment to the term of office of the Board Deputy Convener for one year to 30 September 2023, for the next election of the Deputy Convener only.**
- c) **Agree the principle of process and timetable for the election process for the Board Deputy Convener as a postal (or electronic if feasible) ballot under existing business continuity arrangements, commencing following the board meeting of 9 September 2022.**

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 These amendments to standing orders remain in force, not having been formally repealed by the board.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 a hybrid meeting, 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, it is clear that 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.

Feedback on Election Process

8. The board has operated a process of open feedback on the conduct of elections during the period of operation of business continuity amendments to its Standing Orders.
9. This feedback has been considered through the Audit and Risk and Governance Committee. The Governance Committee at its meeting on 12th August 2022 did not consider that any changes were required to be recommended to the Board as a result of the feedback.

Timing of Election

10. The timing and process of the Board Deputy Convener is potentially a sensitive matter given that 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.
11. 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.

Governance Committee Considerations

Process of Election

12. The preceding information was considered by the Governance Committee at its meeting of 12 August 2022.
13. Governance Committee agreed that the continuation of a postal election continues to be required at this time to ensure all members eligible to vote have the opportunity to do so. The Governance Committee has asked officers to consider whether a postal ballot may be replaced by some form of electronic voting. This will be considered and only implemented where officers are confident that a secure, confidential system which accommodates our voting system can be implemented in the timetable that may be required and within staff resourcing capacity.
14. The Governance Committee concluded that no other changes to Standing Orders would be brought forward in this regard at this time.

Timing of Election and Wider Considerations

15. The timing of the election was agreed as a sensitive matter given the current turnover of board members.
16. On balance, the Governance Committee considered it important to have a Deputy Convener in place to support the governance and leadership requirements of the Authority. As such, the views of the Committee supported an election being held immediately to seek to ensure the Authority has a Deputy Convener in place.
17. In reflection on the sensitivity of timing of this election, the Governance Committee and with procedural advice from senior officers, recognised the potential to propose a temporary amendment to Standing Orders to vary the term of election for the Deputy Convener from three years to one year, to allow for a Deputy Convener to serve until end September 2023 and an election to be held for the term from October 2023 to September 2026 at an appropriate point in 2023, which would allow for new board members to participate.
18. The Governance Committee were of the opinion that an election at this point for a single year followed by an election for the standard three-year term in 2023 is the best course of action.
19. The recommendation of the Governance Committee is therefore that:
 - a) The board meeting of 26 August notes an intent to vary standing orders to allow for a temporary amendment to the term of office for the Deputy Convener,

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- with the next election of Deputy Convener to be a one year term to 30 September 2023.
- b) The board meeting of 9 September will consider this amendment to Standing Orders as part of a recommendation to commence a postal (or electronic) vote for the Board Deputy Convener to serve to 30 September 2023 in line with existing business continuity elections processes.
 - c) No other changes are proposed to the election processes at this time.
20. In making this recommendation, the Governance Committee recognises that board members may wish to consider wider options, the main options being:
- a) Status Quo - Commence an election process immediately following the 26 August board meeting for the Deputy Convener to serve the three year term specified in standing orders with no amendments to existing process.
 - b) Delay election for a period to allow for the commencement of appointment of new board members. This would also require a change to Standing Orders.

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15 August 2022

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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

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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 candidates 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.