

Memo regarding Cairngorm National Park Authority Board Membership

To: Lorna Slater, Minister for Green Skill, Circular Economy & Biodiversity
From: Xander McDade, Convener, Cairngorm National Park Authority

Overview

This memo is to confirm that 18 of 19 Cairngorm National Park Authority (CNPA) Board Members terms of office are due to end in a six-month period between 30th September 2022 and 31st March 2023, with the 19th members term ending six months later in September 2023. I believe our senior staff have been in discussions with the sponsor team and public appointments unit to prepare for these changes.

I have outlined some options for your consideration to mitigate potential loss of Board leadership and also allow the Board to obtain the required new expertise and skills at a time when the National Park is preparing to implement its new National Park Partnership Plan.

Background

The CNPA Board is comprised of five Board Members directly elected by communities within the Park, seven Board Members appointed by the Minister and seven Board Members nominated by Local Authorities and appointed by the Minister.

A current timeline of the end dates for Board Members is noted below:

Timeline	Appointment Type	Board Member	Tenure
30 th Sept. 2022 (month 0)	7x Local Authority Nominees - Appointed by the Minister	Cllr Xander McDade (Convener)	1 st Term
		Cllr Carolyn Caddick (D. Convener)	1 st Term
		Cllr Pippa Hadley	1 st Term
		Cllr Ian McLaren	1 st Term
		Cllr Derek Ross	1 st Term
		Cllr Peter Argyle	4 th Term
		Cllr John Latham	2 nd Term
31 st Oct. 2022 (month 1)	5x Ministerial Appointments	Anne Rae MacDonald	1 st Term
		Douglas McAdam	1 st Term
		Dr Fiona McLean	1 st Term
		Dr Gaener Rodger	1 st Term
		William Munro	1 st Term
31 st Jan. 2023 (month 4)	1x Ministerial Appointment	Judith Webb MBE	2 nd Term
March 2023 (month 6)	5x Directly Elected	Deirdre Falconer	1 st Term
		William McKenna	5 th Term
		John Kirk	1 st Term
		Eleanor Mackintosh	5 th Term
		Cllr Geva Blackett	2 nd Term
7 th Sept. 2023 (month 12)	1x Ministerial Appointment	Janet Hunter	2 nd Term

Solutions for the Ministers consideration

1. Local Authority Nominees

The five local authorities are entitled to nominate seven Board Members: Aberdeenshire (2); Angus (1); Highland (2); Moray (1); Perth & Kinross (1). Councils submit nominations to the Minister during the summer and their term of office begins on 1st October 2023 for five years (or other time period determined by the Minister). Given these nominations fill over a third of the Board Members it is vital that they play an active and constructive part in the work of the Board. On this basis I have a number of recommendations for the Ministers consideration:

a) Under section A2 of the Ethical Standards in Public Life Code of Practice:

“Scottish Ministers are responsible for succession planning to ensure boards have the skills, knowledge and experience necessary to fulfil their role economically, efficiently and effectively”.

I would recommend that the Minister issue a guidance note to the five local authorities ahead of the 5th May 2022 local government elections setting out the skills gap the Board currently has/will have and ask them to consider nominating members with relevant skills/experience as well as encouraging appointments from underrepresented groups. A similar guidance note was issued in 2017 but was not used by several of the Councils in their consideration (councillors were not even made aware of it in some cases).

b) REDACTEDREDACTEDREDACTEDREDACTEDREDACTEDREDACTEDREDACTEDREDACTEDREDACTED
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2. Ministerial Appointments

Seven members of the Board are ministerial appointments. Five of them have terms due to end on 31st October 2022. Having served one four-year term, they are eligible for extension subject to positive appraisal. REDACTEDREDACTEDREDACTEDREDACTEDREDACTED
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The Board currently has some skills gaps and some of the ministerial appointment opportunities over the coming 18 months could be used to plug these gaps.

- a) To avoid a repeat of the current situation I would propose that the end dates of any new appointments or extensions be timed to avoid Council nominee period (Sept. 2027) and direct election period (March 2027). Members offered extensions in October 2022 would be offered shorter second terms of one to three years. Their end dates would also be staggered to avoid all four ending at the same time.
- b) Undertake a round of public appointment recruitment in summer of 2022 to plug current skills gaps. This will be required to replace Judith Webb and potentially any members whose terms the Minister does not want to extend in October 2022 and undertake a

further round in summer of 2023 to plug continued skills gaps. This will be required to replace Janet Hunter and I would propose in line with recommendation 2a that we would also use this round to replace at least one other member who received a one year extension in October 2022.

This will allow us to recruit three new ministerial appointments over the coming two summers to fill current skills gaps and any new gaps created by the change in council nominees and directly elected members.

3. Board Leadership

Both the Convener & Deputy Convener are council nominated ministerial appointments who have chosen not to re-stand in the upcoming council elections, so would have to stand down from the CNPA at the end of September 2022. The terms of all the Board committee Chairs are also due up in the same six-month period including the Chair of Audit & Risk who's second term will come to an end in January.

- a) I would recommend that Fiona McLean - a ministerial appointment - the Vice Chair of Audit & Risk be offered an extension of at least a year to provide some continuity on this important committee.
- b) Assuming that you are happy with my performance as Convener, under the National Parks (Scotland) Act, Scottish Ministers are permitted to extend my term by up to two years to 30th September 2024, to align with the end of my current elected term as Convener.

I was re-elected unanimously in July 2021 and a majority of the Board have expressed support for me to seek a one-year extension to provide continuity through the period of change. This would help maintain senior Board leadership during this period of significant churn in Board membership and at a key period in the setting of the next National Park Partnership Plan.

A one-year extension would allow a new Deputy Convener to be settled in; allow members to get to know each other before electing the new Convener and allow me to provide a comprehensive handover over several months to the new Convener.

There are two ways this could be done:

1. You could use a ministerial appointment vacancy that will arise in October 2022 from a member who is not seeking an extension.
2. You could extend me for one year within the Perth & Kinross nominated ministerially appointed seat.

The National Parks (Scotland) Act 2000 gives the Minister the power to alter the Convener and Deputy Conveners term on the Board to end at the time of their elected office date comes to an end – unless they are a member directly elected by the public. The relevant section of the Act – Schedule 1, Para 11 (4)

“Where a member (other than an elected member) becomes, or ceases to be, the convener or deputy convener, the Scottish Ministers may vary the terms of the member’s appointment so as to alter the date on which office as a member is to be vacated.”

This provision has recently been used recently by Scottish Ministers within the Cairngorm National Park Authority to extend the term of Duncan Bryden by four years until 2015 during his term as Convener.

If you were minded to consider an extension I would of course expect and be happy to submit myself to interview by yourself or go through any other process you deem appropriate to assist you in making your decision.

Future Considerations

There are a number of reforms I think could prove beneficial to the future smooth governance of the National Park. I have chosen not to detail those in this memo to keep it focused on the immediate Board challenges of member turnover, but I would welcome an opportunity to discuss these with you at a future point for your consideration in future legislation.

Consultation

I have considered the views of Board Members and the Deputy Convener and whilst this memo represents my views, I have been careful to consider their views whilst writing it. The Chief Executive & the Proper Officer have also provided me with professional advice where appropriate.

Summary

The very high turnover of Board Members in such a short space of time is deeply unfortunate and much of it is out with the control of the Authority and the Minister. The options detailed in the paper offer the Minister ways to mitigate the potential impact on Board governance whilst still fulfilling requirements under the Code of Practice to plug skills gaps and set us up for success going forward. These solutions are set out in a way that they could be deployed individually or collectively.

Options are summarised for convenience below:

- 1.a. Consider issuing a guidance note to local authorities on skills gaps.
- 1.b. REDACTEDREDACTEDREDACTEDREDACTEDREDACTEDREDACTEDREDACTEDREDACTED.
- 2.a. Stagger end dates of ministerial appointments and offer one to three year extensions.
- 2.b. Run a recruitment round in the summer of 2022 and a further round in the summer of 2023.
- 3.a. Consider prioritising an extension of Fiona McLean as the Vice Chair of Audit & Risk.
- 3.b. Consider an extension of the Conveners term to provide continuity during period of change.

As always, I am at the Government and your disposal to discuss these or any other Board governance matters.

Xander McDade
Convener, Cairngorms National Park Authority
10th March 2022