

Minister for Green Skills, Circular Economy and Biodiversity

## **APPOINTMENT OF MEMBERS OF THE CAIRNGORMS NATIONAL PARK AUTHORITY BOARD**

### **PRIORITY AND PURPOSE**

1. To provide you with a briefing and take your views on the appointment round for Members of the Cairngorms National Park Authority (CNPA) Board.
2. Routine: Your comments and approval are required by 7 November 2022.

### **RECOMMENDATION**

3. In line with the Ethical Standards Commissioner's Code of Practice for Ministerial Appointments to Public Bodies in Scotland (2022), we recommend that you:
  - approve the selection panel for the appointment round (paragraph 7);
  - confirm you are content to delegate all the fit and proper person tests and the creation of the appointment plan to the selection panel (paragraphs 8-9);
  - note the action required under the Gender Representation on Public Boards (Scotland) Act 2018 (paragraphs 10-12);
  - provide comment or approval on the desired outcome for this round (paragraphs 13-15); and
  - confirm you are content to receive a summary of only the most able candidates recommended for appointment (paragraph 16).

### **CONTEXT AND ISSUES**

4. In previous years Ministers had agreed that appointments to the CNPA Board and Loch Lomond and the Trossachs National Park Board (LLTTNPA) should be made at a combined appointment round. However, we are suggesting that two separate appointment rounds are arranged to meet the different requirements of both Boards.
5. A new Convener is due to be selected from among the members of the authority to the LLTTNPA Board in December 2022 and therefore, to allow them to be part of the selection panel for those appointments, the LLTTNPA appointment round will commence early in 2023.

### **Cairngorms National Park Authority**

6. This is a routine round to appoint up to three Members to the CNPA Board. Judith Webb reaches the end of her final term on the CNPA Board on

31 January 2023 with Anne Rae MacDonald and William Munro standing down on 31 March 2023.

### **Selection Panel**

7. You are asked to approve the selection panel membership, which will remain the same throughout the appointment round:

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### **Fit and Proper Person Test**

8. The fit and proper person tests identify if a candidate is able to fulfil the requirements of the role e.g. meets the time commitment and because their past or present activities and/or behaviours do not render them unsuitable for appointment; no unmanageable conflict of interest. You are asked to confirm that you are content to delegate this task to the selection panel.

### **The Appointment Plan**

9. The appointment plan consists of the role description, person specification, application and assessment methods, outreach and advertising strategy. You are asked to confirm that you are content to delegate this activity to the selection panel without further approval.

### **Gender Representation on Public Boards (Scotland) Act 2018**

10. You will be aware that the Gender Representation on Public Boards (Scotland) Act 2018 (the 2018 Act) sets a 'gender representation objective' that a board should have 50% of non-executive members who are women. Appointments must continue to be made on merit. However, in the event of a tie break between equally qualified candidates, one of whom is a woman and one of whom who is not, you must appoint a woman under section 4(2) of the 2018 Act if that appointment would have the effect of achieving or making progress towards achieving the gender representation objective. You can, however, appoint the other equally qualified candidate if it is justified on the basis of another "characteristic or situation particular to that candidate" (section 4(4) of the 2018 Act).

11. The Convener of the CNPA Board has not indicated a requirement for a particular characteristic or situation. It would be helpful if you would advise if there are any characteristics or situations you would like the selection panel to consider.

12. The CNPA Board comprises seven members appointed by Scottish Ministers; five elected locally; and seven nominated by the councils within the Park boundaries. Of the 19 members, 10 are women with two of those appointed by Ministers standing down. In the event of two or more equally qualified candidates being recommended

for appointment, one of which is a woman and the others are not, the provisions of section 4(2) of the 2018 Act should apply, and the woman should be appointed unless you consider the appointment of the other candidate is justified because of their characteristic or situation. If a tie break arises further advice will be provided.

### **Outcome for this Appointment Round**

13. The Code of Practice requires that Ministers communicate their desired outcome for the appointment round. This will define the 'merit' for the round. Following discussions with CNPA and colleagues in ENFOR, the proposed outcome recommended is that the appointees would be able to demonstrate a number of generic skills including the ability to:

- analyse and evaluate complex issues and options;
- negotiate with and influence others;
- communicate clearly;
- operate at a strategic level and provide leadership.

14. In terms of knowledge and experience, it is considered that the appointees would have experience in at least one of the following:

- climate change;
- nature conservation;
- land/estate management;
- visitor management;
- rural economic and community development;
- planning and land use;
- corporate governance.

15. Please advise if you would like the selection panel to consider any other attributes, skills, knowledge or experience for this round or confirm that you are content with this suggested outcome.

### **Candidate Summary**

16. The Public Appointments Team will administer the process and will maintain a full record of all the information provided by applicants. To assist you in making a decision about who to appoint we recommend that you receive a summary of only the candidates that the selection panel assess as most able. You are asked to confirm that you are content with this approach.

### **BUTE HOUSE AGREEMENT IMPLICATIONS**

17. Achieving the right blend of skills and expertise of the Board is critical to support strategic delivery of the changes needed to restore and protect nature, alongside bringing forward ideas on the innovations needed to invest in the restoration of the natural environment.

## **FINANCIAL AND LEGAL CONSIDERATIONS**

18. No implications.

## **SENSITIVITIES**

19. No implications.

## **QUALITY ASSURANCE**

20. This submission has been approved by the Director, People Directorate.

## **CONCLUSION AND NEXT STEPS**

21. Following your approval and comments the public appointments team will proceed to deliver this appointment round. You will receive a submission and list of most able candidates early in 2023.

22. We will also put forward proposals to you for the LLTTNPA Members appointment round early in 2023.

**REDACTED**

Public Appointments Team

Ext: **REDA**

1 November 2022

Copy List:	For action	For information		
		Portfolio interest	Constituency interest	General awareness
Deputy First Minister and Cabinet Secretary for Covid Recovery Cabinet Secretary for Net Zero, Energy and Transport Minister for Environment and Land Reform			X  X	X

DG Net Zero  
Director, Environment & Forestry

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