

Why recording what Board Members do in our National Parks is important

Description

It turns out I was wrong to say in yesterday's post on the protection of mountain hares ([see here](#)) that at least the Cairngorms National Park Authority keeps minutes of meetings!

Raptor Persecution Scotland revealed later in the day ([see here](#)) that the minute had been taken by the Scottish Gamekeepers Association not the National Park! They also rightly noted that Park Planning Convener, Eleanor MacKintosh, in saying the minute had been taken by the Scottish Gamekeepers Association appeared to be trying to divert attention away from herself. As the documentation obtained by Andy Holden through Freedom of Information requests shows she had been sent the minute and had had a chance to comment on it. It appears she didn't. She therefore needs to explain either why she failed to comment on the minute or take responsibility for what she said.

Last year there was an even more serious case of an apparent failure to read a minute in the Loch Lomond and Trossachs National Park Authority. At the LLTNPA Meeting in April 2015, where the Board formally agreed to propose camping byelaws, under declarations of interest not a single Board Member declared owning a property in the proposed management zones where camping would be banned. I know because I and other witnesses were at the meeting. Immediately after the meeting I submitted a Freedom of Information request asking if any Board Members owned properties in the management zones. Two months later when the draft minute of that meeting was published, under declarations of interest, it stated that three Board Members, Linda McKay (Convener), Owen McKee (the Board Member who traded in Cononish goldmine shares) had declared that they owned properties in the three camping management zones ([see here](#)). This was completely untrue.

Eventually the LLTNPA, after media coverage by Rob Edwards in the Sunday Herald and a complaint to the Commissioner for Ethical Standards, removed these false declarations from the minute. The question that has never been answered is how the false minute was published. It is normal practice for Board Conveners to read minutes before they are issued and indeed the CNPA Board Standing Orders say that conveners of the Board Committees must approve minutes before they are circulated. The LLTNPA Standing Orders don't stipulate this requirement and Linda McKay has never answered the question of whether she read the minute before it was issued (great similarities here with the Eleanor MacKintosh case and mountain hares). If Linda McKay had read to the minute, she basically failed to correct a serious error which just happened to involve her declaration of interest. If not, like Eleanor MacKintosh I believe that Linda McKay should explain how come she never read a minute for a meeting for which she held prime responsibility as Board Convener.

What I did find out was that according to the report by the Commissioner of Ethical Standards in Public Life (Complaint Findings 1771) that it was not Board Members who asked the minute to be changed:

5.15 The subsequent inclusion of material in the draft minute of the April meeting to show that the respondents' properties were located within the proposed management zones was prompted by the complainant alerting the Authority to the absence of this information. The decision to do so was taken by officers without reference to members. While this was intended to show transparency it was not a true reflection of the declarations made.

While the Commissioner treated the falsification of the minute as being "not a true reflection of the declarations made" I believe alteration of minutes of meetings should be treated as a serious issue. Indeed in Glasgow City Council where I used to work I am pretty certain that if any officer had falsified a minute in a similar way they would have faced disciplinary action for Gross Misconduct. So, after receiving the Commissioner's decision I wrote to Linda McKay twice ([see here](#)) and ([see here](#)) asking her to find out who authorised the alteration of the minute and take appropriate action. Linda McKay did not reply but delegated the prime suspect Gordon Watson, the Chief Executive, to answer the question. He, after providing some non-answers to why the LLTNPA had taken measures to prevent people camping by Linda McKay's house declared the matter closed ([see here](#)). My response ([see here](#)), copied to Government, has never been answered.

The issue that is common to both the Eleanor Mackintosh and Linda McKay/Gordon Watson cases is that in both Board Members have apparently failed to read minutes and then treat those minutes of being of no account. While the Linda McKay/Gordon Watson case is in my view significantly more serious, because it involves falsification of records, the fundamental issue is that we need public authorities (and indeed I would say private organisations), including our National Parks, to be transparent because without this they cannot be held accountable for what they do. Both these cases have much wider implications because that accountability relates to issues which are the core of what our National Parks should be doing, protecting wildlife in the Eleanor MacKintosh case and promoting enjoyment of the countryside in the Linda McKay/Gordon Watson case.

What needs to happen

There are significant differences between our National Parks in terms of the transparency of how they operate. The LLTNPA holds extensive meetings in secret (for a list of the topics discussed since 2010 at secret full Board Meetings for which no minutes are taken ([see here](#))). The CNPA appears to be more open and has an extensive list of working groups etc in which Board Members are involved on its

website. However, the fundamental issues that need to be addressed are the same:

- Meetings should be properly recorded. While minutes are fine for most meetings, I think all Board meetings should be recorded and then put on the web as podcasts. The Scottish Parliament does this – it's seen as being fundamental to its accountability as you can see what your MSP is saying – so why cannot our National Parks? If the April 2015 meeting had been recorded it would have been clear exactly what interests Linda McKay and other Board Members had declared from the start. Instead the Park has dug a deeper hole for itself by falsifying a minute and then refusing to take appropriate action in response.
- Board Members need to read the minutes of meetings they attend and ensure what is recorded is accurate. While I am against creating rules for everything, given that these two cases suggest that Board Members are dissociating themselves from what is recorded in minutes, I do think the Government should consider adding an explicit clause to the Code of Conduct for those involved in public life about basic responsibilities of Board Members such as reading papers before meetings and checking the minutes afterwards. That would enable members of the public to complain in cases like those described above.
- Minutes of meetings should be finalised and distributed timeously. I know of cases where the LLTNPA has failed to provide minutes of meeting under Freedom of Information because they have not been completed six months after the meeting was held. Try and find out what happened at a Board Meeting if you were not there and often you cannot till the minute appears months later. A good reason for posting podcasts of all Board Meetings but I don't see why draft minutes of all Board Meetings, approved by the appropriate convener, should not be published within two weeks.
- There should also be minutes taken of meetings involving Board Members and third parties, like the Scottish Gamekeepers Association. The LLTNPA kept no proper records of the dozens of meetings it undertook in the Your Park consultation to win support for its proposals and there is no clear audit trail of what it agreed with who. I think that was quite deliberate. Proper records available through FOI are the only way we are going to stop behind the scenes deals on matters like the persecution of mountain hares and the camping ban.

Category

1. Cairngorms
2. Loch Lomond and Trossachs

Tags

1. CNPA
2. Governance
3. LLTNPA
4. secrecy

Date Created

November 25, 2016

Author

nickkempe