

A Board that still does not know how to change direction

Description

I attended the Loch Lomond and Trossachs National Park Authority Board Meeting in Brig O' Turk yesterday. A cynic might conclude that, with the Flamingo Land Planning Application lodged, this was to get as far away from the people of Balloch as possible but there was not a mention of any special Board Meeting to consider that proposal. I suspect therefore that any decision on Flamingo Land will not take place until after the next Board Meeting which is scheduled in September. There was no mention of that being a special Board Strategy development day, with the public excluded, as agreed at the March Board Meeting ([see here](#)) and it appears that that proposal may have been quietly dropped. The meeting yesterday took over three hours and provided plenty of evidence that the LLTNPA Board has barely scratched the surface in terms of the issues they need to tackle to reform that National Park.

Evidence that all is not well in the National Park

Out of fourteen substantive agenda items and 25 documents circulated for the meeting, three things illustrate that, whatever the spin, there is something badly awry in the National Park:

- The high level of sickness absence among staff “*Total Days Sickness Absence April 18 – 96 days (April 17 – 113 days)*” as reported in the new and welcome Operational Plan progress report. A question at the meeting elicited that this is over 10 days absence per staff member a year or an equivalent sickness rate to staff working in our highly stressed National Health Service. Add to this is the significant number of staff who have left and it suggests a fire is burning somewhere. The new traffic light system for reporting recorded this as green – or targets due to be met – and no Board Member questioned what is really going on.
- Second, the decision that the discussion of the Corporate Risk Register should be held in private session, i.e in secret. That suggests the LLTNPA is facing a truly enormous risk somewhere – something that is NOT recorded anywhere in the Operational Plan progress report. Even in the days of Linda McKay’s convenership, annual discussion of the Corporate Risk Register was ALWAYS held in public. So what exactly is going on? I respect the need for any Board, when considering severe risks, to have the opportunity for private discussion BUT, having decided what to do, the LLTNPA needs to come clean about what risk or risks its facing that is posing such a threat.
- Third, there was the paper on the implementation of the General Data Protection Regulation. Last week I consider the LLTNPA’s warning “system” for the camping byelaws and how it both breaches civil liberties and the new rules on data protection ([see here](#)). While almost every other public organisation and charity and many businesses have been conducting full review of what data they hold and how they process it in the light of the GDPR, the LLTNPA shows no appreciation of the serious issues it needs to address or the need to have fit and proper policies agreed by the Board. The paper is so laughable I include it here:

National Park Authority Board

Agenda Item 14

General Data Protection Regulations

Paper for noting

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1. Introduction

The General Data Protection Regulations and on 25th May 2018. The new legislation has led that organisations handle personal data.

2. Recommendation

Members are asked to note the contents of this

3. Contribution to National Park Partnership Plan

Unfortunately not a single Board Member questioned whether this paper was really adequate response to the data protection issues raised by the camping bye-laws, or, as significantly whether it was really appropriate to allow staff to go away and make up policy without Board approval. And that, I believe, illustrates the fundamental issue that the LLTNPA Board is failing to address at present: how to bring their senior management team under control and put the Board in the driving seat in terms of both strategy and policy.

The review of the LLTNPA governance system

Last year James Stuart announced a review of the governance system of the National Park and the meeting consider revised Standing Orders for Board Committees and terms of reference for two Board sub-groups.

The review of Standing Orders turned out to be a bit of a damp squib with the most significant changes have been accurately recorded in the accompanying paper:

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- 4.2 The last review of the Board Standing Orders to the Standing Orders are considered to be generally minor amendments have been made to them. No substantial amendments to the Standing Order
- 4.2.1 to amend the quorum of Board Meeting (the all members plus one);
 - 4.2.2 to simplify the election procedure for co
 - 4.2.3 to specify the time period for appointments of committees and group to 2 years;
 - 4.2.4 to align declaration of members interest with code of conduct; and
 - 4.2.5 to clarify that when the Board sits to determine a decision is by majority.

Fixing the period of appointments of committee chairs to two years is a sensible attempt to allow continuity to be maintained as Board members change due to elections etc. This did not prevent a shambles at the meeting which agreed a paper agreeing to extend Petra Biberbach and Willie Nisbet's period of appointment as chairs to December when Petra Biberbach retires from the Board in September and Willie Nisbet is up for election next month! James Stuart then rescued a ludicrous situation – which was caused by a previous decision to appoint these two Board Members to their positions until June – by suggesting that when Petra Biberbach retires and should Willie Nisbet not be re-elected the Board should appoint the current vice-chairs to act as chairs on an interim basis till December.

There was NO discussion however at the meeting of whether improvements could be made to increase LLTNPA transparency. I have previously called for draft minutes to be published after meetings, so the public can ascertain what has been decided and why, and also suggested Board Meetings should to be recorded and broadcast, as in some Councils, so the public with an interest in the National Park could see for themselves how the LLTNPA operates. While discussing the minute of the special Board Meeting which approved the Cononish gold mine some elected Board Members expressed concern about the lack of detail (within the context that their constituents should be able to see what they have

been doing) no connection was made with how the Standing Orders deal with this issue.

The publication and agreement of Terms of Reference for the Board Chairs Group and Delivery Group was a positive step forward, clarifying what they can do and they are NOT formal sub-committees which can take decisions. While that avoids any need for the LLTNPA to make records of these meetings public, I still believe the LLTNPA could follow the example of the Cairngorms National Park which has more formal sub-committees (on delivery, personnel etc) all of which operate publicly.

While the new Standing Orders do set out more clearly the relationship between the various Board Committees and sub-groups, the problem is that this still leaves staff firmly in control. When the Governance Manager out of the blue stated that timescales for advertising some meetings at 28 days were more than the legal minimum of 14 days, the Board agreed to reduce the time limits without questioning. Another example of the way the LLTNPA Board allows staff to decide things on the hoof.

As a consequence, with the review of Standing Orders over the LLTNPA Board now needs to initiate a more fundamental review of what powers it delegates to its senior staff.

Signs of change

There were, however, some welcome signs of change at the meeting.

For the first time since I started observing Board Meetings three years ago there was a passionate debate – and I am sure that this took place is partly due to the more open style of operation introduced by James Stuart since he was elected convener. The issue was Board Member fees and whether the Board should award itself an increase. David McKenzie, the local member for Cowal, argued very strongly that it is totally wrong that Board Members should be deciding what they pay themselves and this should be decided by an outside body or the Government. James Stuart had noted at the beginning of the meeting that all Board Members had an interest in this issue. The problem is that the Scottish Government has created a conflict of interest for all Boards which are required to set their own pay. On the other side Board Members were arguing that Board Members, like any employees, deserve a pay rise – they have awarded none to themselves for 8 years. In the event only three directly elected Board Members – David McKenzie, David McCowan and Willie Nisbet – voted against a pay rise but it was agreed to raise this issue with the Scottish Government.

Well done them for speaking out. Its just a shame that similar debates and divisions never took place on the camping byelaws. You can tell when a public body is working well – people disagree!

Signs of change were also evident in the new five year corporate plan ([see here](#)). Our National Parks are in the strange position of where they have to produce a Strategic Partnership Plan but also beneath this a corporate plan covering the same period. In order to avoid duplication the stated purpose of the corporate plan is now to focus on what the LLTNPA will do to make the Partnership Plan happen. While there were signs that the LLTNPA is still in a bit of a muddle about what it should do and what its partners should do – the statement on litter, which now appears as the first of 8 priorities ([see here](#)), is mostly about working with others (ie it should have been in the Partnership Plan) – there appears to be a most welcome realisation among Board Members that they need to get basics right.

This was reflected in the discussion where Board Members commented that getting the right infrastructure in place was not just about toilets but about other things to support visitors, some of which they reported talking about for 8 years such as a wider range of accommodation (think campsites or hutting) and toilets.

Some of this changed approach is, I believe, reflected in the other priorities which were reported to have been developed with frontline staff:

Priority 5: Placemaking and Sustainable Communities

To support the implementation of our Local Development Plan to deliver sustainable development and communities, we will be an active collaborator in bringing forward the development of affordable housing for families and young people, diverse forms of tourism accommodation improvement in public transport services (including water transport) and people-friendly spaces, and targeting more gains for the environment through our planning processes.

and

Priority 3: Sustainable Organisation

We will exemplify great practice as a sustainable, low carbon organisation, including targeting being plastic free, renewably-powered, and maximising use of electric vehicles. We will collectively consider, reduce and mitigate our impacts on climate change in everything we do and lead the way for others to do the same.

This shows there is still a lot of idealism and vision still among the staff working for the National Park and staff could be the LLTNPA's greatest strength.

The problem is that staff have not been allowed to work on the issues which really matter to them, hence why so many have left and the high sickness rates. The elephant in the meeting room was the camping byelaws. These, having dominated what the LLTNPA has done for the last four years, do not get a mention in the new corporate plan although they continue to drain resources away from all other activities. Until the LLTNPA tackles that issue openly they are setting themselves up to fail.

Category

1. Loch Lomond and Trossachs

Tags

1. Camping byelaws

2. Governance
3. landscape
4. LLTNPA
5. secrecy

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