

The Loch Lomond and Trossachs National Park Board Meeting – a small win for democracy?

Description

On Monday I was pleased to speak at the Loch Lomond and Trossachs National Park Authority Board Meeting on the need for improved visitor infrastructure in the National Park. While I will come back to the case I presented ([see here](#)) in a further post, I was only able to do so because the LLTNPA has a procedure that allows “Deputations” from members of the public. This post takes a look at what the experience shows about the democratic accountability of the Loch Lomond and Trossachs National Park Authority, at a time when the institutions of liberal democracy are in crisis across the wider UK.

The right of members of the public to address the Board

The LLTNPA’s Standing Orders include a provision ([see here](#)) that allows any individual member of the public or organisation to ask to make a representation to a Board Meeting in public. This is not advertised on the LLTNPA website and, out of the thousands of people concerned about what has been going on in our National Parks, I doubt that more than a couple knew that this facility existed. The LLTNPA is, however, ahead of the Cairngorms National Park Authority which has no provision for deputations.

A few years ago I tried to request a deputation on the camping byelaws. When the LLTNPA Convener James Stuart said he would not support it, I saw little chance of the rest of the LLTNPA Board agreeing, so withdrew my request.

On this occasion, however, the LLTNPA had failed to advertise the Board Meeting which took place on 14th September as per their Standing Orders: “*A schedule of public meetings will be published on the Park Authority website*”. This failure emerged after I had written to James Stuart, copying in the Scottish Government Cabinet Secretary Roseanna Cunningham, expressing concern that given the recent visitor management chaos in the National Park, the Board was not due to consider the issues until December. That gave me the moral high ground and would have made it very difficult for the Board to refuse my request to speak to them. I hope it sets a precedent for the wider public.

When is a Board meeting not a Board Meeting?

In trying to explain what had happened in the paper accompanying my deputation request, LLTNPA senior management let slip another governance failure:

“Unfortunately, our original Board meeting schedule listed 14th September 2020 as a Board business session rather than a formal Board meeting, and as a result the meeting was not advertised on our website until 2nd September 2020. This meant the two weeks’ notice required for deputations under Standing Order 38b was not possible”.

Long-term readers of parkswatch will recall the 13 secret Board Business sessions that were held to approve the camping byelaws ([see here](#)). After becoming convener, James Stuart indicated that secret Board meetings, apart from “strategic sessions”, would stop. It now appears that secret Board sessions may once again be built into the fabric of how the LLTNPA Board operates. Or maybe, Park senior management got this wrong, had simply forgotten to advertise what was always intended as a public session but were desperately trying to excuse themselves? An FOI is on its way.

Secret Board business sessions are wrong. There is a legal requirement for public authorities to take decisions in public and this is implicit throughout the LLTNPA’s Standing Orders. For example:

“No business will be transacted at a Board meeting unless a quorum is present. If the Convener finds during a Board meeting that the number of Members present has reduced below the quorum, the Board meeting shall end at that point. All attendance and absences shall be recorded in the minutes of the Board meeting.”

Paragraph 46 of the Standing Orders ([see here](#)) also contains specific provisions for private sessions within otherwise public Board Meetings when papers may be discussed confidentially. The LLTNPA Board therefore should not be holding secret unadvertised Board Meetings. If it turns out they have started to do so again, the Scottish Government needs to step in and stop the practice.

As a previous Board Member of SNH, I understand the need for public authorities to hold occasional seminars to develop their thinking. After a number of FOI requests, the LLTNPA made the welcome decision to start publishing information about “Strategic/Development Board sessions” ([see here](#)). At the Board Meeting on Monday, a reference was made to such a session being held in November. There is, unfortunately, NO mention of this sessions on the LLTNPA’s website and no way to find out what it might be about:

Strategic/Development Board Sessions

2019 meetings

- 23 September – cancelled
- [24 and 25 October](#)

2018 meetings

- [14 June](#)
- [17 September](#)

According to the LLTNPA's website, as of 18th September, no development sessions are due to take place in 2020

Transparency is important because at these “development sessions” select people get asked to come and talk with the Board. It is in the public interest to know who gets private access to the Board in this way and what topics are being discussed in advance so we know who and what are being excluded from engagement processes.

Engagement between the LLTNPA Board and the public

Personally, I was pleasantly surprised by my reception at the Board Meeting. Board Members were interested and asked lots of pertinent questions. There is an opportunity here I believe for other individuals and groups within the LLTNPA who may not normally get the chance to do so to engage with the Board. I hope more people ask.

I mentioned in my presentation that mine was the first deputation to the Board since I started observing Board Meetings six years ago. It may have been the first deputation ever. To give him credit, Ronnie Erskine, chair of the Risk and Audit Committee, expressed surprise about this and made the case for Board Members engaging more with the public. He said there was a need for the public to be able to contact Board Members by email.

Unfortunately, unlike the Cairngorms National Park Authority, which provides a National Park email for every single Board Member ([see here](#)), the LLTNPA still provides no contact details. As a result of lockdown, the LLTNPA did issue a notice saying that Park residents can contact their directly elected representatives through the Board Committee clerk (committeeclerk@lochlomond-trossachs.org). A tiny step forward, but it remains wrong that you directly elect someone and then have no means of contacting them except through Park staff!

After the Board Meeting I guessed that Ronnie Erskine, now he is chair of the Audit and Risk Committee, might have an official LLTNPA email. I therefore emailed him suggesting there should be public emails for all Board Members. My email has not bounced but, so far, I have not had any response. The only Board Members therefore whom the public have a right to contact are local councillors whose emails – and surgery times – can be found on the Council websites. Why the double standards?

Ronnie Erskine, as lead Board Member for governance, could also usefully reflect on how the LLTNPA could make meetings more accessible to the public. Until the Covid-19 restrictions, the maximum number of members of the public I recall observing a Board Meeting has been six. Online on Monday, I noted 25 people observing the proceedings. Some of them may have been staff, spying on their Board from home, but this is still a significant increase. With online meetings, there is NO excuse not to make the recording available afterwards. Making the recordings available as webcasts would make far more people aware of the what the Board do and facilitate engagement. A democratic virtuous circle but one that would undermine the power of the LLTNPA's Chief Executive.

When is a committee not a Committee?

During the Board Meeting, nationally appointed Board Member Dr Heather Reid referred to the need to engage with the “Youth Committee”. This advisory group of young people, which was lauded as transforming the way the Park operates, is also referred to as a Committee on the Park’s website ([see here](#)). Calling them a committee is a misnomer. The “Youth Committee” is NOT listed under the LLTNPA’s webpage on its Board and Committees and indeed cannot be a Committee because, as the Board’s standing orders explain, under:

“schedule 1 paragraph 17 of the Act, the Board may establish Committees, and may appoint onto those Committees people who are not Members, but a majority of Committee Members must be Members.”

So why refer to it as a Committee? Why too are members of this youth group not being invited to Board Meetings as they were last year ([see here](#))? Given the impact of Covid-19 on young people, one might have thought it would be more important to hear from this group than ever before, but they weren’t present, no apologies were noted and there was no place for them on the agenda on Monday. The “Youth Committee” is fake democracy.

What’s going wrong?

The LLTNPA is far too cosy. The Members of the Authority all appear nice people, who may make some good points in Board Meetings but then nothing changes. They seem incapable of looking at the LLTNPA from the outside. If any Board Member had looked at the information on the Park’s website from the point of view of the public, they might have realised that meetings are not being properly advertised and that there is a governance muddle around Committees. They might even have started

to question what hoops a member of the public might have to jump through to contact them.

The wider issue behind these failings – which no doubt explains them – is that without wider engagement with the public the LLTNPA Board will not change. They may have listened and engaged with me, but afterwards Board Members approved the papers presented to them on visitor infrastructure – which were all about preserving the failed status quo – without a single amendment. That will only change if they forced to listen to far more people than they are doing at present.

If you are are concerned about how the National Park operates, you could help by emailing the Board Convener, James.stuart@lochlomond-trossachs.org , asking that every Board Member is provided with a public email and that all Board meetings are recorded and made available as webcasts.

Category

1. Cairngorms
2. Loch Lomond and Trossachs

Tags

1. Freedom of Information
2. Governance
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