

The Loch Lomond and Trossachs National Park Authority's cloak of secrecy

Description

Ostensibly the law governing public authorities in Scotland requires them to operate in an open and transparent manner. The Freedom of Information Act required public authorities to produce publication schemes, setting out what information they publish as a matter of course (the idea being to reduce the need for formal requests for information), while generally both local authorities and non-departmental public boards are required to make decisions in public. In theory these legal provisions should enable public authority to be democratically held to account.

In practice, over the last 15 years or so this legal framework has been increasingly undermined by government across Scotland. The Loch Lomond Trossachs National Park Authority (LLTNPA) provides a particularly egregious example having held over 10 secret meetings to develop the camping byelaws which they did all they could to keep secret ([see here](#)). This post takes a look at the LLTNPA's 2023 Board Meetings to date to show how they avoid taking decisions in an open and transparent manner.

Doing the legal minimum

The law requires meetings of the LLTNPA, like local authorities, to be open to the public except in specified circumstances. This is reflected in the Park's standing orders ([see here](#)):

"33. Without prejudice to the terms of Standing Orders 35 and 36 meetings of the Board will be open to the public and representatives of the media, subject to statutory powers of exclusion....."

The specified circumstances for excluding the public are when Confidential Information or Exempt Information, as defined by the 1973 Local Government Act ([see here](#)), are discussed. Over the last year there are several examples where both the letter and the spirit of the law being ignored.

The first two Board meetings of 2023, the special meeting to discuss the Loch Lomond byelaws on 30th January ([see here](#)) and the quarterly meeting on 13th March ([see here](#)) were both held at the National Park HQ in Balloch and, for people unable to attend, could be viewed live online but not afterwards. Those meetings therefore met the minimum requirements for openness.

However, the LLTNPA now sticks out like a sore thumb because, unlike most local authorities or the Cairngorms National Park Authority (CNPA) – [see here](#) for video of the most its most recent meeting – it refuses to leave recordings of meetings online to enable more members of the public to observe how decisions are made. The LLTNPA therefore arrogantly expect people who want to know what is said at Board Meeting to give up their own time, whatever their work or caring commitments, to watch them.

This practice also forces people who are interested in just one agenda item to login to the meeting for a considerably longer period than necessary in case they miss the discussion: "Please note that the

published session times are approximate, the Board meeting may progress faster or slower than expected” (extract from agenda of board meeting scheduled for 11th December).

The abuse of Confidential Sessions and the cover-up of corporate risks

At its third meeting in 2023, held on 12th June in the National Park HQ ([see here](#)), the whole of the afternoon part of the meeting on the “Corporate Risk Register” was held in confidential session. Neither the agenda for the meeting nor the subsequent minutes for the open part of the meeting record the legal justification for doing so. The reason may have been recorded in the minutes of the confidential session but since these are not published there is no way for the public to find out the basis of the decision and challenge it.

The last time the LLTNPA Board discussed their corporate risk register in public was back in March 2017 ([see here](#)). Since then ALL discussion about the register has been held in Confidential Session, once a year at the main board and now at every meeting of the Audit and Risk Committee:

Confidential

11. Minutes of Confidential discussion – 5th September 2023

12. Matters Arising from Confidential Minutes

13. Procurement Internal Audit Update

14. Risk Registers

1. Project Risk Register

2. Corporate Risk Register

Extract from agenda of Audit and Risk Committee meeting for 5th December 2023. Why would the update on the Internal Audit of Procurement also need to be held in secret?

The Corporate Risk Register for the LLTNPA has therefore become a completely secret document. Contrast that with what happens in the CNPA where their “Strategic Risk Register” is discussed openly and approved at main Board Meetings ([see here](#)). Moreover, the most recent meeting of the CNPA’s Risk and Audit Committee, held just last week ([see here](#)), considered a paper on a revised approach to risk management which nowhere suggested that either discussion of risk or the register itself should be secret.

Discussions about the corporate risk register in the LLTNPA went “confidential” at about the same time as serious problems started to emerge with the way they were managing their property and more specifically the losses incurred when a number of leases failed ([see here](#)). This suggests the secrecy started as a deliberate attempt to cover up failures. The LLTNPA has never come clean about the extent of those problems and fends off Freedom of Information requests about them by claiming information is commercially sensitive. This suggests something has gone very wrong.

That interpretation is indirectly confirmed by information in the External Audit Report due to be considered by the Risk and Audit Committee on 5th December:

7. Financial sustainability (continued)

Follow up of previously-reported recommendations

In November 2022 Grant Thornton reported one recommendations to LLTNPA to address risks identified from our Wider Scope audit for financial sustainability. As part of our work in 2022/23, we followed up the progress made by LLTNPA against the recommendations made and determined whether the risk remained during the year.

| | Financial sustainability finding as reported by previous auditor | Management response and implementation timeframe | Work undertaken and judgements made in 2022/23 | Conclusions reached |
|---|---|---|---|--------------------------------|
| 1 | Estates planning and impact on accounting treatment The valuation of land and buildings is a complex area, requiring significant estimation and judgement. The accounting recognition of the asset is often dependent on the current and planned use of a building. We found that LLTNPA does not currently have a clear asset plan or strategy in place and therefore decisions on the use of land and buildings often takes place on an individual level. This is evident in the valuation of the Gateway Centre. We recommend that in supporting the National Park Partnership Plan and LLTNPA's long term vision and priorities, Management look to establish a clear Estates Strategy to outline how LLTNPA will maximise the effective use of its estate to deliver its priorities. | Management Response: The Annual Operating Plan for 2022/23 includes an outcome to establish a clear strategic approach to managing our assets. The Estates Asset Management Strategy will be produced in 2022/23 for assets within our responsibility. Implementation timescale: 31 March 2023 | Progress against the recommendation The Board approved the Estates Strategy in June 2023. | Conclusions Complete |

The LLTNPA may have adopted an estates strategy but there is still no transparency about HOW it is managing individual assets

So why was the valuation of the Gateway Centre at Balloch, previously used as the National Park Visitor Centre, an issue? Was it because the LLTNPA was charging too much or too little rent to the previous lease-holder who walked away? Whatever the reason, its not for the public.

I will come back to what the LLTNPA's responses to Freedom of Information requests about the Gateway Centre tell us about their management in another post. The important point here is that IF the Board had been open about what was and is happening at the Gateway Centre, members of the local community, local businesses, local councillors, all could all have become involved and that would help sort out the mess.

Making meetings inaccessible to the public

The fourth LLTNPA main board meeting of 2023 was held on 11th September in Kinlochard Village Hall ([see here](#)). This is one of the remotest places in the National Park and impossible to get to by public transport.

When the Board Papers for this meeting first appeared it was indicated that it would be 'Live Streamed' as usual. The notice was then amended to say:

"This meeting will be accessible for members of the public to attend in person. Due to technological constraints, we are unable to livestream today's meeting, we apologise for the inconvenience".

The LLTNPA had met in Kinlochard Village Hall before – I attended after an hour and a quarter drive from Glasgow – and senior management will have been well aware of the poor telecommunications in Strathard (a new mast is being erected under the Shared Rural Network programme). They must have aware that it would be very difficult for anyone apart from locals to attend and that they were extremely unlikely to be able to broadcast the meeting but they went ahead with it anyway. Shades of the meeting of Glasgow Councillors held in the 19th Century on the summit of Ben Lomond – designed to exclude!

Even if one had the means to get to the meeting, the open part was relatively short – three hours, hardly worth travelling for – and the whole of the afternoon session was closed to the public. The Agenda Item was "Green Finance – National Parks Partnership". Perhaps this was about gas guzzling BMW's sponsorship ([see here](#)) of National Park projects? Whatever the case, if anything needs to be discussed openly its green finance but there has been almost no public discussion by our National Parks about this while the natural environment is trashed ([see here](#)) and land prices are inflated ([see here](#)).

The original notice for the fifth board meeting of 2023 stated "11th December – Lomond Parish Church: 10:00am. (*This Meeting will not be live-streamed however, it will be accessible for public attendance*)". Although the reason for using this location is not explained under the notice for the meeting, it is because a new "green" heating system is being installed at Carrochan, the National Park's HQ building. The meeting notice has now been amended to say it will live streamed after all ([see here](#)):

11th December 2023 National Authority Board Meeting

A meeting of the Loch Lomond and The Trossachs National Park Authority Board will be held at Lomond Parish Church from 1000 on Monday 11th December. This meeting will be accessible for members of the public in person and will be livestreamed on our website for members of the public to view.

The livestream link will be posted here when the meeting begins at 10:00 on Monday 11th December.

The notice does not even explain where Loch Lomond Parish Church is. It begs the question which members of the public to attend in person”.

The key point here is the LLTNPA clearly have the technology to livestream meetings from most locations, so why did they not change the location of the September Board meeting from Strathard to make it more accessible to the public?

How in accessible and unrecorded meetings are being used to evade public accountability

Part of the answer to that question is that the LLTNPA’s senior management had not bothered to ask their staff to sort out the technology to enable meetings to be recorded while they could not be held at the Park’s HQ in Balloch..

After I highlighted that the LLTNPA had failed to consider the crisis at the Cononish goldmine, senior management brought forward their “annual report” on the goldmine to the Planning Committee meeting held on the 30th October ([see here](#)).

Planning and Access Committee October 2023

This meeting will be held in public at Lomond Parish Church, 1 Lomond Rd, Balloch, Ale

This meeting will not be webcast live due to technological constraints. Members attend in person.

Interestingly the notice for the planning meeting did explain the location of Loch Lomond Parish Church

The “technological” constraints on webcasting meetings were clearly solved sometime in late November.

I have subsequently found out that besides the completely inadequate report on the situation at the goldmine, staff gave a verbal update. I doubt any member of the public was present to hear that or take note what was said, but if anyone was present recording of meetings is banned. Couple that with the LLTNPA’s practice of recording as little information as possible in the minutes and it is unlikely the wider public will ever know what was said.

This failure to record what takes place at meetings enables senior management to duck and dive and

avoid being held to account. For example, in my last post on the goldmine I pointed out the “annual report” had failed to mention that Scotgold £10k contribution towards the cost of fencing had never been spent or claim as planned ([see here](#)). However, if staff now claim board members were informed at the meeting, it is almost impossible for anyone to prove otherwise.

2023 meetings

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- [27th February – National Park HQ](#)
- [24th April – National Park HQ](#)
- 26th June – National Park HQ – No Business, Committee Development Day
- [25th September – National Park HQ](#)
- [30th October – Lomond Parish Church, Balloch](#)
- 18th December – Location TBC

While most

meetings of the Board and its sub-committees are scheduled in advance, the LLTNPA did not do that for its Local Access Forum which was due to meet twice this year. When I blogged at the end of July on the unlawful access signs in Balquhiddar ([see here](#)), there had been no meeting held in 2023 and none scheduled. A meeting was eventually held on 23rd October, the notice for which said the public would be welcome to attend ([see here](#)). The only way to have found out about this, however, would be to check the Park’s website on a weekly basis. The meeting was therefore effectively held in secret. While agenda for the October meeting provisionally set the dates for four meetings in 2024, these are not yet on the LLTNPA’s website.

What needs to happen

The contrast with the practice I have described above and that of the Cairngorms National Park Authority (CNPA) is quite striking. The CNPA, for example, as well as making recordings of their main board meetings available publicly, considers far fewer matters in confidential session and their minutes are considerably more extensive, recording contributions by board members so you can see where staff have been challenged and their work scrutinised.

In addition in the CNPA far fewer matters are treated as operational and left to staff, as you can see if you compare the number of decisions made by the CNPA’s planning committee against those made by the LLTNPA. Moreover there is far more debate at CNPA board meetings, with votes on decisions a regular rather than an exceptional occurrence. This is not to claim the CNPA is perfect but its adherence to the letter and spirit of the law when it comes to decisions being made in public is in a different league to that of the LLTNPA.

The long history of corrupt governance at the LLTNPA, as covered by this blog for almost ten years, should make it even more important that its business is held in public and that recordings of all its board and sub-committee meetings are made publicly available. The LLTNPA, however, has shown itself incapable of reforming itself and change will require an intervention by the Minister responsible, Lorna Slater.

[I am extremely grateful to Mary Jack for drawing my attention to many of these issues and for research that I have used in this post].

Category

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Tags

1. Governance
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