

# National Park Authority Board Meeting



Draft Minutes of Meeting held at

10:00am on 14<sup>th</sup> June 2018

Brig O'Turk Village Hall, Glen Finglas Road, FK17 8HT

Present: James Stuart (Convener) Angus Allan (AA)  
William Nisbet (WN) (Vice Convener) Murray Lyle (ML)  
Ellen Morton (EM) Graham Lambie (GL)  
David Warnock (DW) Barbara Morgan (BM)  
David McCowan (DMcC) Diane Docherty (DD)  
David McKenzie (DMcK)  
Danny Gibson (DG)  
Colin Bayes (CB)

In Attendance: Park Authority Staff:  
Gordon Watson (GW), Chief Executive Officer  
Jaki Carnegie (JC), Director of Corporate Services  
Simon Jones (SJ), Director of Conservation and Visitor Operations  
Anna MacLean (AM), Head of Communications  
Melanie Barbour (MB), Governance and Legal Manager  
Eilidh McKerry (EMcK), Management Accountant – part  
Catherine Stewart, Development Management Manager (Performance and Support) - part  
Sharon McIntyre (SMcI), Committee Officer (Clerk)

Guest  
David Solari (DS), Police Scotland

Apologies: Petra Biberbach (PB)  
Billy Ronald (BR)  
Lindsay Morrison (LM)

Item	Action	Action by
1	<p><b>Welcome and Apologies</b></p> <p>The Convener opened the meeting by welcoming all attendees including DS, in attendance for agenda item 11. The Convener welcomed members of the public and confirmed the protocols of holding a Board meeting in public.</p> <p>The Convener introduced himself, the Vice Convener, CEO and the Governance Manager.</p> <p>The Convener advised that apologies had been received from PB, BR and LM.</p> <p>The Convener proposed that agenda item 13 would be handled as a</p>	

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	<p>confidential item in closed session at the end of the agenda, from which officers and members of the public would be excluded. MB read the resolution to allow agenda item 13 to be held in closed session. Members were in agreement.</p> <p>The Convener thanked DW and DMcK for their time on the Board as Locally Elected members not standing as candidates this year.</p> <p>The Convener advised at midday a minute's silence would be held for the victims of the Grenfell Tower disaster.</p>	
2	<p><b>Declarations of Interest</b></p> <p>DW advised of a potential interest in agenda item 12 – the Annual Operational Plan Progress Report as a result of his involvement with Strathard Heritage Initiative.</p> <p>The Convener noted that all members will have an interest in agenda item 7 – Board Members Daily Fees.</p>	
3	<p><b>Minutes</b></p> <p><b>3.1 Minutes of Meeting held on 27<sup>th</sup> February 2018</b></p> <p>The Convener advised that there is currently a live complaint in relation to this minute therefore this minute will be considered at the next Board meeting. Members discussed the style of the minute.</p> <p><b>ACTION:</b> Minutes of Meeting held on 27<sup>th</sup> February 2018 to be considered at the next Board meeting.</p>	SMcl
3.2	<p><b>Minutes of Meeting held on 12<sup>th</sup> March 2018</b></p> <p>EM noted that the date of the next meeting should be 2018 instead of 2017.</p> <p><b>ACTION:</b> SMcl to update date of the next meeting to 2018 instead of 2017.</p> <p>The minutes were proposed by DW and seconded by AA.</p>	SMcl

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4	<p><b>Matters Arising</b></p> <p>JC introduced the matters arising and noted the open actions.</p> <p><b>DECISION:</b> Members agreed to note the report.</p>	
5	<p><b>Our 5-year (Corporate) Plan</b></p> <p>JC introduced Our 5-year (Corporate) Plan. Designed versions were provided to members. JS advised this has been submitted to our sponsorship hub with positive comments received. Members discussed the plan and welcomed the priority of litter prevention.</p> <p><b>DECISION:</b> Members reviewed and agreed to:</p> <ul style="list-style-type: none"> <li>- Approve Our 5-year (Corporate) Plan for Ministerial submission;</li> <li>- Delegate final minor editorial and design adjustments to officers prior to submission.</li> </ul>	
6	<p><b>2017/18 Draft Annual Report and Accounts</b></p> <p><b>6.1 2017/18 Draft Annual Report</b></p> <p>JC and CB introduced the Draft Annual Report advising that a lighter touch approach has been used.</p> <p><b>6.2 2017/18 Draft Annual Accounts</b></p> <p>DMcC introduced the draft 2017/18 Annual Accounts advising that the Audit &amp; Risk Committee had met by teleconference to discuss these and had no adjustments or recommendations.</p> <p>EMcK presented the draft 2017/18 Annual Accounts. Following recommendation from our external auditors, EMcK advised that page 42 will be updated to detail less information on the investment in National Parks Partnership LLP and that the note on page 16 will be removed.</p> <p>Members discussed fraud bribery and corruption controls. JC advised that robust processes are in place.</p> <p>Members enquired about the number of information requests sent in from two</p>	

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	<p>requesters. GW and JC advised that this is being monitored.</p> <p>Members noted that no RIDDOR reports had been necessary.</p> <p><b>DECISION:</b> Members reviewed and noted the information contained within the 2017/18 Draft Annual Report and Accounts, and agreed to:</p> <ul style="list-style-type: none"> <li>- Approve the Annual Report;</li> <li>- Note the draft Annual Accounts (subject to final External Audit clearance);</li> <li>- Note that we anticipate the Audit &amp; Risk Committee to recommend the accounts are signed by the Chief Executive following consideration of the final draft by the Committee on 26<sup>th</sup> June 2018; and</li> <li>- Note that the Board will be informed of any material changes to the accounts following final clearance by External Audit.</li> </ul>	
7	<p><b>Board Members Daily Fees</b></p> <p>DMcK requested for it to be minuted that it is outrageous and unethical to award a pay rise with no independent judgement and that this issue should be raised with a Minister.</p> <p>Members thoroughly discussed the recommendation before them.</p> <p>EM proposed the motion to accept the uplift in Board Members daily fees for 2018/19 in line with Scottish Government Pay Policy and instruct officers to write to Scottish Government regarding introducing a better method to determine Board Member daily rates. ML seconded this motion.</p> <p>DMcK proposed the amendment to not award a uplift in Board Members daily fees for 2018/19 in line with Scottish Government Pay Policy. DMcC seconded the amendment.</p> <p>Ten Members voted for the motion. Three Members voted for the amendment.</p> <p><b>DECISION:</b> Members agreed to accept the uplift in Board Members daily fees for 2018/19 in line with Scottish Government Pay Policy.</p> <p><b>ACTION:</b> Officers to write to Scottish Government regarding introducing a better method to determine Board member daily rates.</p>	GW

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<p><b>8</b></p> <p><b>Standing Orders</b></p> <p>JS and MB introduced the Standing Orders for the Board, Planning &amp; Access Committee and the Local Review Body.</p> <p><b>8.1 Board</b></p> <p>MB advised of the updates to the Board Standing Orders as outlined in section 4.2 of the report.</p> <p><b>DECISION:</b> Members agreed to approve the revised Standing Orders for the Board.</p> <p><b>8.2 Planning &amp; Access Committee</b></p> <p>MB advised of the updates to the Board Standing Orders as outlined in section 4.3 of the report. Members discussed section 14 and concluded that this should be reworded to:</p> <p>“All Committee members shall be eligible to sit on the Local Review Body of the Park Authority” therefore removing the section “provided that the matter under consideration does not fall within the ward in which they represent as a locally elected member or a council nominated member and would not otherwise give rise to a conflict of interest.”</p> <p><b>DECISION:</b> Members agreed to approve the revised Standing Orders for the Planning &amp; Access Committee with section 14 reworded to: “All Committee members shall be eligible to sit on the Local Review Body of the Park Authority.”</p> <p><i>A minute’s silence took place for the victims of the Grenfell Tower disaster.</i></p>		
<p><b>8.3</b></p>	<p><b>Local Review Body</b></p> <p>MB advised of the updates to the Local Review Body Standing Orders as outlined in section 4.3 of the report.</p> <p>MB also requested updates to section 12 and 14, for these to then be in alignment with <a href="#">The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013</a>.</p>	

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	<p><b>DECISION:</b> Members agreed to approve the revised Standing Orders for the Local Review Body inclusive of the following updates:</p> <p><u>Section 12</u> Notice that a Review is to be held will be sent to the applicant and interested persons as defined in the Regulations which will include statutory consultees, and persons who have made representations to the Authority about the application. The LRB may also notify any other body or person from whom it wishes to receive further representations or to provide further information on specified matters. Persons notified will have a period of 14 days in which to make written representations to the LRB.</p> <p><u>Section 14</u> The agenda and papers will be made available to all parties prior to the relevant LRB meeting.</p> <p>The Convener advised that DS would be leaving shortly therefore agenda item 11, appendix: Ironworks Report would be taken as the next agenda item.</p>	
11	<p><b>CEO Report - Appendix: Ironworks Report</b></p> <p>GW introduced the report. DD left the room.</p> <p>DS provided a background to Operation Ironworks highlighting the significant improvements in anti-social behaviour as a result of this partnership between the Park Authority and Police Scotland.</p> <p>DD returned to the room.</p> <p><b>DECISION:</b> Members noted the CEO Report Attachment on the Operation Ironworks Police Scotland Partnership and the appended Police Scotland Operation Ironworks Report for 2017.</p> <p>DS left the meeting.</p> <p>The Convener advised that we would now return to agenda item 9.</p>	

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<p><b>9</b></p> <p><b>9.1</b></p> <p><b>9.2</b></p>	<p><b>Terms of Reference</b></p> <p><b>Chairs &amp; Executive Group</b></p> <p>MB introduced the Terms of Reference for the Chairs &amp; Executive Group.</p> <p><b>DECISION:</b> Members agreed to approve the Terms of Reference for the Chairs &amp; Executive Group.</p> <p><b>Delivery Group</b></p> <p>MB introduced the Terms of Reference for the Delivery Group.</p> <p><b>DECISION:</b> Members agreed to approve the Terms of Reference for the Delivery Group.</p>	
<p><b>10</b></p>	<p><b>Depute Convener and Chair of Planning &amp; Access Committee</b></p> <p>The Convener and MB introduced the report on the Depute Convener and Chair of the Planning &amp; Access Committee. MB clarified that members were being asked to:</p> <ul style="list-style-type: none"> <li>- Ratify the decision to agree the continuation of the appointments of WN in the role of Depute Convener and PB as Chair to the Planning &amp; Access Committee from the 15 March 2018 to 14 June 2018; and to subsequently continue their appointments until the 10 December 2018 Board meeting.</li> <li>- <b>DECISION:</b> Members agreed to the continuation of the appointments of WN in the role of Depute Convener and PB as Chair to the Planning &amp; Access Committee from the 15 March 2018 to 14 June 2018; and to subsequently continue their appointments until the 10 December 2018 Board meeting.</li> </ul> <p>The Convener raised four proposals to ensure continuity in governance and quorate committees in light of the forth coming local elections and ministerial appointment process. The Convener advised that 2 year Chair and Vice-Chair appointments will be made at the December Board meeting.</p> <p><b>DECISION:</b> Members agreed:</p>	

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	<ul style="list-style-type: none"> <li>- Following the end of the terms of office on 31<sup>st</sup> September 2018 for the existing Chairs of the Planning and Access Committee, Delivery Group and Audit &amp; Risk Committee the Depute Chairs of Planning and Access Committee, Delivery Group and Audit &amp; Risk Committee will be Acting Chairs until the December 2018 Board meeting. If any Depute Chair is not available then the relevant Committee should agree a Chair for the meeting in question.</li> <li>- All new locally elected members are to be invited to sit on the Planning &amp; Access Committee, subject to planning training, following the local elections on the 5<sup>th</sup> July 2018.</li> <li>- All new locally elected members are to be invited to sit on the Audit &amp; Risk Committee and/or the Delivery Group to ensure quorum.</li> <li>- To fill the Local Access Forum vacancy at the December Board meeting once the full Board is in place. One meeting will take place without a Park Authority Board representative. Park Authority Officers will be present.</li> </ul>	
11	<p><b>CEO Report</b></p> <p>GW introduced the CEO Report advising that this report replaces the Organisational Update and provides an overview of significant issues and developments in the National Park operating environment.</p> <p>Members discussed points from the CEO report including the forthcoming local elections, the summer season so far and the illegal tree felling at Drumkinnon Bay.</p> <p><b>DECISION:</b> Members agreed to note the CEO report.</p>	
12	<p><b>Annual Operational Plan Progress Report</b></p> <p>JC introduced the report and advised that this will now be reported to the Board.</p> <p><b>DECISION:</b> Members agreed to note the report.</p>	
14	<p><b>General Data Protection Regulations (GDPR)</b></p> <p>CB and MB introduced the report advising that the General Data Protection</p>	



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	<p>Regulations and the Data Protection Act 2018 came into force on 25<sup>th</sup> May 2018. Officers have been working to ensure compliance with these new statutory requirements.</p> <p><b>DECISION:</b> Members agreed to note the report.</p>	
15	<p><b>Delivery Group Update</b></p> <p>CB welcomed DG and DD as new members of the Delivery Group. CB advised that the Board visit to Loch Chon and Loch Achray on Wednesday 23<sup>rd</sup> May was beneficial. CB provided members with points to note from the Delivery Group reports.</p>	
16	<p><b>Financial Report - End of Year Management Accounts</b></p> <p>DMcC and EMcK presented the Management Accounts for the quarter and year ended 31<sup>st</sup> March 2018. EMcK advised that this information had been presented to the May Delivery Group and used in the annual accounts.</p> <p><b>DECISION:</b> Members reviewed and agreed to note the information contained within this report and Appendix 1.</p>	
17	<p><b>Audit &amp; Risk Committee Update</b></p> <p>DMcC advised that the Audit &amp; Risk Committee met by teleconference to discuss the annual report and accounts prior to the meeting today, no amendments were made. DMcC thanked DMcK for his time on the Audit &amp; Risk Committee.</p>	
18.1	<p><b>Planning &amp; Access Committee Update</b></p> <p>GL provided an update on the recent cases and reports presented to committee. GL also advised that there was an informal and informative meeting with the Chief Reporter from Scottish Government's The Planning and Environmental Appeals Division and some members joined staff from across the organisation to visit the Burn of Mar Hydro scheme.</p>	

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18.2	<p><b>Cononish Bond Update</b></p> <p>CS reminded Members that at the 27<sup>th</sup> February 2018 Board meeting the Board authorised the Director of Rural Development and Planning to continue negotiations with a view to finalising the Section 75 Planning Agreement and issuing planning decision notice in consultation with the Convener of the Park Authority Board. If negotiations did not secure acceptable terms, the matter would be referred back to the Board for further consideration.</p> <p>CS advised that matters were progressing satisfactorily with agreement on the following matters:</p> <ul style="list-style-type: none"> <li>- Sufficient financial security for the restoration and aftercare of the application site proposed at £537k.</li> <li>- Financial security for the Greater Cononish Glen Management Plan being implemented proposed at £268k.</li> <li>- An external consultancy service will be used for the Planning Compliance Officer to monitor the development. Proposed at £167k plus VAT for 17-20 years of aftercare.</li> <li>- The applicant's financial contribution to Visitor Experience and Conservation projects in the National Park will be £425k as previously advised. An initial £25K to be paid, with then a further 25k-50k per annum.</li> <li>- The form of the Restoration bond will be "cash collateral"</li> </ul> <p>CS advised that the applicant has indicated the aspiration for work to commence in September. This may be possible although a decision notice cannot be issued until the Section 75/planning obligation is concluded and has legal force by being registered at the Land Registry/Register of Sasines.</p>	
19	<p><b>Any Other Business</b></p> <p>Following the recent passing of Celia Burns, MBE Chair of the Community Partnership, the Convener wished to publically note her contribution to the National Park and express condolences to her family.</p>	
20	<p><b>Date of Next Meeting:</b></p> <p>A Strategic/Development Day is scheduled for Monday 17<sup>th</sup> September 2018.</p>	

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13	<b>2018/19 Corporate Risk Register</b>  Agenda item 13 was held in closed session.	

Signed \_\_\_\_\_

**James Stuart, Convener**