

# Draft minutes of meeting held on 10 June 2024

## Agenda Item 3

**National Park Authority Board Meeting**  
Monday 16 September 2024

Paper for approval

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### Present

Heather Reid (Convenor) (HR)
Sarah Drummond (SD)
Maurice Corry (MC)
William Sinclair (WS)
Chris Kane (CK) – joined at Item 5
Rhona Brock (RB)
Sid Perrie (SP)
Richard Johnson (RJ)
Colin Lee (CL) – joined at Item 1
Ronnie Erskine (RE)
Hazel Sorrell (HS)
David Mackie (DM)
Navid Foroutan (NF)
Sian McCluskey (SMc)

### Apologies

Martin Earl (Depute Convener) (ME)
Claire Chapman (CC)
Christopher Spray (CS)
Iain Shonny Patterson (ISP)
David Fettes (DF)

<b>In Attendance - National Park Authority Staff</b>
Gordon Watson (GW), Chief Executive Officer
Stuart Mearns (SM), Director of Place
Simon Jones (SJ), Director of Environment and Visitor Services
Anna MacLean (AM), Director of Engagement & Innovation
Dougie Smith (DS), Corporate Performance Manager & Proper Officer
Annie Fitzpatrick (AF) Governance and Information Advisor (Minute Taker)
Jane Kemp (JK), Head of Governance and Performance
Kenny Auld (KA), Head of Visitor Services
Sandra Dalziel (SDa), Legal Services Manager
Matt Buckland (MB), Visitor Operations Manager
Deborah Sandals (DSa), Place Projects Manager

<b>Items and Actions</b>
<b>Item 1: Welcome and Apologies</b>
<p>The Convenor opened the meeting by welcoming all attendees back to Loch Lomond and the Trossachs National Park Headquarters in Balloch, following a period of works being carried out on the building in line with our net zero targets.</p> <p>HR reminded all Members to speak clearly into the microphones provided and not to speak over each other so that those following online are able to follow proceedings with clarity.</p> <p>The Convenor welcomed the members of the public observing the meeting in person and online through a livestream on our website. HR reminded members of the public attending in person are here in an observatory capacity and cannot contribute to the meeting.</p> <p>HR stated that some members are held up in traffic this morning and confirmed that the meeting is quorate.</p> <p>HR asked the Members and National Park representatives participating in this meeting to introduce themselves.</p> <p>SMc introduced herself as a representative for the Youth Committee, attending her first meeting of the board.</p> <p>Apologies were received from Chris Spray, Martin Earl, Claire Chapman, Davy Fettes, Iain Shonny Paterson.</p> <p>Members agreed by a majority vote to hear Agneda Item 19 (Corporate Risk Register) in a closed confidential session under Section 50(a) of the local government Scotland Act.</p>

<b>Items and Actions</b>
HR restated the Board's commitment to ethical standards in public life and highlighted Members' responsibilities under the Code of Conduct, emphasising section 3 on bullying and harassment and the Convener's role in upholding those responsibilities.
<b>Item 2: Declarations of Interest</b>
None.
<b>Item 3: Minutes of the Board Meeting held on 11 March 2024</b>
The minutes were proposed by SD and seconded by WS. The minutes were approved by Members present.
<b>DECISION:</b> The minutes of the Board Meeting held on 11 March 2024 were approved by majority vote.
<b>Item 4: Matters Arising</b>
DS presented the matters arising and confirmed that key staff have now returned from absence and the open actions are being progressed.
<b>DECISION:</b> Members agreed to <b>note</b> the report.
<b>Item 5: Gaelic Language Plan Final Draft</b>
The paper was introduced by AM. She highlighted that:
<ul style="list-style-type: none"> <li>- Following approval of draft at March Board a 6-week consultation was conducted.</li> <li>- A campaign was developed to support this consultation, and responses were supportive and constructive. Details are provided of consultation in the appendix of the paper.</li> <li>- Some minor changes were made but most of the plan remains the same from the draft format.</li> <li>- The final draft, if approved, will be submitted to Board na Gaelic.</li> </ul>
<u>Discussion and questions from Members followed. The discussion focused on:</u>
<ul style="list-style-type: none"> <li>- Training on Gaelic place names provided to staff</li> <li>- Overall budget and the cost to change signs and vehicles.</li> </ul>

### Items and Actions

- Board na Gaelic's desire for increased Gaelic content on public body websites. There will be a balance and an emphasis on encouragement for public to take the first steps to learn Gaelic.
- The presence of Gaelic as a desirable or essential criteria /skill in job descriptions at the NPA.

**ACTION** – AM to extend invite to future Gaelic place name training to Board Members

**DECISION** – Members voted by a majority to **approve** the Gaelic Language Plan 2024-2029 subject to any minor editorial changes needed.

### Item 6: Planning and Access Committee Standing Orders and Scheme of Delegation Review

DS presented the paper and outlined the process and timeline of the review: internal and external reviews were undertaken and Members of the Planning and Access Committee were consulted for input. The review formed part of the commitments in the 2023-24 Planning Performance Framework. The review timeline of all four documents has been brought into line and there is a statutory requirement that Part A of the Planning Scheme of Delegation be approved by Scottish Ministers following approval from Members.

DS summarised the proposed changes to each document in turn as set out in the paper, highlighting in particular:

- The introduction of the statutory requirement for the introduction of a Chief Planning Officer
- The proposed removal of the requirement for Tree Preservation Orders with no valid objections to go to Committee
- Removal of references to remote meetings inserted during Covid-19 pandemic period

Discussion and questions from Members followed. The main topics of discussion were:

- Clarity on the proposed changes to the role of advisors to Local Review Body – confirmation that both legal and planning advice would be permissible
- The delegation of powers relating to Tree Preservation Orders

### Items and Actions

- Process for dealing with applications from members of NPA staff – clarity sought on whether it would be Planning and Access Committee or Board to deciding. DS explained that in the vast majority of scenarios it would be committee, but language was intended to acknowledge that it could be Board.
- The role of the new 'Chief Planning Officer'
- The process of arranging site visits
- Clarification on which Access matters are required to be decided by Committee

**ACTION** – DS to look at wording of Scheme of Delegation for Planning to discern if further clarity of language is required relating to applications from staff and liaise with CC and WS before submission to Ministers

**ACTION** – KA to send link for the Access webpage to SP

**DECISION:** By a majority, Members **approved** the following documents:

- a) The updated Scheme of Delegation for Planning at Appendix 1
- b) The updated Scheme of Delegation for Access at Appendix 2
- c) The updated Standing Orders of the Planning and Access Committee at Appendix 3
- d) The updated Standing Orders of the Local Review Body at Appendix 4

Members **approved** the submission of the Scheme of Delegation for Planning to Scottish Ministers for their approval.

Members **noted** the requirement under the Planning (Scotland) Act 2019 (Commencement No. 12 and Saving Provisions) Regulations 2024 for the appointment of a Chief Planning Officer for the National Park authority, which came into force on 1st April 2024.

### Item 7: Visitor Operations – Programme Update and revised Schemes of Delegation

MB introduced the paper and outlined the proposed Scheme of Delegation for the Loch Lomond Byelaws 2023 and included a brief project update highlighting key areas of ongoing work. The main proposed changes to the Scheme of Delegation were highlighted;

- Temporary exemptions for young people for engine horsepower limits.

### Items and Actions

- Temporary exclusion for carrying life jackets where provisions are shown to provide adequate safety cover.
- Removal of powers relating to granting permissions to trade.

Discussion and questions from Members followed. The discussion focused on:

- The process for applying for an exemption on the wearing of life jackets.
- A service design approach - testing the system with users and staff.
- Completion date for the Boat Registration Database and assurance of back up plan.
- Enforcement of the byelaws.
- Examples discussed of life jacket exemptions.

In the course of discussion and questions from Members, SP raised his misgivings about the Loch Lomond byelaws, stating that he thought the Board were ignorant of the facts when making previous decisions on the byelaws.

HR intervened to remind SP of the Collective Responsibility section [3.11] of the Code of Conduct, which says *"I will respect the principle of collective decision-making and corporate responsibility. This means that once the Board has made a decision, I will support that decision, even if I did not agree with it or vote for it."*

HR reminded SP that it is not appropriate in a public meeting to openly challenge decisions made previously and legitimately by the Board and that it is not relevant to the paper before the Board relating to the Schemes of Delegation.

RE highlighted that under the Code of Conduct, the terms 'bullying and harassment' apply to 'unwelcome behaviour which makes someone feel offended or humiliated or uncomfortable', which he feels about the comments SP has made about the Board being ignorant in its decision-making.

HR reiterated that previous legitimate decisions of the Board should not be called into question by Members at a public meeting and outlined her powers as Convener under the Standing Orders of the Board to ensure an orderly meeting.

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**DECISION** – By majority, members agreed to:

- **Note** the content of the paper
- **Approve** the new Scheme of Delegation for the Loch Lomond Byelaws 2023 (Appendix 1)
- **Note** the changes to the existing Schemes of Delegation for the Loch Lomond Byelaws 2013 (Appendix 2), Camping Management Byelaws 2017 (Appendix 3) and sections 33a and 88 of the Environmental Protection Act 1990 (Appendix 4)
- **Authorise** Officers to make minor changes to reflect new job titles, definitions or terminology.

### Item 8: Delegated Signing Authority

SDa introduced the paper and explained that it was for decision to formalise delegated signing authority framework, to clarify who is authorised to sign legal agreements on behalf of the National Park Authority. Changes to the executive team have been taken into account including job titles.

**DECISION** – By a majority, Members **approved** the adoption of the Delegated Signing Authority Framework in Appendix A.

### Item 9: Code of Conduct Update

DS introduced the paper and highlighted that the only change proposed to the existing code of conduct is to insert section 7 in its entirety. The Code is based on the model Code of Conduct produced by the Standards Commission for Scotland. Section 7 as proposed for adoption is adapted from the Councillors Code of Conduct and has been developed in conjunction with Cairngorms National Park Authority, the Standards Commission for Scotland and the Ethical Standards Commissioner.

#### Discussion and Questions from Members followed:

- RE welcomed the update to the code and reaffirmed his commitment to it, stating that it sets out expectations clearly and is timely in line with the inaccurate comments from an anonymous Board member in a newspaper. Code exists to reassure public and reassert high standards of the Board in the public eye.

### Items and Actions

- Paragraph 4.3 – it refers to paragraph 4.2.3. Clarification is required as there appears not to be a 4.2.3 – error in referencing and this will be corrected.
- SP sought clarification on whether the Standards Commission model code and/or guidance uses the word 'serious' in relation to one-off incidents of disrespect, bullying or harassment. DS explained that the wording in the code was based on the model code as provided in 2022, but that he would check if an update had been issued via guidance to include the word 'serious' and adaption could be made if required. HR reminded members that the wording has previously been approved by members.
- SP requested a hard copy of the code of conduct he signed as part of his induction to the Board
- SP expressed frustration that he considered the changes to the Code of Conduct to be restricting his ability to 'speak to constituents' and represent them, attend community meetings and put forward questions.
- HR reminded SP about the requirements of respect and courtesy as set out in the Code of Conduct and asked that he be mindful of those requirements in his tone and delivery.
- HR reminded Members that the only change to the current code of conduct was the proposed inclusion of Section 7 relating to Quasi-Judicial and Regulatory Decisions and it would not alter in any way the role of a Board Member.
- HR reiterated that Board members are able to attend Community Council meetings, following SP's concern that he was not allowed to do so.
- HR asked WS to speak and SP continued to speak over the convener.
- HR intervened to remind SP about the Code of Conduct requirement to respect and comply with rulings from the Convener during meetings and warned that she may have to ask him to leave the meeting as a result of repeated interruptions.
- WS observed that in his role as a Board Member he does not feel unable to attend Community Council meetings and is able to declare an interest and avoid conflict if required at those meetings.

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- CK raised the point that it is Members' responsibility to self-identify their Conflicts of Interest and proactively manage them
- CK confirmed that, as is consistent with the Councillors Code of Conduct, Members are able to either express an opinion on a quasi-judicial or regulatory decision or vote on the matter – but they can't do both. CK observed that often the public don't understand this restriction on decision-makers and suggested something be added to the NPA website to add clarity for the public.
- RE raised the point that all Board Members are appointed as equal members of the board, whatever their route appointment. Members are not appointed to represent any particular area of the park. HR recommends all Board members refer to the Onboarding guidance for further information.
- HR clarified that the revised Code if approved by Members would come into effect and the update shared with Scottish Government following prior work done with the Standards Commission for Scotland and the Ethical Standards Commission.
- SP sought further clarification on his ability to campaign and express his opinion, HR reiterated that such activity could take place but that it needed to align with the Code of Conduct. HR reminded SP that she had previously offered to meet with him to discuss issues around code of conduct and again extended that invitation.

**ACTION** – DS to correct reference in Code of Conduct from 4.2.3 to 4.2.2

**ACTION** – DS to look at working of guidance from Standards Commission and model code of conduct to ensure consistent wording at 3.4(a)

**ACTION** – DS to provide SP with a hard copy of the code of conduct as signed as part of the induction process for Board members and a copy of his signed acknowledgement that he has read and accepted the document.

**ACTION** - Content to be added to the Board section of the NPA website to help clarify the role of Members in quasi-judicial and regulatory decisions

**DECISION:** Members **approved**, by majority decision, the update to the Code of Conduct as outlined at Appendix 1.

## Item 10: CEO Report

GW presented the report.

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Discussion and questions from Members followed. The discussion focused on:

- Recent changes at Scottish Government and desire to establish and build relationships with new post holders following the General Election period.
- VisitScotland's announcement of the closure of the remaining i-centres.
- How the reduction of physical information centres can be counteracted by our digital offering through the new website
- The ongoing work on the organisation's Corporate Plan
- The ongoing work on the Local Development Plan
- The Visitor Levy (Scotland) bill and the role of National Parks
- West Highland Way - In discussion with all partners who are responsible for managing sections of the WHW, to look at a more dedicated body to look after business development and fundraising.
- The involvement of the National Park's communities in the Visitor Experience

**DECISION:** By majority, members agreed to **note** the paper.

### Item 11: Convener's Report (Heather Reid)

HR Presented her report, which included:

- NPA representation former board member Willie Nesbit's funeral.
- The ongoing appraisals process for Members
- The hosting of the Euro Park council in May.
- Attending the opening of Queens Platinum Jubilee Orchard at Cashel.
- Scottish Government meetings with our environment and forestry directorate within the chairs forum, talking about public sector reform and strategic communications plans and delivery.
- Thanks to David Mackie for the introduction to organisers at the Drymen show.

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- Session with the Youth committee – met the new members and shared a little of what we do at board.
- Regular meetings with the Convener of Cairngorms NPA Board.
- UK Chairs Forum took place in the National Park - a constructive session was had around net zero and Team Nature and how we can work collaboratively together as a family of 15 national parks and what we can achieve. Thanks to Navid for providing a video input to this meeting where HR could share with UK chairs and chief executives the work that we have been doing around EDI, board apprenticeships and board shadowing.

### Discussion and questions from Members followed.

- MC raised the plans for a joint meeting with Ministers alongside Cairngorms NPA board members.

**DECISION:** By majority, members agreed to **note** the report.

## Item 12: Place Investment Strategy Update

DSa introduced the paper and highlighted in particular:

- Delivery progress in 2023/24
- Overview of the route map in appendix 3.
- Priorities for 2024/2025.
- Awards received for Bracklinn Bridge
- Design work at Rowardennan.
- Work with West Dunbartonshire Council on Balloch Pier Head.
- Phase 2 of Tarbet works.
- Risks – Rural Tourism Infrastructure Fund is not accepting new applications this year. Construction costs have increased significantly. There may be challenging budget positions in future.

Discussion and questions from Members followed. The discussion focused on:

## Items and Actions

- Work undertaken at Benmore Gardens in Argyll & Bute and positive involvement of local people
- Conic hill path works
- The accessibility of the design guide process
- Can we make sure partners are testing the signage. Are the partners fully involved in the design stage?
- Challenges of involving communities in Local Place Plan process
- Bracklinn bridge - feedback from the community members is extremely positive regarding the bridge and footpath.
- RJ raised a number of typos in the Strathard and The Trossachs STID and sought clarity if it was a 'final' version or a 'final draft version'.
- Balloch Local Place Plan – confirmation that initial meetings have taken place and work ongoing with the community council
- Importance of community involvement in the Balloch Peir Head work alongside West Dunbartonshire council.
- Funding process and work with Scottish Government on funding
- SP sought clarity about the consideration in the Strathard and The Trossachs STID which raised the prospect of extending the existing camping management zone. Clarification was given that the considerations outlined in the reports are not binding and do not indicate that the NPA will adopt all or any of the considerations. There are no plans to extend the camping management zone.

**ACTION** – KA to discuss with team and check step heights on Conic hill footpath with contractors.

**ACTION** – RJ to liaise with DSa for comments on errors. DSa will check with contractors on versions provided.

**DECISION:** Members agreed, by majority decision, to:

- a) **Note** progress in 2023-24.
- b) **Note** the content of background reports, Strategic Tourism Infrastructure Studies, for both Strathard and The Trossachs and for Callander.
- c) **Note** the direction of budget and resources in 2024-25.
- d) **Consider and endorse** The Place Programme Delivery Route Map (Route Map) as a guide to our work to continue to assemble a multi-year delivery programme and to influence our partners to invest in their assets. The Place

## Items and Actions

Programme Delivery Route Map (Route Map) is a supplement to the Position Statement for the Place Programme approved by the Board in June 2022, as amended in June 2023.

### Item 13: 2023/24 Annual Operational Plan Progress Report

DS introduced the final report on 2023/24, highlighting that there is a higher than usual number of items carried over to 2024/25 reflecting our shift to a multi-year delivery approach as well as reflecting in-year resourcing and staffing challenges.

Discussion and questions from Members followed: The key area of discussion was:

- The challenges of meeting our stated deliverables

**DECISION:** By majority, members agreed to **note** the content of this report.

### Item 14: 2024/25 Annual Operational Plan Progress Report

DS introduced the first report on progress against the agreed AOP for 2024/25, drawing particular attention to the challenges related to delays in Nature Restoration and Peatland funding in progressing our Future Nature deliverables.

Discussion and questions from Members followed. The discussion focused on:

- The impact of staff recruitment, retention and absence challenges
- The importance of partnership working in the delivery of our National Park Plan objectives and the challenges key partners are facing in delivery

**DECISION:** By majority, members agreed to **note** this report.

### Item 15: Finance Update

JK introduced the paper and highlighted some key points:

- Capacity - Finance has been challenging as an area due to high turnover during year end.
- The 2023/2024 outturn initially indicates an 80K underspend. External Audit process begins Monday 10<sup>th</sup> June and the annual report and accounts will be brought to September Audit and Risk committee and Board.

## Items and Actions

- An update on the 2024/25 budget

Discussion and questions from Members followed. The discussion focused on:

- RE sought assurance that we would be able to deliver the stated ambitions given the delay to NRF and Peatland funding. SJ confirmed that there is a risk that we may not be able to deliver the programme in its entirety the longer that the delay goes on.
- The acceleration of spend up to the end of the year, which did materialise as expected.
- Capacity challenges
- Expected planning fees income for 2024/25

**DECISION:** By majority, members agreed to **note** this report and management accounts.

## Item 16: Committee & Group Highlights

### Planning & Access

The Committee met on 29<sup>th</sup> April to determine a planning application and have a full discussion on the Local Development Plan process and progress. On LRB met on 27<sup>th</sup> May to determine a local review.

Members of the full Board attended a visit to Cononish Goldmine on 27<sup>th</sup> April to provide further assurance on the role of the NPA and the Chair was pleased that all questions were answered.

### Audit & Risk

The committee met on 4<sup>th</sup> June and had a positive meeting. In a confidential session, the corporate risk register was discussed. Members had serious concerns and we rescored one of the risks rescored upwards and an additional mitigating action was included. There were a series of reports on governance, internal audit, cyber assurance, a draft governance statement on internal control, annual statements of assurance by exec members. At year end we had annual report on best value.

### Futures Group

On 16<sup>th</sup> April, there was a session on the 'delivery of affordable housing' and a big thank you to the public and community groups that came along and shared their thoughts and input to this. Susan Brooks, AM, SM and SD have been reviewing the report and will then be able to share the results. Date for next session – 28<sup>th</sup> Aug 10am till 3pm we will be looking at the end-to-end visitor experience and how we can think about embedding some of the

### **Items and Actions**

educational parts of the NPPP into his. An agenda is being formalised and we are looking at potential attendees.

#### **Local Access Forum**

KA represented DF who has apologies for today. Met on 13<sup>th</sup> May and have had a recruitment drive to bring up to full compliment. 9 applications were received and appointed 4. Next meeting on 19<sup>th</sup> August and new members will receive full training in advance.

#### **Youth Committee**

In March, following a successful recruitment campaign, the YC welcomed 14 new members. Now have 20 young people from a range of backgrounds and experiences. 3 days residential was held in Lochgoilhead to all met and gain an in-depth understanding into the National Park which was hugely beneficial. Thank you to Ali Cush, Nik Turner and AM for organising this. YC have online profiles on website. There are various meetings in the diaries. Thanks to HR and Dsa for joining YC to help start these sessions.

#### **Item 17: AOB**

- As part of the ongoing internal audit process, there is a Board Effectiveness Audit taking place in Q2. Part of this is a questionnaire. DS encouraged members to complete this questionnaire and monitor email for this being sent to them.
- There has been some media coverage on the Lomond Banks planning application, and we are potentially coming to the time where we will be looking to have a special board meeting. There has been no date set as yet but it may be necessary to communicate updates or share info around the process during summer months. If members are going to be away for more than 1-2 weeks, please let DS know and provide the best way to contact.
- HR has taken steps as convener to advise Scottish Government and the directorate of a newspaper article that featured comments from an anonymous board member.

#### **Item 18: Next Board Meeting**

**Monday 16<sup>th</sup> September 2024**

Signed

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**Heather Reid, Convener**