

**PERTH AND KINROSS COUNCIL**

**Environment Committee – 13 June 2012**

**PERTH AND KINROSS OUTDOOR ACCESS FORUM**

**Report by Executive Director (Environment)**

This report summarises the activities and progress to date of the Perth and Kinross Outdoor Access Forum and recommends the appointment of one new member and reappointment of members to be retained.

**1. RECOMMENDATIONS**

**Committee is asked to:**

- 1.1 Confirm the appointment of one new member and reappointment of two existing members to the Forum for a period of three years as recommended in Appendix 1.
- 1.2 Confirm the members to be retained in their appointment for at least a further year as detailed in Appendix 2.
- 1.3 Delegate to the Executive Director (Environment) the filling of any casual vacancy arising in this period through recruitment by Forum members as detailed within the Term of Reference (7.5) approved by Committee in June 2009 (report 09/275 refers).
- 1.4 Confirm amendments to the Terms of Reference (Appendix 4) notably in paragraph 9.11 regarding quorum to remove the Agency & Other Bodies group from quorum requirements, and other minor amendments to update the document to reflect current practise.
- 1.5 Note the activities and progress of the Perth & Kinross Outdoor Access Forum from June 2011 to date.

**2. BACKGROUND**

- 2.1 Part 1 of the Land Reform (Scotland) Act 2003 requires local authorities to set up at least one local Access Forum and to appoint members to them.
- 2.2 The Act states that the functions of a Forum are: 'To advise the local authority and any other person or body consulting the forum on matters having to do with:
  - the exercise of access rights
  - the existence and delineation of rights of way or

- the drawing up and adoption of a plan for a system of core paths.
- 2.3 To offer and, where the offer is accepted, to give assistance to the parties in any dispute about the above and the use of core paths in order to resolve the dispute.
- 2.4 This report follows on from report number 11/447 to the Environment Committee on 7 September 2011 which updated the Committee on the work undertaken by the Outdoor Access Forum up until June 2010.

## **2.5 Membership**

- 2.5.1. The Forum has sixteen members, twelve members are voluntary and represent the interests of landowners/managers, community and recreation equally (see Appendix 2). These members are elected at an open meeting and their appointments confirmed by Committee. The remaining members represent agencies and other bodies and are invited onto the Forum and appointed by Committee.

## **2.6 Amendments to the Terms of Reference**

- 2.6.1 An issue has recently developed with non attendance at meetings within the Agency & Other Bodies which has resulted in the Forum being inquorate at two recent meetings. This has resulted from the reorganisation of Scottish Natural Heritage (SNH) meaning that their representative on the Forum no longer attends meetings. As this group does not affect balance of land manager: access taker interest within the Forum, they have proposed an amendment to the Terms of Reference which removes the current 50% attendance of this group from the quorate requirements. Several other minor amendments to update the Terms of Reference since it was last confirmed by Committee on 3 June 2009 (09/275) are now required to reflect current membership and timing of events. Appendix 4 shows the Terms of Reference with the proposed amendments shown.

## **2.7 Annual Open Meeting and Election**

- 2.7.1 The annual open meeting and election was held at Strathearn Community Campus on 5 April 2012. The topic for the meeting was implementation of the recently adopted core paths plan. Eighty four people, including representatives from many community groups interested in helping to improve and promote paths in their own areas, attended.
- 2.7.2. In each group a member stood down to vacate seats for the election. In both the landowner and community groups the existing members were seeking re-election and were re-elected unopposed. The member in the recreation group representing horse riding interests did not seek re-election, but had enlisted a replacement who was elected unopposed.

2.7.3. There were no additional nominations within any group. If any seats fall vacant prior to the 2013 election, the Forum will be asked to find volunteers following the procedure within the Terms of Reference.

## **2.8 Activities between June 2011 and May 2012**

2.8.1. Three ordinary meetings of the Forum took place in the period June 2011 to April 2012. In addition sub-groups met to take forward particular priority areas of work. The significant issues for these meetings are as follows:

- The Exemption and Obstructions Sub-Group worked with Officers throughout the year to help prioritise and resolve obstructions to public access. This included updating the framework for categorising obstructions taking account of equality issues. This framework was approved by The Environment Committee on November 2011 (11/588). It also included a site meeting to advise Pitcastle Estate in Strathtay, on suitable public signage in relation to a licensed, large, wild animal enclosure following complaints from walkers.
- Following on from the presentation by Tayside Police at the 2011 open meeting and work of the camping subgroup, a meeting with representatives of the Procurator Fiscal Service and Tayside Police was arranged. This meeting, which was held on 26 March 2012, addressed the issue of how to respond effectively to criminal acts in the countryside and stressed the need to prosecute those charged.
- The Forum took due note of the activities and papers produced by the National Access Forum (NAF), commenting as appropriate. Two members and the Council's Access Officer attended the annual National/Local Access Forum meeting in October 2011.
- Invited speakers at Forum meetings included; Brian Stanford, from Development Management who presented on the topic of 'Access Issues within Developments'; and Raine du Puy from the Perth & Kinross Access Group, who spoke on the subject of equality legislation in relation to outdoor access.
- The Forum took note of the legal processes taking place in relation to the dispute between commercial angling and rafting interests on the Upper Tay. As the Forum acted as mediator to the parties, it is possible that representatives may have further involvement in this issue.

## **2.9 Communications**

2.9.1. The following press releases were issued:

- Grouse and Game Shooting – Advice to Walkers (22.8.11)
- Responsible Access and Red Deer Stalking (15.9.11)
- Spring Advice to Dog Owners (5.3.12)
- Open meeting and Election (19.3.12)

- 2.9.2 The Forum pages on the website (Access Forum)  
<http://www.pkc.gov.uk/Planning+and+the+environment/Countryside+and+Wild+life/Countryside+Management+and+Conservation/Outdoor+access+and+rights+of+way/Access+forum/> were updated as appropriate.

### **3. PROPOSALS**

- 3.1. It is proposed that the appointments of new and existing members are confirmed as members of the Forum and that the filling of any casual vacancy arising is filled through recruitment by Forum members (see Appendix 1) and that the proposed amendments to the Terms of Reference are confirmed.

### **4. CONSULTATION**

- 4.1. The Head of Legal Services, and the Head of Democratic Services has been consulted in the preparation of this report.

### **5. RESOURCE IMPLICATIONS**

- 5.1 There are no resource implications arising directly from the recommendations in this report.

### **6. COUNCIL CORPORATE PLAN OBJECTIVES 2009-2012**

- 6.1. The Council's Corporate Plan 2009-2012 lays out five objectives which provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation. The following objectives are relevant to this report:

- (i) A Safe, Secure and Welcoming Environment
- (ii) Healthy, Caring Communities
- (iii) A Prosperous, Sustainable and Inclusive Economy
- (iv) Educated, Responsible and Informed Citizens
- (v) Confident, Active and Inclusive Communities

### **7. EQUALITIES IMPACT ASSESSMENT (EqIA)**

- 7.1. An equality impact assessment needs to be carried out for functions, policies, procedures or strategies in relation to race, gender and disability and other relevant protected characteristics. This supports the Council's legal requirement to comply with the duty to assess and consult on relevant new and existing policies.

- 7.2 The function, policy, procedure or strategy presented in this report was considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcomes:

- (i) Assessed as relevant and actions taken to reduce or remove the following negative impacts:

- Continue to ensure invitations to attend open meetings include representative organisations for ethnic and race groups and also youth groups.
- (ii) Assessed as relevant and the following positive outcomes expected following implementation:
- Forum members are elected to represent their interest groups. However members also represent other larger membership groups involved with the outdoors including disabled people. One member of the Forum is a representative of the Perth and Kinross Access Group which seeks to promote a barrier free environment for people with physical disabilities and sensory impairment.

## **8. STRATEGIC ENVIRONMENTAL ASSESSMENT**

- 8.1. Strategic Environmental Assessment (SEA) is a legal requirement under the Environmental Assessment (Scotland) Act 2005 that applies to all qualifying plans, programmes and strategies, including policies (PPS).
- 8.2 The matters presented in this report were considered under the Environmental Assessment (Scotland) Act 2005 and do not require further action as they do not qualify as a plan, programme or strategy as defined by the Act. This report is simply an update of activities and election of members.

## **9. CONCLUSION**

- 9.1. The Perth and Kinross Outdoor Access Forum has worked effectively during the period covered by this report. It has offered useful advice regarding many access issues in particular the prioritisation of reports of obstructions to access rights.

**JIM VALENTINE  
EXECUTIVE DIRECTOR (ENVIRONMENT)**

## **NOTE**

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above report.

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**Date:** 4 June 2012

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## **APPENDIX 1: CANDIDATES FOR APPOINTMENT TO THE FORUM**

Those listed within the table below nominated themselves for election to the Forum in May 2011. They are recommended for appointment to a seat on the Forum.

<b>Name</b>	<b>Organisation/ Interest</b>	<b>Geographical knowledge/ home area</b>	<b>Notes/ profession</b>
<b>Recreation Group – new member</b>			
Heather Baker	British Horse Society (Access Representative for Tayside) Strathearn Riders Access Group The Pony Club (President of Strathearn Branch)	Strathearn/ Auchterarder	Farmer and livery owner
<b>Community Group – re-election of existing member</b>			
Peter Pearson	Methven & District Community Council	Perth & surrounding countryside /Harrietfield	Vice Convenor. Walker & cyclist/ Retired (Recreation Manager, Scottish Natural Heritage)
<b>Landowner/Manager Group – re-election of existing member</b>			
Hugh Anderson	Scottish Rights of Way & Access Society.	Perth & Surrounding area/Scone	Land & River Management. Retired Assistant Estate Factor

## **APPENDIX 2 : EXISTING FORUM MEMBERS FOR REAPPOINTMENT**

Those listed in the table below are existing forum members who are recommended for reappointment for at least a further year.

<b>Name</b>	<b>Organisation/ Interest</b>	<b>Geographical Knowledge/ home area</b>	<b>Notes/Profession</b>
<b>Community Group</b>			
Nick Cole	Strathmore and the Glens Rural Partnership. Meikle Community Trust. Next Steps & Stride for Life Walking Groups.	Highland & Lowlands /Meikle	Convenor. Environment & active recreation/ Private Consultant event planning & management
Sandy Simpson	Royal Highland Educational Trust, Rural Services Scotland, PK Agricultural Forum	Perth	All environmental issues/ Farm Manager
Dave Prentice	Friends of the Ochils. Tayside Orienteers. Perth Mountaineering Club. Kinnoull Hill Users Group.	Whole of PKC/Perth	Extensive knowledge of Perth and Kinross countryside through organisation of orienteering events/project and strategy management experience



<b>Recreation Group</b>			
Ron Payne	Mountaineering Council of Scotland (Director for Access & Conservation - voluntary)	Whole of PKC/Wolfhill	Mountaineering, rock climbing & ski touring, off path access
Mary Conacher	Scottish Canoe Association (SCA), Women's Rural Institute, Royal Tay Yacht Club	Highland/ Alyth	Former SCA Access volunteer/retired watersports instructor
John Andrews	Ramblers, Scotways, Scottish Wildlife Trust, Open Spaces Society, National Trust Scotland	Perth Area/Luncarty	Former member of county access liaison committee/ retired
<b>Landowner/Manager Group</b>			
Edward Stewart	National Farmers Union, Perthshire Agricultural Society, Royal Highland Agricultural Society, Pitlochry Rotary Club	Highland/ Pitlochry	Rural regeneration/Tenant farmer.
Malcolm Strang Steel	Scottish Rural Property & Business Association. British Association for Shooting & Conservation. The Game & Wildlife Conservation Trust, The Salmon & Trout Association	Lowland, Kinross	Retired solicitor with keen interest and expertise in Access Legislation. Farms and has keen interest in conservation & fieldsports.
William Lindsay	Tay Salmon Fisheries Board Stanley Community Council Stanley in Bloom Group	Whole of PKC/Strathord	Riparian owner with fishing rights.

### **APPENDIX 3 : EXISTING FORUM MEMBERS REPRESENTING AGENCIES**

Members represent Agencies & Other Bodies which the Council have invited to sit on the Forum.

<b>Agencies &amp; Other Bodies Group</b>			
<b>Member</b>	<b>Represents</b>	<b>Job Title</b>	<b>Office Base/other interests</b>
Councillor Bob Ellis	Perth & Kinross Council	Councillor Ward 3 Blairgowrie & Glens	PKC/ Chair of Perth and Kinross Countryside Trust
Mike Strachan	Forestry Commission Scotland	Policy & Development Officer Perth & Argyll Conservancy	Algo Business Park/ Big Tree Country
Clare Thomas	Perth & Kinross Access Group	N/A	
Alistair Watson	Scottish Natural Heritage	Area Officer Tayside & Grampian	Aberdeen

## **Perth & Kinross Outdoor Access Forum**

### **Terms of Reference**

#### **1.0 Name and Area of Operation**

- 1.1 The group will be known as the Perth & Kinross Outdoor Access Forum (hereafter referred to as PKOAF or the Forum) and will cover the Perth & Kinross Council area excluding that part which falls within the boundaries of Loch Lomond and the Trossachs National Park and Cairngorms National Park as shown on the attached map as Appendix 1.

#### **2.0 Equal Opportunities**

- 2.1 The Forum will follow the policies adopted by Perth & Kinross Council in relation to Acts relating to non discriminatory behaviour and equal opportunities.

#### **3.0 Aim**

- 3.1 The aim of the Forum is to advise and assist Perth & Kinross Council and other parties in relation to the development, promotion, monitoring and management of responsible public access to the outdoors in the Forum area.

#### **Objectives**

#### **4.0 Advice and Mediation**

- 4.1 To advise the Council on strategic access issues throughout Perth & Kinross - this includes the review of any relevant Community Greenspace Strategies .
- 4.2 To act as a consultee in relation to the Council's duties and powers under the Land Reform (Scotland) Act 2003 which include; upholding access rights through the removal of signs and obstructions, dealing with requests to exempt land from access rights, making and reviewing byelaws.
- 4.3 To mediate and offer advice to the Council and other parties to help resolve access conflicts - seek consensus rather than conflict.

## **5.0 Core Paths Planning**

- 5.1 To advise the Council on priorities for implementation, particularly with regard to Core Paths Plan.

## **6.0 Publicity and Promotion**

- 6.1 To promote the sharing of knowledge, awareness of different viewpoints and good practice in responsible outdoor access in accordance with the Land Reform (Scotland) Act 2003.
- 6.2 To assist in publicising the Land Reform (Scotland) Act 2003 and interpreting it to the public.
- 6.3 To promote and help publicise the Scottish Outdoor Access Code.
- 6.4 To prepare and implement a Communication Strategy for the Forum.

## **7.0 Structure**

- 7.1 Members will number 16 with 4 members representing each of 4 interest groups being: Agency & Other Appropriate Bodies (see 8.2), Landowner/manager, Recreation and Community.
- 7.2 Each member will name a substitute who may attend meetings in place of the member by prior arrangement. Substitutes can be invited to attend one meeting per year with the member and will be invited to training events.
- 7.3 The Forum may appoint Working Groups to advise the Forum on topic based access issues if and when judged necessary. Working Groups will have clear remits and will report outcomes and recommendations to the Forum for approval and further guidance.
- 7.4 A wider group of people who wish to be kept in contact with the Forum and have authorised their contact details to be kept will be known as the Forum Contact Group. These individuals and groups will be invited to open meetings.

## **8.0 Membership**

- 8.1 Members must live and/or work within Perth & Kinross Council Area.
- 8.2 Members representing agencies and other appropriate bodies will not be elected but are invited onto the Forum by Perth and Kinross Council. Agencies & other appropriate bodies currently represented on the Forum are Perth & Kinross Council, Scottish Natural Heritage, Forestry Commission (Scotland) and the Perth & Kinross Access Group.

- 8.3 Members representing interest groups (excluding agency reps) will be elected at open meetings by all those attending within the respective interest group. Only those eligible for membership of that interest group shall be entitled to vote.
- 8.4 Elections will be held at a public meeting in April/May of every year. In March/April nominations for re-election will be submitted and nominations for election from a wider interest group will also be sought. Candidates successfully elected to seats, and candidates to be held as reserves for seats which may fall vacant during the period of appointment, will be put forward for formal appointment by the Council in June.
- 8.5 Members of the Forum will be elected for a 4 year period with an option to be re-elected. One member from each interest group will retire each year in rotation. Those to stand down before having served for 4 years will be selected by lot.
- 8.6 Any vacancies which may arise within the period of appointment will be filled by a reserve candidate. In the event that no reserve candidates are available the relevant interest group on the Forum can nominate a suitable candidate to fill the vacancy. In this event the nominated candidate must be confirmed by the Council.
- 8.7 Working Groups should have balanced representation from the 4 interest groups.
- 8.8 Members of Working Groups should be drawn from the Forum or co-opted from those with appropriate interests and or qualifications.
- 8.9 Substitutes can be drawn from the wider contact group.
- 8.10 Only members of the Forum are eligible to make decisions relating to the stated aims of the Forum.
- 8.11 The Forum will elect a Convener and Vice Convener from the membership in August following elections of members in April/May.
- 8.12 In the event of any elected member failing to attend 3 consecutive meetings without making arrangement for their substitute to attend in their place the member will be contacted by the Convenor to discuss whether the member should stand down.
- 8.13 In the event of a member behaving in an unsatisfactory manner in relation to Forum business they may be invited to stand down. Any complaint in respect of the behaviour of a member should be sent in writing to the Convener who will invite the member to submit an explanation or statement with regard to the complaint. The Convener will then form a disciplinary subgroup to consider the matter and decide whether the member should be invited to stand down.

## **9.0 Meetings & Administration**

- 9.1 Forum meetings will be held quarterly in February, May, August & November. Additional meetings of the Forum and of Working Groups may be called as required.
- 9.2 An annual open meeting will be held in April/May at which an election of members will be held. A report of the actions of the Forum for the previous year will be presented.
- 9.3 The Convener will agree agenda items for the quarterly or full Forum meetings with the nominated Council Officer in time for papers to be sent to members. These will be sent to members 2 weeks in advance of the meeting.
- 9.4 Individual members of the Forum requesting items to be placed on the agenda must submit these at least 3 weeks in advance of the meeting.
- 9.5 Forum Sub-group meetings will be conducted as appropriate considering the nature of business in accordance with the above principles where possible and practicable.
- 9.6 The Council will provide rooms and facilities and administration for meetings.
- 9.7 Action minutes of meetings will be kept by the Council Officer and agreed at each subsequent meeting.
- 9.8 The Forum may invite speakers to provide expert advice or observers to meetings as appropriate.
- 9.9 Openness of meetings – agendas and minutes of meetings will be made available on the Forum page on the Council website as soon as their content is agreed. Only Forum members and associated and invited persons and anyone who has indicated their intention to attend in advance will be able attend meetings apart from an annual open meeting.
- 9.10 Decisions made at meetings should be by consensus. If necessary voting on motions and amendments duly moved and seconded will be undertaken. Anyone not agreeing with the majority vote can ask to have this recorded in the minutes.
- 9.11 Any decisions must be made by a quorate representation. A meeting shall not be quorate unless at least two members (or their nominated substitutes) from each of the Landowner/manager, Recreation and Community groups are present.

- 9.12 Members should disclose any personal interests relevant to the business of the meeting at the beginning of each forum or working group meeting stating the nature of the interest. If there is a conflict of interest in a matter to be discussed the member should temporarily leave the meeting while the matter is discussed and will not be permitted to vote on this matter.
- 9.13 Travelling expenses for members attending meetings can be claimed on the basis of home to meeting venue mileage.
- 9.14 Documentation and training regarding relevant access issues will be made available for members as appropriate and associated costs met by the Council.

## **10.0 Communication Strategy**

- 10.1 All contact with the media should be directed through the Convener.
- 10.2 The Communication Strategy will be used to guide communications.
- 10.3 The Forum will follow the agreed procedure for the resolution of disputes.

## **11.0 Alterations to the Terms of Reference**

- 11.1 The Terms of Reference were agreed by the Forum in August 2006 and have been reviewed, updated and, amended as required since. The Terms of Reference must be formally approved by Perth & Kinross Council following any and all amendments.

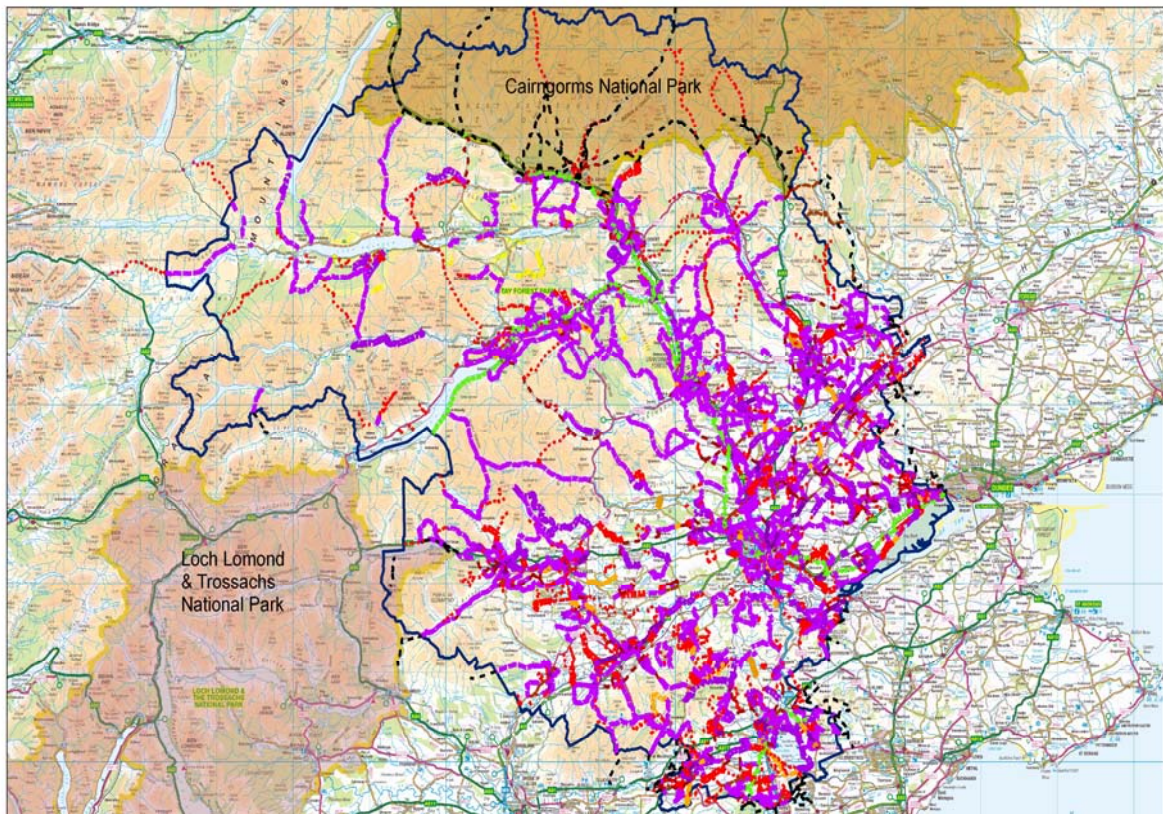
Signed on behalf of the Forum on ..... 2012

Convenor ..... Date .....

Vice Convenor..... Date .....

Signed on behalf of the Council on ..... .. 2012

## Appendix 1 – Area of Perth & Kinross Outdoor Access Forum



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Title: Perth & Kinross Outdoor Access Forum Area

Contact: Access Officer  
Date: June 2012

Map for use in connection with Council duties  
under the Land Reform (Scotland) Act 2003



Scale:  
1:530,000

