

Item: 17.2

General Meeting of the Council: 5 July 2022.

Orkney Local Access Forum.

Report by Corporate Director for Strategy, Performance and Business Solutions.

1. Purpose of Report

To consider Council representation on the Orkney Local Access Forum.

2. Recommendations

The Council is invited to note:

2.1.

That, at the Statutory General Meeting held on 16 May 2022, when considering appointments and nominations to various external bodies, the Council resolved:

- That the Council's representative on the Local Access Forum should continue to be a member not on the Development and Infrastructure Committee.
- To defer appointment until the General Meeting of the Council scheduled for 5 July 2022, when membership of the Committees would be known.

2.2.

That, following confirmation of membership of the Committees, the members listed in section 4.2 of this report are eligible for nomination as the Council's representative to the Local Access Forum.

2.3.

That, as Committee membership is reviewed after two years, any appointment to the Local Access Forum would be reviewed in May/June 2024.

It is recommended:

2.4.

That the Council appoints a representative to the Orkney Local Access Forum from the members listed in section 4.2 of this report.

3. Background

3.1.

The Land Reform (Scotland) Act 2003 requires local authorities to set up at least one Local Access Forum, comprising representatives with a range of interests in access, including the following:

- Users (eg representing walkers, cyclists, horse riders, people with disabilities and water sports).
- Land managers (eg bodies representing farming, estates and businesses, forestry).
- Public agencies (eg access authority, local enterprise company, NatureScot, Forestry Commission).
- Community interests (eg representing the community council, local residents' association).

3.2.

The Local Access Forum encourages dialogue among these interests about access issues. The functions of the Local Access Forum are to provide an advisory and dispute-resolution service for the access authority and others.

3.3.

In April 2007, appointment of Councillors to external bodies ceased with the exception of the following:

- Organisations which are wholly owned by the Council.
- Organisations in which the Council has a majority financial interest.
- Statutory organisations or other bodies to which a Council appointment would be prudent.

3.4.

Since 2007, the Council has made appointments to the Orkney Local Access Forum and its predecessor, the Countryside Committee, with the most recent being in 2018.

3.5.

In April 2018, the Council determined that, as the referred functions of the Development and Infrastructure Committee included matters relating to operation of the Orkney Local Access Forum and access to the countryside, in order to be able to fulfil the role of Council representative on the local access forum, the appointed person should not be a member of the Development and Infrastructure Committee.

3.6.

The latest edition of A guide to good practice on Local Access Forums, produced by NatureScot (formerly Scottish Natural Heritage) states:

“Members of the access authority can be appointed to serve on the Forum. This provides a useful link to the political process and can raise the profile of access if the members in question are effective ‘access champions’. But it raises the need to be clear as to whether these members represent ‘public agency’ interests or ‘community’ interests.”.

3.7.

As access disputes could be reported to the Development and Infrastructure Committee for resolution and the Local Access Forum has a statutory role in advising the Council on access disputes, it would seem appropriate that the Council’s representative should not be a member of that Committee. Alternatively, there are wider benefits to having a member of the Development and Infrastructure Committee on the Forum, subject to appropriate governance in place to deal with dispute advice to ensure independence.

4. Vacancy

4.1.

At the Statutory General Meeting held on 16 May 2022, when considering appointments and nominations to various external bodies, the Council resolved:

- That the Council’s representative on the Local Access Forum should continue to be a member not on the Development and Infrastructure Committee.
- To defer appointment until the General Meeting of the Council scheduled for 5 July 2022, when membership of the Committees would be known.

4.2.

Accordingly, the following members are eligible for nomination as the Council’s representative to the Local Access Forum:

- Councillor Stephen G Clackson.
- Councillor Alexander G Cowie.
- Councillor Steven B Heddle.
- Councillor Rachael A King.
- Councillor James R Moar.
- Councillor John A R Scott.
- Councillor Gwenda M Shearer.
- Councillor Jean E Stevenson.
- Councillor Ivan A Taylor.

4.3.

As Committee membership is reviewed after two years, any appointment to the Local Access Forum would be reviewed in May/June 2024.

5. Corporate Governance

This report relates to the Council complying with governance and procedural issues and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

6. Financial Implications

There are not anticipated to be any significant financial consequences arising from the report recommendations.

7. Legal Aspects

There are no legal implications arising directly from the report recommendations.

8. Contact Officers

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