

Item: 10

Policy and Resources Committee: 17 April 2018.

Orkney Local Access Forum.

Report by Chief Executive.

1. Purpose of Report

To consider Council representation on the Orkney Local Access Forum.

2. Recommendations

The Committee is invited to note:

2.1.

That, in May 2015, the Council agreed that the representative on the Orkney Local Access Forum should be a member of the Development and Infrastructure Committee.

2.2.

That, on 6 June 2017, the Development and Infrastructure Committee recommended that the Chief Executive should submit a report, to the Policy and Resources Committee, reviewing the Council's representation on the Orkney Local Access Forum.

2.3.

That Councillor W Leslie Manson was subsequently appointed as the Council's representative on the Orkney Local Access Forum, until such time as representation was reviewed and, if required, subsequently amended.

2.4.

The proposal that, as the referred functions of the Development and Infrastructure Committee include 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.

2.5.

That the appointment would be reviewed in May 2019, when appointments to external bodies would be reviewed as part of the mid-term review.

It is recommended:

2.6.

That the Council's representative on the Orkney Local Access Forum should be a member who is not currently a member of the Development and Infrastructure Committee.

2.7.

That the Committee appoint a representative to the Orkney Local Access Forum, from the members listed at section 6.4 of this report.

3. Policy Aspects

This report relates to the Council complying with its governance processes and procedures and therefore does not relate specifically to progressing the Council's priorities.

4. Background

4.1.

The appointment of councillors to external bodies ceased in April 2007, 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.

4.2.

The Land Reform (Scotland) Act 2003 requires local authorities to set up at least one Local Access Forum to advise them, and any other person or body who asks for advice, on issues that arise in relation to the management of outdoor access.

4.3.

Accordingly, the Council continued to make appointments to the Orkney Local Access Forum, as it fell within the third category of exemptions listed at section 4.1 above.

5. Council Representation on Local Access Forum

5.1.

Since 2007, Council representation on the Countryside Committee and the Local Access Forum has varied.

5.2.

From May 2007 to May 2010, the following members were appointed to the Orkney Countryside Committee:

- Chair and Vice Chair, Environment, Planning and Protective Services Committee.
- Two other members of the Council.

5.3.

In May 2010, appointments to the Orkney Countryside Committee were reduced to the Chair, Environment, Planning and Protective Services Committee.

5.4.

In May 2012, the Council was advised that the Orkney Countryside Committee had been disestablished and its remit subsumed by the Local Access Forum. From that date, appointments to the Local Access Forum have comprised the following:

- May 2012 to May 2015 – Chair, Planning Committee.
- May 2015 to May 2017 – Member, Development and Infrastructure Committee.

5.5.

In May 2015, the reason for a member of the Development and Infrastructure Committee being appointed as the Council's representative on the Local Access Forum was that management of outdoor access now fell within the remit of that Committee.

5.6.

On 6 June 2017, when considering appointments to various sub-committees, working groups and other bodies, the Development and Infrastructure Committee appointed Councillor W Leslie Manson as the Council's representative on the Orkney Local Access Forum, until such time as the Chief Executive submitted a report, to the Policy and Resources Committee, reviewing the Council's representation on the Orkney Local Access Forum.

6. Review of Council Representation

6.1.

Section 25(2)(a) of the Land Reform (Scotland) Act 2003 states that the function of a local access forum is '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'.

6.2.

Furthermore, Section 25(2)(b) of the Act states that these functions extend 'to offer and, where the offer is accepted, to give assistance to the parties to any dispute' regarding the following:

- The exercise of access rights.
- The existence and delineation of rights of way.
- The drawing up and adoption of the plan referred to in section 6.1 above.
- The use of core paths.

6.3.

As the referred functions of the Development and Infrastructure Committee include all matters relating to access to the countryside, it is proposed that, 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.

6.4.

The following members are currently not members of the Development and Infrastructure Committee:

- Councillor Stephen G Clackson.
- Councillor Alexander G Cowie.
- Councillor Robin W Crichton.
- Councillor Barbara Foulkes.
- Councillor Steven Heddle.
- Councillor John T Richards.
- Councillor Stephen Sankey.
- Councillor John A R Scott.
- Councillor Owen Tierney.

6.5.

Councillor Stephen Sankey has indicated an interest in this appointment. Indeed, he has been attending meetings of the Local Access Forum on an informal basis, as the Council's representative, replacing Councillor Manson, given the potential conflict of interest set out at section 6.3 above.

6.6.

Accordingly, the Committee is invited to nominate one of the members from the list at section 6.4 above, noting Councillor Sankey's interest. It should be noted that the appointment will be effective until May 2019, when all appointments to external bodies will be reviewed as part of the mid-term review.

7. Financial Implications

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

8. Legal Aspects

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

9. Contact Officers

Alistair Buchan, Chief Executive, extension 2101, Email
chief.executive@orkney.gov.uk.

Karen Greaves, Head of Executive Support, extension 2202, Email
karen.greaves@orkney.gov.uk.