

**ANGUS COUNCIL
COMMUNITIES COMMITTEE – 28 SEPTEMBER 2021**

ANGUS LOCAL ACCESS FORUM – FUNCTION AND MEMBERSHIP

**REPORT BY ALISON SMITH, INTERIM DIRECTOR OF VIBRANT COMMUNITIES AND
SUSTAINABLE GROWTH**

ABSTRACT

This report updates members on the role and membership of Angus Local Access Forum and seeks approval for the appointment of a replacement council representative.

1. RECOMMENDATION

It is recommended that the Committee:

- (i) notes the update on Forum membership
- (ii) agrees that the Team Leader – Environment and Climate Change should represent Angus Council on the Forum
- (iii) notes the information on the role and function of the Forum

2. ALIGNMENT TO THE COUNCIL PLAN

This report contributes to Priority 3: Place. It contributes to engaging with citizens and communities, and meeting carbon reduction and active travel commitments.

3. BACKGROUND

- 3.1 Members were advised previously of the Council's duty to set up a Local Access Forum (report 1406/04 refers). It was agreed that the membership should comprise of four interest groups i.e. Users, Land Managers, Community Interests and Public Agencies. A total of four representatives were sought for each group other than Public Agencies but there is no minimum number required for the Forum to operate successfully; the more important aspect being that the Forum maintains a balance across the groups.
- 3.2 Angus Local Access Forum was established in 2005 (report 519/05 refers). Subsequent changes to membership of the forum were duly reported to members, most recently on 25 May 2021 (report 161/21 refers). Members asked for further information on the role and function of the Forum

4. CURRENT MEMBERSHIP POSITION AND RECOMMENDATION

- 4.1 Following the resignation of Barbara Thompson and Meg Mearns as Community representatives, the Forum currently has two Community representatives, four User representatives and three Land Manager representative. This is considered to be a reasonable balance of interests. It is however proposed to seek further applications for membership in the coming months.
- 4.2 The Agencies group initially consisted of Scottish Nature Heritage (now Nature Scot), Forestry Commission Scotland (now Scottish Forestry). Nature Scot have for a number of years only offered advice on request as they do not have the staff resources to attend every meeting. Scottish Forestry have now advised that they will do the same.
- 4.3 Angus Council is currently represented by the Development Standards Manager. However following changes to the management structure of the Planning service, that post no longer manages the Council's function relating to public access. It is therefore recommended that, once in post, the Team Leader – Environment and Climate Change should be appointed as the Council's representative.

4.4 Appendix 1 contains a list of the current and proposed members.

5. FORUM ROLE AND FUNCTION

5.1 The Land Reform (Scotland) Act 2003 specifies that the function of a local access forum are -

(a) 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...;

(b) to offer and, where the offer is accepted, to give assistance to the parties to any dispute about—

(i) the exercise of access rights;

(ii) the existence and delineation of rights of way;

(iii) the drawing up and adoption of the plan referred to in paragraph (a) above; or

(iv) the use of core paths,

towards the resolution of the dispute.

5.2 The Council's Countryside Access Officer typically provides Forum meetings with an update on current access rights cases, and informal feedback from Forum members at this stage can often be helpful with further consideration of the case.

5.3 In more complex cases, or where the Council is considering enforcement measures that may lead to legal action, the Forum may be asked to give more detailed consideration and advice on the case. An example of this was a dispute in the Murroes area, where horse riders were being obstructed from using a track. Attempts at resolution had been unsuccessful, and officers sought advice from the Forum before considering formal enforcement measures. The Forum was of the view that access rights were being unreasonably obstructed and that further enforcement action to protect access rights was appropriate. The Forum offered to assist with mediation by sending representatives to meet the owner of the track. On this occasion the offer was not taken up, but the views of the Forum were made known to the landowner. The Forum offered further opinion to officers as matters progressed, and the case was ultimately resolved without resorting to legal mechanisms. In another recent case, where a core path had been ploughed, the Forum agreed to assist with mediating the dispute. A sub-group of the Forum met the landowner to try to resolve the matter. This was ultimately not successful, and the matter currently remains unresolved, but the opinions of the Forum will be invaluable to officers going forward.

5.4 There are also a number of Council functions under the Act which require the Local Access Forum to be consulted as a statutory consultee. These include the making of an Order to exempt land from access rights for six or more days under Section 11; the making of byelaws under Section 12; and, the review and amendment of a core paths plan under Section 17. A functioning access forum is therefore necessary to enable the Council to fulfil these functions. Recent examples are the orders to exempt land at Carnoustie Golf Links from access rights during The Open in 2018 and the AIG Women's Open in 2021, both of which were necessary to ensure the safe and secure operation of the event.

5.5 The Forum's geographical remit, as with that of Angus Council as access authority, covers those parts of Angus that are outside the boundary of Cairngorms National Park. Within the national park boundary these functions are the responsibility of Cairngorms National Park Authority and Cairngorms Local Outdoor Access Forum.

6. FINANCIAL IMPLICATIONS

There are no financial implications arising directly from the recommendations contained in this Report.

7. EQUALITY IMPACT ASSESSMENT

An Equality Impact Assessment has been carried out and is attached.

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

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DATE: 30 August 2021

List of Appendices: Appendix 1 – List of current and proposed Forum members

Appendix 1 – List of current Forum Members

Community

Mairi Simms – has experience of disability access and introducing people to the outdoors.

Andrew Matthews - has an interest in access as an access taker and small scale landowner, currently Vice-Chair of the Lunan Bay Communities Partnership Steering Group

Users

John Hamilton – a long time member of Scotways with responsibility for the Angus area

Fiona Waddell - has a particular interest in horse riding

Nick Hamilton - has a particular interest in walking and hillwalking

Irene McGugan - member of Ramblers and actively involved in various walking groups

Land Managers

Euan Walker-Munro - landowner and farmer, NFUS branch chair and community council member

John Rymer - farmer and horse livery owner

Jonathan Dymock – a land agent with experience of upland and lowland estates, currently resident agent at Southesk Estate

Agencies

Nature Scot – offer advice upon request.

Scottish Forestry – offer advice upon request

Angus Council – Currently Alan Hunter, Development Standards Manager. To be replaced by Team Leader, Environment and Climate Change.



Equality Impact/Fairer Scotland Duty Assessment Form

(To be completed with reference to Guidance Notes)

Step 1

Name of Proposal (includes e. g. budget savings, committee reports, strategies, policies, procedures, service reviews, functions):

Appointment of a replacement Council representative to Angus Local Access Forum

Step 2

Is this only a **screening** Equality Impact Assessment

No

(A) If Yes, please choose from the following options **all** reasons why a full EIA/FSD is not required:

(i) It does not impact on people

No

(ii) It is a percentage increase in fees which has no differential impact on protected characteristics

No

(iii) It is for information only

No

(iv) It is reflective e.g. of budget spend over a financial year

No

(v) It is technical

No

If you have answered yes to any of points above, please go to **Step 16**, and sign off the Assessment.

(B) If you have answered No to the above, please indicate the following:

Is this a full Equality Impact Assessment

Yes

Is this a Fairer Scotland Duty Assessment

No

If you have answered Yes to either or both of the above, continue with Step 3.

If your proposal is a **strategy** please ensure you complete Step 13 which is the Fairer Scotland Duty Assessment.

Step 3

(i)Lead Directorate/Service:

Communities/Planning and Sustainable Growth

(ii)Are there any **relevant** statutory requirements affecting this proposal? If so, please describe.

Duty under land Reform (Scotland) Act 2003 to set up a local access forum and to appoint persons to that forum

(iii)What is the aim of the proposal? Please give full details.

To appoint the Council's representative to the Local Access Forum

(iv)Is it a new proposal? No

Is it a review of e.g. an existing budget saving, report, strategy, policy, service review, procedure or function? Yes

Step 4: Which people does your proposal involve or have consequences for?

Please indicate all which apply:

Employees	No
Job Applicants	No
Service users	Yes
Members of the public	Yes

Step 5: List the evidence/data/research that has been used in this assessment (links to data sources, information etc which you may find useful are in the Guidance). This could include:

Internal data (e.g. customer satisfaction surveys; equality monitoring data; customer complaints).

N/A

Internal consultation (e.g. with staff, trade unions and any other services affected).

N/A

External data (e.g. Census, equality reports, equality evidence finder, performance reports, research, available statistics)

N/A

External consultation (e.g. partner organisations, national organisations, community groups, other councils.

N/A

Other (general information as appropriate).

Good practice guidance on establishment of Local Access Forums, as published at the time the legislation was introduced.

Step 6: Evidence Gaps.

Are there any gaps in the equality information you currently hold? No

If yes, please state what they are, and what measures you will take to obtain the evidence you need.

Step 7: Are there potential differential impacts on protected characteristic groups? Please complete for each group, including details of the potential impact on those affected. Please remember to take into account any particular impact resulting from **Covid-19**.

Please state if there is a potentially positive, negative, neutral or unknown impact for each group. Please state the reason(s) why.

Age

Impact Neutral impact. The Council's representative will be appointed to represent the Council's interests, on the basis of their position within the management structure of the Planning and Sustainable Growth service. It will not significantly affect the overall representation within the Forum, which mainly consists of members of the public who represent the three user groups. Young people are not currently directly represented on the Forum. It may be possible to address this through future recruitment.

Disability

Impact Neutral impact. The Council's representative will be appointed to represent the Council's interests, on the basis of their position within the management structure of the Planning and Sustainable Growth service. It will not significantly affect the overall representation within the Forum, which mainly consists of members of the public who represent the three user groups. The Forum currently has a member with experience of disability access issues.

Gender reassignment

Impact Neutral impact. The Council's representative will be appointed to represent the Council's interests, on the basis of their position within the management structure of the Planning and Sustainable Growth service. It will not significantly affect the overall representation within the Forum, which mainly consists of members of the public who represent the three user groups.

Marriage and Civil Partnership

Impact Neutral impact. The Council's representative will be appointed to represent the Council's interests, on the basis of their position within the management structure of the Planning and Sustainable Growth service. It will not significantly affect the overall representation within the Forum, which mainly consists of members of the public who represent the three user groups.

Pregnancy/Maternity

Impact Neutral impact. The Council's representative will be appointed to represent the Council's interests, on the basis of their position within the management structure of the Planning and Sustainable Growth service. It will not significantly affect the overall representation within the Forum, which mainly consists of members of the public who represent the three user groups.

Race - (includes Gypsy Travellers)

Impact Neutral impact. The Council's representative will be appointed to represent the Council's interests, on the basis of their position within the management structure of the Planning and Sustainable Growth service. It will not significantly affect the overall representation within the Forum, which mainly consists of members of the public who represent the three user groups.

Religion or Belief

Impact Neutral impact. The Council's representative will be appointed to represent the Council's interests, on the basis of their position within the management structure of the Planning and Sustainable Growth service. It will not significantly affect the overall representation within the Forum, which mainly consists of members of the public who represent the three user groups.

Sex

Impact Neutral impact. The Council's representative will be appointed to represent the Council's interests, on the basis of their position within the management structure of the Planning and Sustainable Growth service. It will not significantly affect the overall representation within the Forum, which mainly consists of members of the public who represent the three user groups. The Forum currently has a reasonable balance of male and female members.

Sexual orientation

Impact Neutral impact. The Council's representative will be appointed to represent the Council's interests, on the basis of their position within the management structure of the Planning and Sustainable Growth service. It will not significantly affect the overall representation within the Forum, which mainly consists of members of the public who represent the three user groups.

Step 8: Consultation with any of the groups potentially affected

If you have consulted with any group potentially affected, please give details of how this was done and what the results were.

No specific protected character groups were consulted.

If you have not consulted with any group potentially affected, how have you ensured that you can make an informed decision about mitigating action of any negative impact (Step 9)?

No negative impacts have been identified

Step 9: What mitigating steps will be taken to remove or reduce potentially negative impacts?

No negative impacts have been identified

Step 10: If a potentially negative impact has been identified, please state below the justification.

N/A

Step 11: In what way does this proposal contribute to any or all of the public sector equality duty to: eliminate unlawful discrimination; advance equality of opportunity; and foster good relations between people of different protected characteristics?

No contribution

Step 12: Is there any action which could be taken to advance equalities in relation to this proposal?

N/A

Step 13: FAIRER SCOTLAND DUTY

This step is only applicable to **strategies** which are key, high level decisions. If your proposal is **not** a strategy, please leave this Step blank, and go to Step 14.

Links to data sources, information etc which you may find useful are in the Guidance.

Step 13(A) What evidence do you have about any socio-economic disadvantage/inequalities of outcome in relation to this strategic issue?

Step 13(B) Please state if there are any gaps in socio-economic evidence for this strategy and how you will take measures to gather the evidence you need.

Step 13(C) Are there any potential impacts this strategy may have specifically on the undernoted groupings? Please remember to take into account any particular impact resulting from **Covid-19**.

Please state if there is a potentially positive, negative, neutral or unknown impact for each grouping.

Low and/or No Wealth (e.g. those with enough money to meet basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future.

Impact

Material Deprivation (i.e. those unable to access basic goods and services e.g. repair/replace broken electrical goods, warm home, leisure and hobbies).

Impact

Area Deprivation (i.e. where people live (e.g. rural areas), or where they work (e.g. accessibility of transport).

Impact

Socio-economic Background i.e. social class including parents' education, people's employment and income.

Impact

Other – please indicate

Step 13(D) Please state below if there are measures which could be taken to reduce socio-economic disadvantage/inequalities of outcome.

Step 14: What arrangements will be put in place to monitor and review the Equality Impact/Fairer Scotland Duty Assessment?

The EIA will be reviewed if there are any further developments

Step 15: Where will this Equality Impact/Fairer Scotland Duty Assessment be published?

The EIA will be published alongside the committee report

Step 16: Sign off and Authorisation. Please state name, post, and date for each:

Prepared by: Paul Clark, Countryside Access Officer, 30 August 2021

Reviewed by: Doreen Phillips, Equalities Officer, 30 August 2021

Approved by: Jill Paterson, Manager Strategic Planning, 30 August 2021

NB. There are several worked examples of separate EIA and FSD Assessments in the Guidance which may be of use to you.
