

**ANGUS COUNCIL**

**COMMUNITIES COMMITTEE – 18 APRIL 2023**

**ANGUS LOCAL ACCESS FORUM – MEMBERSHIP UPDATE**

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

**ABSTRACT**

This report advises the Committee of the changes to the membership of the Angus Local Access Forum and seeks approval for appointment of new representatives to the Forum.

**1. RECOMMENDATIONS**

It is recommended that the Committee

- (i) notes the current membership position;
- (ii) agrees to the proposed changes to the way a balanced representation of interests is considered;
- (iii) agrees to the appointment of Michelle Spink; and
- (iv) agrees to the appointment of Norma Lyall.

**2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN**

This report aligns with the Angus Community Plan priorities of improving physical and mental health and wellbeing, protecting and enhancing our natural and built environment, enabling inclusive empowered and resilient communities across Angus, and improving connectivity in and around Angus.

**3. BACKGROUND**

- 3.1 The Land Reform (Scotland) Act 2003 requires “that each Local Authority shall establish for its area a body known as the Local Access Forum”. The Act further specifies that the function of such a Forum is to “advise the Local Authority and 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”.
- 3.2 The Act requires the Council to ensure a reasonable balance of persons with an interest in access rights, rights of way and core paths; bodies who represent those interests; persons who own land; and bodies who represent the interests of landowners.
- 3.3 The Act does not further specify the make-up of the Local Access Forum, but guidance produced by ‘Paths for All’ at the time the legislation was introduced, recommended appointing members to separate ‘User’, ‘Land Manager’, ‘Community’ and ‘Agencies’ groups. Appointments were made on that basis (reports 1406/04 and 519/05 refer). Subsequent changes have subsequently been reported, most recently in May 2021 (report 310/21 refers).

**4. CURRENT MEMBERSHIP AND RECENT APPLICATIONS**

- 4.1 One member, John Rymer, has recently resigned. The current membership is detailed in **Appendix 1**.
- 4.2 Two prospective members, Michelle Spink and Norma Lyall, attended the December meeting of the Forum. Michelle Spink has a particular interest in environmental education. She runs an

outdoor learning business and has worked as a ranger at Lunan Bay. Norma Lyall has a primary interest in recreational access and has lived on and worked for an estate in the Angus Glens. The existing Forum members recommended that both candidates should be appointed to the Forum.

4.3 It is proposed that both candidates should be appointed to the Forum.

## 5. CONSIDERATION OF THE BALANCE OF INTERESTS

5.1 The Council has to date appointed members to represent one of the interest groups detailed in paragraph 3.3 above. However, most members have a range of interests and experience that span the interest groups.

5.2 The Forum has had some difficulty attracting applications for new members in recent years. This was discussed at the March 2022 meeting of the Forum. There was some concern that the emphasis on the defined user groups may give the impression that the Forum is more adversarial than it is in practice, and that this may be discouraging prospective members from applying. In practice, the Forum aims to achieve consensus, and conflict is rare. Information summarising the Forum's role and membership requirements was amended accordingly and made available to prospective members. The document is included in **Appendix 2**.

5.3 The Council is required to ensure a balance of interests on the Forum as detailed in paragraph 3.2 above. Appointing members to defined interest groups is a convenient way of doing this but is not a requirement. It is proposed that the Council should move away from appointing members to the defined User, Land Manager and Community groups, and instead consider the overall range of interests of the membership as a whole. Agency representation should remain the same, with Angus Council continuing to appoint a representative and Scottish Forestry and Nature Scot offering advice on request.

5.4 **Appendix 3** details the range of interests and experience that the existing and proposed members bring to the Forum. The necessary range of interests is adequately represented. There are however only two members with a primary interest in land management. Further attempts will be made to recruit members from this background, as strong land manager representation is essential for a balanced and functional 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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List of Appendices: Appendix 1: List of current members.

Appendix 2: Summary of Forum role and membership requirements

Appendix 3: Members' interests and experience.

**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, community council member, and sits on National Farmers Union Scotland Environment and Land Use Committee'

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 – Team Leader, Environment and Climate Change.

## Angus Local Access Forum - Forum role and membership requirements

### The role of the Local Access Forum

- The Forum has a solely advisory role, offering advice to Angus Council and others on access rights and other outdoor access matters such as the core paths plan.
- The Forum aims to reach a consensus to present an objective opinion on topics discussed. And offer potential routes to resolution of access issues in Angus.
- Access issues may arise in urban, suburban and rural areas across Angus. Each issue will require an individual approach to reaching resolution.
- Members will have opportunities to take part in and contribute to relevant local or national stakeholder meetings, discussion groups and consultations, such as joint meetings with the National Access Forum.

### Representation of interests

- There is a requirement for Local Access Forums to have a balance of interests, representing people who use access rights and people who own or manage land. The Forum also aims to have members who are representative of more general community interests. In practice most members will have a range of interests spanning these groups.

### The requirements of Forum members

- Members should have an open attitude, with a willingness to listen to the views of others and work constructively towards achieving a consensus.
- Members require to take an open, objective and balanced approach to resolution of access issues as they arise. Taking into consideration the views and perspective of individuals directly involved (such as local access takers and land managers) as well as the legal and advisory framework of the Land Reform legislation and the Scottish Outdoor Access code. And in some cases the perspective of national representative groups.
- Members should preferably have a working knowledge of access legislation, the Scottish Outdoor Access Code, and established and emerging patterns of land use. Or a willingness to learn about these subjects.

### The time commitment of members

- Meetings are held 4 times a year, each lasting for 2 hours. They are held in the evening, either in person or online. Meetings are scheduled several months in advance.
- Approximately 2 -3 hours of preparation (reading of papers etc) may be required in advance of each meeting.
- Occasionally a site visit may be required, or a sub-group may be set up to advise on a specific issue. Involvement in these is voluntary and based on members' interest and availability.

### Appointment of members

- Prospective members will normally be invited to attend a meeting of the Forum, after which the Forum will make its recommendations to Angus Council.
- The Council formally appoints members to the Forum. It will normally follow the recommendations of the Forum, subject to ensuring that the membership contains a sufficient balance of interests as above.

**Representation of interest groups (existing and proposed members).**

**Access Users**

John Hamilton, Fiona Waddell, Nick Hamilton and Irene McGugan were originally appointed as access user representatives.

John Hamilton represents the Scottish Rights of Way and Access Society (Scotways).

Fiona Waddell has a particular interest in horse riding. She currently offers advice when required but is unable to attend scheduled Forum meetings.

Nick Hamilton has a particular interest in lowland walking and hillwalking.

Irene McGugan is a member of the Ramblers Association and is actively involved in various walking groups.

Andrew Matthews, Norma Lyell and Michelle Spink all have interests in outdoor access including lowland walking, climbing/hillwalking, and cycling.

Mairi Simms has experience of access as a mobility vehicle user and former member of a disabled ramblers' group.

User interests are well represented.

**Land Managers**

Euan Walker-Munro and Jonathan Dymock were originally appointed as land manager representatives.

Euan Walker-Munro is a landowner and farmer, and representative of National Farmers Union Scotland.

Jonathan Dymock is an experienced land agent with knowledge of a wide range of land management interests.

Norma Lyell has experience of living and working on an upland estate.

Andrew Matthews and Michelle Spink have knowledge of managing visitor pressures and conservation in the Lunan Bay area as a member of the local communities partnership group and a former ranger respectively.

Land Management interests are adequately represented, but there is a need to recruit further members with a principal interest in land management to ensure that a strong and balanced representation of the key interests is maintained.

**Community**

Andrew Matthews and Mairi Simms were originally appointed as community representatives.

Andrew Matthews is a member of the Lunan Bay Communities Partnership Steering Group and has interests in dog walking, nature conservation and tourism.

Mairi Simms has interests in disability access and introducing people to the outdoors.

Euan Walker-Munro is currently Chair of Glamis Community Council

Michelle Spink has particular interest in the Angus landscape and outdoor learning, runs a community led business, and has worked as ranger at Lunan Bay.

Norma Lyell has various community interests including dog walking, nature conservation, tourism and health.

Community interests are well represented.



## Equality Impact/Fairer Scotland Duty Assessment Form

(To be completed with reference to Guidance Notes)

### Step 1

#### Name of Proposal

#### Appointment of members 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 – Vibrant Communities 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 new members 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	<b>No</b>
Job Applicants	<b>No</b>
Service users	<b>Yes</b>
Members of the public	<b>Yes</b>

### **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).

**The existing membership of Angus Local Access Forum has been consulted.**

**Other** (general information as appropriate).

The legislative requirements under the Land Reform (Scotland) Act 2003, plus good practice guidance that was published at the time the legislation was introduced.

### **Step 6: Evidence Gaps.**

Are there any gaps in the equality information you currently hold? **Yes**

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

No information has been gathered on the gender reassignment status, marriage/civil partnership status, pregnancy/maternity status, race, religious belief or sexual orientation of existing or prospective members of the Forum. These matters are not considered sufficiently relevant to the outdoor access matters under consideration by the Forum to justify gathering that level of personal information from individuals who undertake the role on a voluntary basis.

**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 balance of ages on the Forum will not be significantly altered. 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 Forum currently has a member with experience of disability access issues.

Gender reassignment

#### **Impact**

Neutral impact. No information is available on the gender reassignment status of existing or prospective Forum members.

Marriage and Civil Partnership

#### **Impact**



Neutral impact

Pregnancy/Maternity

**Impact**

Neutral impact. No information is available on the pregnancy/maternity status of existing or prospective Forum members. Both proposed members have a stated interest in access from a family perspective, which may improve overall awareness of relevant issues.

Race - (includes Gypsy Travellers)

**Impact**

Neutral impact. No information has been gathered on the race of existing or prospective Forum members.

Religion or Belief

**Impact**

Neutral impact. No information has been gathered on the religion or belief of existing or prospective Forum members.

Sex

**Impact**

Positive. The appointment of two female members will give a 50/50 split of male and female representatives.

Sexual orientation

**Impact**

Neutral impact. No information has been gathered on the sexual orientation of existing or prospective Forum members.

**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?

A gender balance of members promotes equality of opportunity

**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?**

N/A

**Step 15: Where will this Equality Impact/Fairer Scotland Duty Assessment 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, 18.01.23

Reviewed by: Doreen Phillips, Snr Practitioner (Equalities), 19.01.23

Approved by: Antony A McGuinness, Manager - Development Planning, Environment and Climate Change, 30.01.23

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

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