

THE HIGHLAND COUNCIL

MINUTES OF THE
CAITHNESS LOCAL ACCESS FORUM
HELD IN
THE MOWAT ROOM, ASSEMBLY ROOMS, WICK
ON
MONDAY, 11TH APRIL, 2005

Present:

Mr Terry Keatinge, Scottish Natural Heritage
Mr Steven Fraser (from Item 5 only), Forestry Commission
Mr Chris Hobson, Land Manager/Access User
Mr George C Walker, Land Owner
Mr Ken Butler, Caithness Field Club
Mr Peter Blackwood, Community Council
Mr William Bruce, Access User – Caithness Kayak Club
Councillor John Green
Councillor Graeme Smith

In Attendance:

Mr Geoff Robson, Head of Environment, The Highland Council
Mrs. Fiona Sinclair, Area Solicitor/Administrator, The Highland Council
Mr David Barclay, Access Officer, The Highland Council
Mr. Ian Hargrave, Caithness Area Manager, The Highland Council
Mr Adam Streeter-Smith, Paths For All Partnership

1. INTRODUCTIONS AND WELCOME AND APOLOGIES

Mr Geoff Robson welcomed everyone to the first meeting of a Local Access Forum in The Highland Council area. He circulated a list of the current representation on the Forum and reminded the Forum that an appointment was shortly to be made to the outstanding place for a community group member.

Those present introduced themselves and it was noted that apologies for absence had been received from Robert Coghill and Gail Baker.

2. PROCEDURE FOR CONDUCT OF MEETINGS

On the recommendation of Mrs Fiona Sinclair the Forum agreed to adopt a suitably amended and simplified version of The Highland Council Standing Orders relating to the conduct of meetings. Fiona undertook to guide the group on any procedural issues during the current meeting and to submit a suitable draft set of Standing Orders to the next meeting. The Forum so agreed.

3. ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON

Nominations were invited for the position of Chairman. Mr Peter Blackwood seconded by Mr William Bruce proposed Mr Ken Butler. Mr Butler indicated that he was prepared to accept Office. There being no further nominations Mr Butler was duly appointed Chairman of the Forum and thereafter chaired the meeting.

The Chairman invited nominations for the position of Vice-Chairman. Mr Terry Keatinge seconded by Mr Peter Blackwood proposed Mr William Bruce. Mr Bruce indicated that he was willing to accept office. There being no further no nominations Mr Bruce was duly appointed Vice-Chairman.

4. LAND REFORM (SCOTLAND) ACT 2003

Mr Geoff Robson explained that the Local Access Forum is a means to bring together all parties with an interest in developing and managing access. It is an advisory body helping to promote dialogue and understanding, develop consensus and promote a co-operative approach to access development and management. Typically it will inform, involve members as champions, assist in co-ordinating access projects and advise and assist the Council in problem solving.

In terms of the Land Reform Act the Council has a duty to assert rights, protect access rights and keep access routes open.

Thereafter Mr Robson listed the duties of the Local Authority under the Act with the aid of Powerpoint slides copies of which he undertook to circulate to the Forum members. He referred in particular to the Council's obligation to publicise the Scottish Outdoor Access Code which requires guidance to be issued on stated circumstances in relation to access rights. Finally, he reminded the Forum that criminal conduct is specifically excluded from the access rights under the Act, as are hunting, shooting and fishing, being on land when responsible for a dog or other animal which is not under proper control, taking things away from land for commercial purposes or for profit, being in or with a motorised vehicle or vessel (other than a vehicle specially adapted for a disabled person), and being on a golf course for recreation.

Mr Steven Fraser arrived at the meeting.

5. ROLE FOR LOCAL ACCESS FORUMS

Mr Adam Streeter-Smith the Outdoor Access Development Officer (North) of the Paths For All Partnership addressed the meeting. He explained that the Paths For All Partnership is a Company Limited by Guarantee with charitable status and has seventeen members of staff based in Inverness and in its Head Office in Alloa. The Partnership has produced various pieces of literature on access. He encouraged all members of the Forum to think about access in the wider context and he suggested five actions for the individual Forum members. Firstly he said that the members should get up to speed with access issues locally by getting out and about an assessing the situation. In this regard he referred to self-education, awareness and forethought to anticipate access problems. Secondly he suggested that the Forum members should position themselves by raising their profile, using their communication strategy and by being diplomatic, playing the part of an honest broker. Thirdly he said that the Forum members should give advice on access strategies, on core path planning, on other path planning issues and generally on rights of access. Fourthly he said that the Forum members should be pro-active promoting and supporting community action. Finally he said that the Forum members should enjoy their position, and that practical action should bring consensus and enthusiasm. He said that the Forum should aspire to be a new kind of land institution which is independent and trusted, expert and respected, and effective and appreciated.

At the end of Adam's presentation Councillor Smith commented that most of the emphasis so far had been on paths while in his view most access problems arise in relation to unspecified rights of access rather than in relation to paths. Mr David Barclay explained that he would address these issues in his talk.

6. GUIDANCE FOR LOCAL AUTHORITIES AND 'GOOD PRACTICE'

Mr Geoff Robson referred to the booklet 'Local Access Forums – A Guide to Good Practice' which is currently being updated. He said that Adam had picked up on the role of the Local Access Forum and how it should be perceived locally. He invited members to think about publicising the work of the Forum by placing its agendas and minutes on The Highland Council website, and asked them to consider whether press statements should be issued after each meeting.

Discussion followed as to whether members of the public should be invited to some or all of the Forum meetings.

Mr Robson explained that various pieces of documentation can be made available to everyone. He invited members to look at the Paths For All Partnership website (www.pathsforall.org.uk) and said that each member would be provided with a list of websites. He encouraged the members to let the officials know of any other information or documents they required.

Mr Robson reminded the Forum members that the role of the Forum is purely advisory, and that it is for Highland Council to decide whether to accept or reject the Forum's advice and thereafter instruct officers accordingly. He said that the Access Officer would bring matters before the Forum for discussion where appropriate, but that in order to save time the Access Officer may approach the Chairperson or Vice-Chairperson as appropriate. He said that by the next meeting he hoped to have a draft Strategy for consideration by members, and that the members should by then be able to commence planning the core path network.

In response to a point raised by Steven Fraser, the Forum agreed that one-third of the Forum members would constitute a quorum for future meetings.

7. LOCAL ACCESS ISSUES

Mr David Barclay, the Access Officer (Caithness) of The Highland Council outlined some access issues. He showed slides of some signs which would be regarded as inappropriate in light of the recent legislation and he outlined the types of complaints which had been received. In particular he referred to complaints regarding obstructions on access paths. He said that the Forum would not get involved in issues of maintenance of paths unless there were obligations on a particular site. He said that there had been cases where people had tried to misuse or deliberately mis-interpret the access legislation in order to fight a dispute with neighbours. He referred to the Scottish Outdoor Access Code in terms of which horse riders and cyclists now have rights of responsible access. The Forum expressed interest in the types of complaint which David received and the Forum agreed that there should be an item on the Agenda for each meeting of the Forum at which David could outline the important current issues.

Any other business:

- (a) Conflicts of Interest – in response to an enquiry on conflicts of interest Fiona Sinclair undertook to provide guidance to members at the next meeting;
- (b) Communication Strategy – the Forum agreed to further consider a communication strategy, issues of press releases and whether to invite members to future meetings. The Chairman suggested that it may be appropriate to invite different types of access users e.g. cyclists, horse riders to future meetings in order that they could explain issues which directly affect them to the Forum. It was suggested that it may be appropriate to set up working groups within the Forum, and that all members of the Forum would not necessarily require to be involved in every complaint received. David Barclay explained that in handling complaints he adopts the strategy of speaking to people first in an effort to smooth things over and avoid disputes escalating.
- (c) Exemptions Guidance – Geoff explained that many groups, for example the Halkirk Highland Games which hold events for which an admission charge is made in otherwise public parks would require in future to apply for exemptions.

8. DATE, TIME AND PLACE OF NEXT MEETING

The Forum agreed that the next meeting would take place on Monday 13th June at 7.30 pm in Thurso Town Hall. In the event that the venue is not available on that date the meeting should take place on 20th June. It was further agreed that there should be a session on core paths planning at the next meeting and that the Forum members should read the Outdoor Access Code before then. Geoff undertook to invite an access Officer and one or other of the local countryside rangers to the next meeting.

The meeting closed at 9.50pm.

CHAIRMAN.