

Minutes of the meeting of Orkney Local Access Forum and Countryside Committee

Wednesday 26 February 2014 at 7.30pm
St Magnus Centre, Kirkwall

Present:

Stephen Jenkinson	KC/SKC
Alan Leitch	RSPB
Roddy MacKay	OIC
Ian Wilkins	OIC
James Green	OIC
Ken Lawson	SGRPID
Hugh Halcro-Johnston	SLE
Anne Gascoigne	OFC
Sandra Miller	OHS
Roderick Thorne	Sanday Rangers
Simon Treasure	Orkney Tourism Group
Victor Muir	NFU
Elaine Clarke	Chair
Barbara Scollay	Secretary

1. Apologies for absence

Apologies for absence were received from Liz Dennison, Sandy Firth, Ian Thain and Alan Corrigan, Rob Crichton, Gavin Barr, Jenny Campbell, Ann Poke and Caroline Wickham-Jones.

2. Adoption of the Minutes of the Meeting held on 25 September 2013

The secretary proposed one change of word in sentence 2, item 4 of AOCB; amend *maintenance* to *upgrading*.

With this amendment the minutes were adopted on the proposal of Steve Jenkinson, seconded by Simon Treasure.

3. Matters Arising

Dog fouling/control of pets in the countryside

- One of Sandra's colleagues attended the Battleby conference and had sent her link to the presentations; Sandra will email this to the secretary to circulate.
- Stephen noted that some councils install multi-use dog/refuse bins and felt it would be more cost-effective for OIC.

Sharing information with other groups

- Elaine noted that this had not yet been progressed but she and the secretary would ensure that it is done before the next meeting.

OIC current project list

- Roddy will email the current list of projects to the secretary for circulation.

4. Attendance and Timing of Meetings

After some discussion on this item all present agreed to trial the 3 alternative start times for meetings – 11am, 2pm and 5.30pm. Stephen proposed the use of Doodle polls to obtain everyone's availability.

5. Core Path Plan – James Green

James began his presentation by explaining what he was responsible for and talked everyone through his PowerPoint presentation (as distributed via separate email to OLAF members). Following this, he explained that the next steps were to obtain as much feedback as possible by 31 March, and to discuss the feedback at the next OLAF meeting.

Stephen voiced his concern that routes that haven't been maintained in years would obviously score poorly in relation to the question of whether they should remain part of the network; he felt that OIC should be looking at different ways of looking after the core path network.

Sandra noted that she had asked colleagues for their opinions on the core path network and one new resident in Orkney had written a detailed explanation of his thoughts (copy attached to the minutes). James explained that reviewing the plan was a way of making Elected Members aware of the issues with core paths and access that OLAF members are concerned about. Ideally officers would like to look at the bigger strategic view and Roddy suggested that perhaps OLAF members could come up with a vision and put this forward to OIC. After discussion on this idea it was agreed to meet as a committee soon with this as the main agenda item.

6. Progress Update on Core Path network – Ian Wilkins

Ian distributed copies of a document detailing the maintenance work that has been carried out between July 2013 and February 2014 (copy attached to minutes). Ian explained how he was going about the recording of core path routes and furniture, and it was agreed that members would review the information and discuss it at the next meeting. There may be opportunities for OLAF members to get involved in recording routes and furniture.

7. Introduction to the Forum's future involvement in casework – Roddy MacKay

Roddy explained that it was the intention of the OIC officers to present disputes over access to the OLAF members. Under the Land Reform (Scotland) Act 2003 one of the functions of a local access forum can be:

“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.”

Having looked at other LAFs, Roddy established that many take an active part in discussing disputes.

It is proposed that as part of a 6-stage procedure, stage 4 would entail the access officer presenting a report for consideration by OLAF, and OLAF determining a view on the dispute. A report would then be presented to the relevant Council committee (in this case Development and Infrastructure) and subsequently the complainant, third parties and OLAF would be made aware of the decision. Roddy advised the members that OIC currently have one very complicated case that they would like to bring to the next meeting of OLAF. Victor commented that in a case that he was involved in, once the case went to the Legal Services team at OIC there was no further involvement of OLAF.

As the OLAF meetings are not open to members of the general public, all that would be required would be for a separate minute to be kept of the discussion and/or view agreed upon for each case, and this circulated to members with a note regarding confidentiality. These minutes would not be published on the OLAF website. The proposed materials would entail two statements of the case and an officer assessment for OLAF members to consider and the information may be circulated in advance or tabled at the meeting.

Stephen noted that if any parties knew that it was going to be referred to OLAF there was the potential for them to lobby members. Anne felt that it was important for everyone to have the ability to declare a conflict of interest. Victor advised everyone to remember that they are members of OLAF as a representative of their organisation and should not just give their own personal view.

All members present agreed they were willing to trial being involved in the decision-making procedure with James considering the process and coming back to the next meeting with his thoughts/amendments before bringing any cases.

8. Proposal for more countryside access in Rousay

Ken presented this item via a letter he had received (copy attached to the minutes). It was noted that SRDP funding may be available and that a properly constituted group on Rousay might indeed be able to take this forward. Ken asked for any views from the committee members and some suggestions were made. Ken will respond to the letter and note that OLAF may be able to give a vote of support for the approach.

9. AOCB

- Rod advised that Outdoor Orkney would have one page per month in The Orcadian and they would like part of the page to have an item from the farmers point of view on the access code; Rod will speak separately to Victor and Hugh.

10. Date of Next Meeting

As a date was not decided upon at the meeting, it was agreed that the secretary would issue a Doodle poll to all OLAF members to ascertain their preference for a meeting between Monday 7 and Thursday 10 April, at either 11am or 2pm.

Thanking everyone for their attendance, the Chair closed the meeting at 10.05pm.