

Agenda Item	7.
Report No	CC/14/18

HIGHLAND COUNCIL

Committee: Caithness Committee

Date: 28 August 2018

Report Title: Caithness Local Access Forum Appointments

Report By: Director of Development and Infrastructure

1 Purpose/Executive Summary

- 1.1 The purpose of this report is to summarise the work of the Local Access Forum(s) and for committee members to approve the appointment of new forum members for Caithness.

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Recommendations

- 2.1 Members are asked to approve the appointment of those members of the public (as set out in **Appendix 2**) that have applied to be new members of the Local Access Forum in Caithness.

3 Introduction

- 3.1 Under the Land Reform (Scotland) Act 2003, Local Authorities have a duty to establish a Local Access Forums (LAFs) in their areas. The Sutherland LAF was established in 2005 and is supported by a Highland Council Access Officer
- 3.2 The function of the forum is to advise The Highland Council on countryside access issues and provide assistance in resolving disputes in relation to the exercise of access rights, the delineation and existence of public rights of way and the amendment of The Highland Councils core paths plan.
- 3.3 Membership consists of 10 members of the public plus two Highland Councillors. Representation is drawn from across a range of interested groups in each of the following categories.
- **Land managers** – estate owners, crofters, farmers, foresters (3 representatives)
 - **Community groups** – community councils, environmental groups, local path development groups (3 representatives)
 - **Access takers** – walkers, cyclists, horse riders, canoeists (3 representatives)
 - **Disability access panel** – one representative.

Term of membership on the forum is 5 years.

- 3.4 Local access forums in Highland operate across the following geographical areas:
- Caithness
 - Sutherland
 - Ross and Cromarty
 - Skye and Lochalsh
 - Lochaber (also taking in the Corrieairack Pass to Garvamore in Badenoch and Strathspey)
 - Inverness and Nairn (including the northern end of Dava Moor up to Easter Cottartown)
- 3.5 The Council is responsible for appointing members to the forum and this power is delegated to area committees.
- 3.6 LAFs meet twice a year but can meet more frequently if required. Members of the Forum are entitled to claim travel and approved out of pocket expenses.
- 3.7 The LAF is governed by rules set out in The Highland Council Standing Orders and all members are provided with a code of conduct to follow, attached as **Appendix 3**.

4. Existing Caithness Forum Membership and New Applicants

- 4.1 The existing LAF members were appointed in 2013 and have served the 5 year term. Existing members of the Sutherland LAF have been asked if they wished to continue their membership for a further 5 year term and where they have agreed to continue these members are detailed in **Appendix 1**.
- 4.2 In May 2018, a press release and public notice was advertised in the Highland press seeking new/additional members. The applications received are summarised in **Appendix 2**.

- 4.3 There are enough places on the forum for all of the nominations received and the committee is asked to approve the nominations listed in **Appendix 2**.
- 4.4 For any remaining or subsequent vacancies on the Forum within the 5 year term, Council officers will seek to invite suitable persons, agreed by the Forum members, to sit on the forum. Such applications will come to the area committee for approval.

5. Implications

- 5.1 Resource – funding from within existing resources to cover meeting rooms, site visits, hospitality and travelling expenses.
- 5.2 Legal – LAFs as stated above are a requirement of the Land Reform (Scotland) Act 2003
- 5.3 Community (Equality, Poverty and Rural) - Membership of the forum is open to all those who qualify for one of the four membership categories.
- 5.4 Climate Change/Carbon Clever - Forum members are encouraged to share transport to meetings and when site meetings are necessary an appropriate vehicle is hired to transport all Forum members to the site.
- 5.5 Risk – None
- 5.6 Gaelic - None

Designation: Director of Development and Infrastructure

Date: 31 July 2018

Author: Matt Dent, Access Officer, Caithness and Sutherland

Appendix 1

Existing members of the Local Access Forum

Name	Representative Group
Islay Macleod	Land manager
Traylan Peat	Disability Access Panel
Cllr Raymond Bremner	Highland Councillor
Cllr Karl Rosie	Highland Councillor
Ben Macgregor	Access taker
William Bruce	Access taker

Appendix 2

Applications to the Local Access Forum

Name	Representative Group	Comments
Donna Mater	Access taker	On behalf of British Horse Society Scotland
Jay Wilson	Community group	On behalf of Friends of the John O'Groats Trail
Janet Banks	Community group	On behalf of Wick Community Council
William 'Bill' Mowat	Community group	On behalf of Dunnet and Canisby Community Council

Appendix 3

LOCAL ACCESS FORUM

Members Model Code of Conduct

FOREWORD

The Ethical Standards in Public Life etc. (Scotland) Act 2000 introduced a new ethical framework to Scotland. The Act required the Scottish Ministers to issue a Code of Conduct for Councillors and a Model Code of Conduct for members of devolved public bodies (listed in schedule 3 to the Act).

Although the Local Access Forums are not devolved public bodies as defined in the Schedule to the Act, it is considered appropriate for the Forums to adopt a Code of Conduct based on the Model Code for devolved public bodies.

The Code plays a vital role in setting out, openly and clearly, the standards of conduct that must be applied and, in doing so, will reinforce and strengthen public confidence in the Forum.

Each Local Access Forum has adopted Standing Orders, and to set the Code of Conduct in context, reference is made to Standing Order 16, as follows:

- 16.1 It shall be for any member who has any financial interest in any matter and is present at a meeting of the Forum at which such matter is the subject of consideration, to leave the room before the matter is discussed.
- 16.2 It shall be for any Member who has any other interest in any matter and who is present at a meeting of the Forum at which such matter is the subject of consideration, to determine whether or not to leave the room, or to participate in discussion or voting. In making such a decision it is for the member of the Forum to consider whether a member of the public acting reasonably might consider that the Forum member might be influenced by the interest in his or her role as a Forum member and that it would therefore be wrong to take part in any discussion or decision-making.

And to Standing Order 32:

32. All members of the Forum will be bound by the provisions of the Highland Council Code of Conduct for Members of Local Access Forums which is based on the Code of

Conduct for Members of Devolved Public Bodies issued under the Ethical Standards in Public Life etc (Scotland) Act 2000.

The Council may also from time to time issue guidance to assist members of the Forum in observing the Code. Forum members who identify specific areas on which they would welcome guidance should not hesitate to get in touch with the Clerk to each Local Forum in the first instance.

The Council looks forward to working in partnership with the Forum members to achieve the highest possible standards of conduct in public life.

Alistair Dodds

Director of Corporate Services

Highland Council

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SECTION 1: INTRODUCTION TO THE CODE OF CONDUCT

1.1 As a member of a Local Access Forum, it is your responsibility to make sure that you are familiar with, and that your actions comply with, the provisions of this Code of Conduct.

Guidance on the Code of Conduct

1.2 You must observe the rules of conduct contained in this Code. It is your personal responsibility to comply with these and review regularly your personal circumstances with this in mind, particularly when your circumstances change. You must not at any time advocate or encourage any action contrary to the Code of Conduct.

1.3 The Code has been developed in line with the key principles listed in Section 2 and provides additional information on how the principles should be interpreted and applied in practice. Additional guidance may from time to time be issued by the pan-Highland Forum and by the Highland Council. No Code can provide for all circumstances and if you are uncertain about how the rules apply, you should seek advice from the Clerk to the Forum, although ultimately interpretation of the Code is a matter for you as a member. You may also choose to consult your own legal advisers and, on detailed financial and commercial matters, seek advice from other relevant professionals.

SECTION 2: KEY PRINCIPLES OF THE CODE OF CONDUCT

The general principles upon which this Code of Conduct are based are:

Public Service

You have a duty to act in the interests of the Forum of which you are a member and in accordance with the core tasks of the Forum.

Selflessness

You have a duty to take decisions solely in terms of public interest. You must not act in order to gain financial or other material benefit for yourself, family or friends.

Integrity

You must not place yourself under any financial, or other, obligation to any individual or organisation that might reasonably be thought to influence you in the performance of your duties.

Objectivity

You must make decisions solely on merit when carrying out Forum business.

Accountability and Stewardship

You are accountable for your decisions and actions to the public. You have a duty to consider issues on their merits taking account of the views of others, and must ensure that the Forum uses its resources prudently and in accordance with the law.

Openness

You have a duty to be as open as possible about your decisions and actions, giving reasons for your decisions and restricting information only when the wider public interest clearly demands.

Honesty

You have a duty to act honestly. You must declare any private interests relating to the business of the Forum and take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

You have a duty to promote and support these principles by leadership and example, to maintain and strengthen the public's trust and confidence in the integrity of the Forum and its members in conducting business.

Respect

You must respect fellow members of the Forum and employees of the Forum and the role they play, treating them with courtesy at all times. You should apply the principles of this code to your dealings with fellow members of the Forum and its employees.

SECTION 3: GENERAL CONDUCT

Relationship with Employees of the Forum

3.1 You will treat any officials of the Forum or employees of the Forum or Highland Council with courtesy and respect. It is expected that officials and employees will show you the same consideration in return.

Allowances

3.2 You must comply with any rules of the Forum regarding remuneration, allowances and expenses.

Gifts and Hospitality

3.3 You must never canvass or seek gifts or hospitality.

3.4 You are responsible for your decisions connected with the offer or acceptance of gifts or hospitality and for avoiding the risk of damage to public confidence in your Forum.

Confidentiality Requirements

3.5 There may be times when you will be required to treat discussions, documents or other information relating to the work of the Forum in a confidential manner. You will often receive information of a private nature which is not yet public, or which perhaps would not be intended to be public. There are provisions in the Standing Orders of the Forum on the categories of confidential and exempt information and you must always respect and comply with the requirement to keep such information private.

3.6 It is unacceptable to disclose any information to which you have privileged access, for example derived from a confidential document, either orally or in writing. In the case of other documents and information, you are requested to exercise your judgement as to what should or should not be made available to outside bodies or individuals. In any event, such information should never be used for the purpose of personal or financial gain, or used in such a way as to bring the public body into disrepute.

Use of Forum Facilities

3.7 Members of the Forum must not misuse facilities, equipment, stationery, telephony and services, or use them for personal, party political or campaigning activities. Use of such equipment and services, etc must be in accordance with the Forum's policy and rules on their usage.

Appointment to Partner Organisations

3.8 You may be appointed, or nominated by your Forum, as a member of another body or organisation. If so, you are bound by the rules of conduct of these organisations and should observe the rules of this Code in carrying out the duties of that body.

3.9 Members who become directors of companies as nominees of the Forum will assume personal responsibilities under the Companies Acts. It is possible that conflicts of interest can arise for such members between the company and the Forum. It is your responsibility to take advice on your responsibilities to the Forum and to the company. This will include questions of declarations of interest.

SECTION 4: DECLARATION OF INTERESTS

The key principles of the Code, especially those in relation to integrity, honesty and openness, are given further practical effect by the requirement in the Standing Orders of the Forum for you to declare certain interests in proceedings of the Local Access Forum. This ensures transparency of your interests which might influence, or be thought to influence, your actions.

In considering whether to make a declaration in any proceedings, you must consider not only whether you will be influenced but whether anybody else would think that you might be influenced by the interest. You must keep in mind that the test is whether a member of the public, acting reasonably, might think that a particular interest could influence you.

If you feel that, in the context of the matter being considered, your involvement is neither capable of being viewed as more significant than that of an ordinary member of the public, nor likely to be perceived by the public as wrong, you may continue to attend the meeting and participate in both discussion and voting. The relevant interest must however be declared. It is your responsibility to judge whether an interest is sufficiently relevant to particular proceedings to require a declaration and you are advised to err on the side of caution. You may also seek advice from the Clerk to the Forum.

Making a Declaration

4.1 You must consider at the earliest stage possible whether you have an interest to declare in relation to any matter which is to be considered. You should consider whether agendas for meetings raise any issue of declaration of interest. Your declaration of interest must be made as soon as practicable at a meeting where that interest arises. If you do identify the need for a declaration of interest only when a particular matter is being discussed you must declare the interest as soon as you realise it is necessary.

4.1.1 The oral statement of declaration of interest should identify the item or items of business to which it relates. The statement should begin with the words "I declare an interest". The statement must be sufficiently informative to enable those at the meeting to understand the nature of your interest but need not give a detailed description of the interest.

Effect of Declaration

4.1.2 Declaring a financial interest has the effect of prohibiting any participation in discussion and voting. There may be circumstances where a Forum member can contribute usefully to informed discussion notwithstanding a non-financial interest. For that reason, a declaration of non-financial interest involves a further exercise of judgement on your part. You must consider the relationship between the interests which have been declared and the particular matter to be considered and relevant individual circumstances surrounding the particular matter.

4.1.3 In the final analysis the conclusive test is whether, in the particular circumstances of the item of business, and knowing all the relevant facts, a member of the public acting reasonably would consider that you might be influenced by the interest in your role as a member of a public body and that it would therefore be wrong to take part in any discussion or decision-making. If you, in conscience, believe that your continued presence would not fall foul of this objective test, then declaring an interest will not preclude your involvement in discussion or voting. If you are not confident about the application of this objective yardstick, you must play no part in discussion and must leave the meeting room until discussion of the particular item is concluded.

SECTION 5: LOBBYING AND ACCESS TO MEMBERS OF PUBLIC BODIES

5.1 In order for the Forum to fulfil its commitment to being open and accessible, it needs to encourage participation by organisations and individuals in the decision-making process. Clearly however, the desire to involve the public and other interest groups in the decision-making process must take account of the need to ensure transparency and probity in the way in which the public body conducts its business.

5.2 You will need to be able to consider evidence and arguments advanced by a wide range of organisations and individuals in order to

perform your duties effectively. Some of these organisations and individuals will make their views known directly to individual members. The rules in this Code set out how you should conduct yourself in your contacts with those who would seek to influence you. They are designed to encourage proper interaction between members of public bodies, those they represent and interest groups.

Rules and Guidance

5.3 You must not, in relation to contact with any person or organisation who lobbies, do anything which contravenes this Code of Conduct or any other relevant rule of the Forum or any statutory provision.

5.4 You must not, in relation to contact with any person or organisation who lobbies, act in any way which could bring discredit upon the Forum.

5.5 The public must be assured that no person or organisation will gain better access to, or treatment by, you as a result of employing a company or individual to lobby on a fee basis on their behalf. You must not, therefore, offer or accord any preferential access or treatment to those lobbying on a fee basis on behalf of clients compared with that which you accord any other person or organisation who lobbies or approaches you. Nor should those lobbying on a fee basis on behalf of clients be given to understand that preferential access or treatment, compared to that accorded to any other person or organisation, might be forthcoming from another member of the public body.

5.6 Before taking any action as a result of being lobbied, you should seek to satisfy yourself about the identity of the person or organisation who is lobbying and the motive for lobbying. You may choose to act in response to a person or organisation lobbying on a fee basis on behalf of clients but it is important that you know the basis on which you are being lobbied in order to ensure that any action taken in connection with the lobbyist complies with the standards set out in this Code.

5.7 You should not accept any paid work to provide services as a strategist, adviser or consultant, for example, advising on how to influence the Forum and its members. This does not prohibit you from being remunerated for activity which may arise because of, or relate to, membership of the Forum, such as journalism or broadcasting, or involvement in representative or presentational work, such as participation in delegations, conferences or other events.

5.8 If you have concerns about the approach or methods used by any person or organisation in their contacts with you, you must seek the guidance of the Forum.