
CAIRNGORMS LOCAL OUTDOOR ACCESS FORUM

Title: Liaison between the National and Local Access Forums

Prepared by: Bob Grant, Senior Access Officer

Purpose

The Forum is asked to consider the paper prepared by the National Access Forum on the possible methods of liaison between the National Access Forum and all Local Access Forums.

Recommendations:

- a) **The Cairngorms Local Outdoor Access Forum supports an annual liaison event involving the National Access Forum and all Local Access Forums.**
- b) **Further liaison could be encouraged with an open invitation to National Access Forum members to attend a Cairngorms Local Outdoor Access Forum meeting and the annual event.**
- c) **The National Access Forum should be encouraged to hold their meetings in different locations and to tie such meetings into those being arranged by the relevant Local Access Forum.**
- d) **The Cairngorms Local Outdoor Access Forum does not believe it is possible to devise an equitable means of representation of all the Local Access Forums in Scotland through a maximum of 2 individuals.**
- e) **The Cairngorms Local Outdoor Access Forum encourages the National Access Forum to review its existing membership to ensure that it reflects the practical expertise that exists within access authorities.**

Background

1. In determining the representation of the current National Access Forum (NAF) it was envisaged that there would be 2 representatives from Local Access Forums (LAF) who would "represent" all Forums on the National Access Forum. These positions were not filled at the time of the newly constituted NAF coming into being as, at that time, there was still a large number of access authorities who had yet to appoint a LAF. With almost all the LAFs now appointed, it is an appropriate time to determine the best means of finding local representation on the NAF.

Correspondence paper prepared by NAF Secretary

- 2 The Secretary to the National Access Forum has prepared a correspondence paper which seeks further views on the best means of promoting effective liaison between the bodies. The paper was circulated at the meeting of the Cairngorms Local Outdoor Access Forum meeting on 15 November 2005 and is copied at Annex 1 to this document. The paper highlights the reasons for liaison and the methods that currently exist to liaise. In addition the paper proposes 4 potential approaches that might meet the requirement of effective liaison. Each option is examined below with the potential advantages and disadvantages highlighted.

LAF representation on the NAF

3. There are around 40 LAFs in Scotland with approximately 800 members. The correspondence paper acknowledges that it would prove difficult to find an equitable means of selecting a representative but that if the role was purely to act as a "contact" rather than a representative some of these difficulties might be overcome. In looking at this option it is worth reflecting on the role that is envisaged that such a member would fulfil on the NAF. The paper suggests that the core roles for these representatives would be to relay local issues regarding interpretation and implementation of the Act and Code to the NAF and to disseminate information and guidance back to the local access forums. The paper confirms that to enable this to happen there requires an awareness of issues arising on the ground. To undertake this role effectively a communication system would require to be created to allow LAF members to feed in issues to their NAF contacts.
4. The advantage of such a proposal is that LAF members would have a specific representative or contact on the NAF. The difficulty would be finding an equitable means of selecting 1 or 2 LAF members to fulfil this role. The requirement to have an awareness of access issues on the ground may also be difficult to fulfil as issues in their own LAF may not mirror the issues that are arising in the remainder of the country. To overcome this would require regular liaison with other access authorities to ensure that a comprehensive understanding can be achieved.

Liaison through access officers

5. Access officers already have a means of sharing information with their counterparts in other access authorities through the Scottish Countryside Access Network and through other less formal networks. As such, access officers are well placed to know the broad range of issues that are currently being dealt with and will have a sound knowledge of both the current interpretation and implementation of the Act and the Code.
6. Whilst access officers are well versed in the legislation and the current issues they do not have a means of engaging with all LAF members and therefore could not claim to represent them at the NAF. They also do not come from one of the constituent groups represented on all access forums: community, land management or recreational user.

Liaison through another body

7. There are 2 bodies that might be able to fulfil a LAF representative role as they sit on almost all LAFs in Scotland. These are the Paths for All Partnership (PFAP) and Scottish Natural Heritage (SNH). The former is currently a corresponding member to the NAF and the latter already has a seat at the NAF.
8. Both organisations have a detailed knowledge of the legislation and the issues that are coming to light since the legislation was implemented. Neither, however have existing mechanisms that would permit a two-way flow of information between LAFs and NAFs. There would also have to be a degree of uncertainty as to how LAFs would view their representation being undertaken through a Government Agency or one whose prime source of funding is through that same agency.

Other possible approaches

9. Cairngorms Local Outdoor Access Forum members who attended the annual LAF/NAF liaison meeting in September 2005 found it a worthwhile experience. As well as the opportunity to hear from NAF members it allowed different LAF representatives to meet and discuss approaches that had worked well or badly in their particular areas.
10. NAF papers are held on the www.outdooraccess-scotland.com website. There is however no corresponding repository for each Forum's papers although the majority are held on individual access authorities websites. The opportunities to "lobby" are therefore minimal: particularly from NAF to LAF.
11. At present, the NAF meets in public in the Perth area as this has proved to be a reasonably central location for meetings. There is no consideration within the paper to hold NAF meetings in other venues and there may be merit in moving the meeting around the country to enable LAF members attend without having to travel large distances. It might also be possible to tie in the meeting to coincide with a LAF meeting, thus allowing one to follow the other and all parties to gain first hand experience of the respective issues being covered.

Discussion

12. In reaching a conclusion on how best the NAF and LAF can liaise it is worth reflecting on their respective roles. LAFs have a statutory role described in the Land Reform (Scotland) Act which is primarily one of providing advice to their access authority. The NAF does not have that statutory role but has fulfilled a valuable role in the development of the legislation and Code. The NAF also continues to have an important role in assisting SNH in both keeping the code under review and on advising on issues at a national level. As such the roles are different and the need to have LAF representation on the NAF needs to be further explored.
13. There is strong merit in ensuring that the NAF has the necessary expertise in the practical application of the legislation and in the knowledge of the range of access issues that are coming to the fore across Scotland. It is less clear how that can be achieved through selecting one or 2 members from a LAF. Perhaps now is an appropriate time for the NAF to review its membership reflecting on the greater emphasis required on the practical implementation of the legislation. The detailed knowledge that is required is most likely to be found in an access officer and perhaps the NAF could be strengthened by including a further representation from an access authority.
14. Dialogue between LAF and NAF should be further encouraged and this could be achieved through the continuance of the annual liaison meeting, through an open invitation for any NAF member who wishes to attend a Cairngorms Local Outdoor Access Forum meeting and through an invitation to the Cairngorms annual public meeting.

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Annex 1

Liaison between the national and local access forums

Purpose

This correspondence paper seeks further views on possible methods of liaison between the national and local access forums, in the light of discussion at the NAF-LAFs joint meeting in Pitlochry on 21st September.

Action

Full and corresponding members, Access Officers and local access forum members are invited to pass comments back to me by 31st January, with particular reference to the key issues noted in para 26. These comments will inform further discussion at the earliest convenient NAF meeting in 2006.

Background

1. The process of liaison between the National Access Forum and local access forums has been considered on several occasions by the national body. This issue was also discussed at the recent NAF-LAF joint meeting in Pitlochry, providing an opportunity for wider input from Access Officers and local forum members.
2. The outcome of these discussions could be characterised as broad agreement on the importance of liaison, but a lack of consensus on how this might best be achieved. At the recent joint meeting, it was agreed to circulate a paper setting out various options in the light of this discussion, to encourage further input from a wider range of access authority staff and local forum members.

Why liaise?

3. The purpose of liaison between national and local levels is essentially twofold. The national forum has been convened to advise a range of bodies on issues linked to implementation of access rights under the Land Reform Act, and in particular to assist SNH in its statutory duty to keep the Access Code under review. These activities require an awareness of issues arising on the ground, which local access officers and access forums are well placed to provide. Conversely, the national forum could provide advice and guidance on key issues from a national perspective, which should assist local forums in finding practical solutions that are consistent with the Act, the Code and nationally agreed best practice.
4. The national forum has not been established to advise local forums on the practical details of their organisation or operation. This support role rests with the Paths for All Partnership (PFAP), though the national forum will no doubt continue to discuss some LAF issues, and the wider core path planning process, as the need arises.

Existing liaison methods

5. Various mechanisms already exist to promote communication, in one or both directions, between local and national level, and it is important to ensure that any additional arrangements result in clear net benefit. The existing communication channels are as follows:
 - the national forum organises an annual joint event for liaison with local forums;

- national forum meetings are held in public, allowing local forum members to attend as observers (there is potential for national forum members to attend local forum meetings on a similar basis);
 - NAF papers are posted on www.outdooraccess-scotland.com;
 - guidance developed by, or with input from, the national forum, is disseminated online and by other routes, which have recently included specific SNH and/or PFAP publications promoted, for example, through SNH's *Recreation & Access Update*;
 - the access authority officers who support local access forums are included in the electronic circulation of NAF papers, to be relayed onwards to local forums as appropriate;
 - the national forum can invite any individual or organisation to attend meetings, where this could facilitate a particular discussion; this could include access authority staff or LAF members, although this has not yet happened in practice;
 - access authority staff can raise issues via the CoSLA (or, if appropriate, National Park Authorities) representative on the national forum, or through the NAF Secretariat;
 - local forum members, along with other members of the public, can make comments or representations on NAF papers directly via the NAF Secretariat;
 - local forum members can raise issues through the communication channels within their particular sector of interest, to be brought to the NAF by the full member representing that interest, and;
 - many of the bodies which sit on the national forum are also involved in local forums, allowing information to be relayed between national and local levels through communication channels within these organisations.
6. These ongoing lines of communication are supplemented by longer-term formal monitoring programmes undertaken by SNH and the Scottish Executive. The Executive's monitoring will cover a range of local issues, including:
- i. progress with the development of local access forums, core path plans and access strategies;
 - ii. statistical data on the length of core paths and other signed routes;
 - iii. the use of statutory powers under Sections 11, 14 and 23, and;
 - iv. expenditure on staffing and implementation.
7. SNH is logging issues relating to the application and interpretation of the Act and Code which come to the attention of SNH staff at local or national level, and will broaden this process to include feedback from Access Officers. This is supported by ongoing questionnaire-based survey work to monitor responsible behaviour among recreational users and land managers.
8. Both SNH and SE will be able to report on the results of these monitoring programmes in due course, providing a structured framework within which the national forum can identify key emerging issues at local level.

Other possible liaison methods

LAF representation on the NAF

9. Dialogue between local and national levels could also be promoted by direct representation of the local forums on the national body, and two seats at the Forum are reserved for this purpose. One of these seats is currently vacant, while the other is occupied, on a provisional basis, by a joint representative of the National Park Authorities.

10. In considering this potential approach, it is necessary to form a clear view of the roles that 'LAF representatives' might fulfil. Against the background of paras 5 and 6, core roles might be to relay local issues regarding interpretation and implementation of the Act and Code to the national forum, and to disseminate information and guidance back to the local forums.
11. There are arguably few other functions which might naturally fall to a 'LAF representative'. Support and guidance regarding the structure and operation of local forums should be obtained from PFAP, and should not strictly require liaison with the national forum. Previous discussion of this issue has also been based, to some degree, on the view that there are wider 'representative' roles which require a LAF presence on the national forum. It is perhaps debateable, however, whether there is sufficient commonality of viewpoints within and between the local forums for a representative 'local forum' view to be expressed, not least because the local forums exist precisely in order to bring together diverse and potentially contrasting opinions. Recent discussion at the national forum has highlighted a similar issue at national level, and the forum chose not to invite questions from the audience at open meetings as it would rarely be possible to present a collective view in response. The NAF Convenor can of course express 'forum views' on particular issues, but this is normally based on a mandate obtained through specific discussion and agreement at the forum.
12. If this reasoning is accepted, the potential roles of a 'LAF representative' would focus primarily on the relaying of information between local and national level as indicated in para 12. This role could perhaps be more accurately described as that of a 'LAF contact' on the national forum.
13. This approach would offer some potential benefits, most obviously the provision of a visible and direct link between local and national level – with a human face, rather than impersonal electronic communication. Previous discussion at the national forum has noted the lack of an overarching umbrella body which could co-ordinate the selection of a representative. These concerns would, however, be of less significance if, as suggested above, the role is focused on relaying information rather than 'representing' a common view.

Liaison through Access Officers

14. It has been suggested that a local perspective could alternatively be conveyed through local Access Officers, with a representative sitting on the national forum. Access Officers have an overview of the issues arising within their areas and of the workloads of their respective local access forums, and are well placed to co-ordinate the flow of information to and from these bodies. As a professional group, AOs also have a common forum through the Scottish Countryside Access Network (SCAN), which could help both to collate information and to identify a representative to sit on the NAF.
15. As in the case of a potential local access forum contact, the role of such an individual would need to be clearly defined, and could logically be based around the primary 'information flow' functions suggested in para 12. It would be important to differentiate this role from those of the COSLA and NPA representatives, who attend the forum on behalf of the access authorities but who are, in practice, Access Officers.

Liaison through another body

16. Discussion at the NAF-LAF joint meeting, and previously at the national forum, has highlighted the possibility that a local liaison role might be carried out on a 'proxy' basis by a national body such as PFAP or SNH.
17. PFAP is currently a corresponding member of the national forum, with a specific liaison role on behalf of disability interests, and participates in most local forums. The Partnership has also indicated a willingness to fulfil a liaison role between national and local level. As noted earlier, PFAP has an established role in providing support and guidance regarding the organisation and operation of local forums, and would therefore be well placed to keep the national forum informed about any matters of this type arising at local level. The core of the proposed liaison role focuses, however, on issues regarding the interpretation and implementation of the Act and Code. This would represent a significant new commitment for the Partnership, and it is not clear how far this would add value to existing liaison mechanisms, particularly given that SNH is already tracking emerging local issues and helping to disseminate guidance to local level, and can report on these activities to the national forum at any time.
18. It has also been suggested that SNH, which is likewise represented on many local access forums, could fulfil a liaison role of this type. In light of the above, however, it is difficult to define any further role for SNH which would add significant value to the present arrangements.

Other possible approaches

19. It has been suggested that national-local dialogue might be improved by more regular attendance of NAF members at LAF meetings and *vice-versa*. As noted in para 7, this could be achieved under the existing arrangements, although demands on forum members' time may limit the potential for this kind of engagement.
20. There may also be scope for further web-based approaches to facilitate liaison, for example through links between individual LAF websites and the NAF pages on www.outdooraccess-scotland.com, or through a common local access forums website, perhaps hosted within the above national site. This would allow the papers of all forums to be readily located, although further thought may be required in order to organise the resulting mass of information into a conveniently accessible form, and the complexity of the solution adopted would need to be consistent with the likely level of use.
21. Finally, there is the option of taking no further action at the present time. As noted in paras 7-10, a wide range of liaison mechanisms is already in place, and these may be judged sufficient for present needs, not least because many LAFs are still at an early stage of development. It is intended that the annual joint meeting will be a regular event, and this has considerable potential to promote structured liaison at a reasonable frequency, in conjunction with ongoing communication throughout the year by other existing methods. There may be a case for testing these communication methods for a longer period, and perhaps seeking to make fuller use of them, before moving to establish another.

Relationship with National Park Authority representation

22. A 'local contact' (either LAF member or Access Officer) could readily be added to the national forum using the vacant seat which is currently reserved for a 'LAF representative'. If more than one such contact was invited to join the forum, however, it would be necessary to reconsider the current basis of NPA representation (para 11).

23. Previous discussion at the NAF has indicated general support for the representation of NPAs, and possible solutions might include the creation of another seat at the table, although this would have implications for the numerical balance between different interest groups on the forum. An alternative approach might be to combine the role of NPA representative with that of one of the 'local contacts'. A third option might be representation of the NPAs through COSLA, although this option was rejected early in the development of the new forum, on the grounds that the circumstances of the two types of access authority are quite distinct.

Key issues

- **Is there a need for further liaison methods at the present time?**
- **If so, which ones?**
- **If the favoured option involves the addition of more than one new member to the national forum, how should this be reconciled with continuing representation of the National Park Authorities?**

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