

**Aberdeenshire Local Outdoor Access Forum
Draft Minutes of Meeting 72**

29th October 2018 – Glengarioch Room, Thainstone Centre, Inverurie

Present: Alison Espie, Wayne Gault, John Hughes, Larry Irwin, Gordon McKilligan, Judy Middleton, Alison Mitchell (dep. for D Culshaw), Marina Piper, Adam Wallace (Chair), Chris York.

Council officers: Richard Elliott, Katherine Low.

Observers: None.

Note: in Action column, “A/O” indicates Access Officer(s) **Action**

1	<p>Introductions Katherine Low (Access Officer North) and all present.</p> <p>Apologies Mark Andrew, David Culshaw, Flick Millar, Lorna Paterson.</p> <p>Deputising Alison Mitchell for David Culshaw.</p> <p>Declarations of interest None.</p>	
2	<p>Minutes of Meeting 70 Approval Proposed – CY; seconded – AE.</p> <p>Matters arising <u>Item 7 (Sheep worrying)</u> Deferred for comment by Lorna Paterson in due course.</p> <p><u>Item 8 (Aberdeen Harbour development joint visit with AbOAF)</u> Attended by AW 7/8/18.</p> <p>Item 8 (A/OAF training – Environment planner’s role) Not yet actioned.</p>	Chair
3	<p>Operating principles</p> <p>(a) Membership Discussion focussed on the twin needs to avoid losing the expertise of those subject to the 12-year membership limit set by the Operating Principles (OPs), while recognising the need to recruit new members in the face of low attendances. In discussion it was suggested that if the 12-year limit remained, there would be no reason why the Forum could not seek advice from members affected after their retiral. Observing that meeting attendance is sparse because the “deputising” process isn’t working, RE advised that Aberdeenshire Council would only support any proposal for amendments to the OPs if it was in association with a recruitment drive led by A/OAF itself. Noting that the Council endorses community empowerment, RE would therefore like to receive a suitable proposal from A/OAF. The Council could assist with the secretarial aspect of the recruiting process. While thanking RE for his ideas, AE drew attention to the Council’s A/OAF webpages which being out of date are a turn-off for potential recruits. CY observed that A/OAF is lacking a sense</p>	

	<p>of its own purpose. There has been a lack of cases in which ALOAF has been asked to assist. GMcK noted that ALOAF's core functions, responsible access and advising A/Os, haven't changed. Suggestions for recruitment included:</p> <ul style="list-style-type: none"> • Target local path groups and community involvement. • Boost ALOAF's social media and web presence, including Forum comment on access issues; ALOAF website (L Lomond and Trossachs LAF site being a good model). • Improve age balance of membership. • Make membership application forms more widely available. • Beyond involving one's personal networks, consider what is needed for the Forum as a whole. • Recruit proactively; target sectorially; tell people what they would be doing as Forum members (e.g. as listed on business plan), making attendance at ALOAF meetings worthwhile. • Poster distribution; use the pull-up banner. • Restore the annual open ALOAF event. • Actions which will motivate members, including: <ul style="list-style-type: none"> ○ Presentation on A96 dualling from Amey Arup when final route choice decided (promised to AW at recent A96 consultation). ○ Access officers to circulate items of access interest to ALOAF. • Could A/Os take ALOAF banners to public events they attend? <p>The following actions were agreed....</p> <ul style="list-style-type: none"> • Circulate list of membership dates. • Seek renewed representation by Forestry Commission Scotland, given their valued contribution until recently. • Locate and update recruitment and membership pack from earlier years. All to input electronically [<i>post-meeting note: Google Drive folder set up by RE for this</i>]. Circulate resulting draft to all ALOAF members for comment. • Members free to circulate their own networks with recruitment material (when finalised). • Perhaps aim for spring 2019 for recruitment drive. <p>(b) Communications and Social Media Policy Based on the example set by the Dee Catchment Partnership, AE presented a draft policy prepared by the subgroup, which included guidance for acceptable comment and content. AE recommended that several capable moderators be appointed, and that password access be limited rather than open to the full membership. In discussion, RE recommended that item 1 in the "Conduct" section should require that any view published should reflect the settled view of the</p>	<p>A/O</p> <p>A/O</p> <p>Chair</p> <p>Chair</p> <p>A/O + ALL</p> <p>ALL</p>
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	<p>Forum, which could be mediated by a subgroup available between Forum meetings. CY observed that social media is an immediate phenomenon, which cannot await the quarterly Forum meetings for ratification of posts. RE reported that the initial experimental ALOAF social media presence has been scaled back to what is basically a news site. Interactivity could be expanded in due course if it could be managed effectively. A Council committee moderates comments on its own website. The Council could help an ALOAF website to synchronise with Facebook and Twitter. CY commended the Council's help with this work. ALOAF's social media expertise is vested in WG, LI and MP.</p> <p>(c) Operating Principles – review of current revision – update</p> <p>Members considered the draft paper “Dispute resolution – terms of reference for ALOAF Sub-groups”, prepared by the subgroup in conjunction with RE. The proposed changes to section 1 were agreed. At RE's request, discussion took place regarding any changes desired before the document goes to the Council's legal team for comment. Points covered included the following:</p> <ul style="list-style-type: none"> • RE noted WG's suggestion regarding “who can call on the Forum for mediation?”. • Access complaints can be brought to ALOAF and to the A/O. ALOAF can ask complainants if they've contacted the A/O. • Both the Council and ALOAF can find out if both parties to a dispute accept an offer of assistance. • Council and ALOAF need to be aware of and mitigate against the frequently held view that the A/Os role is to take issue with the land manager. • Regarding clause 2(e), CY stated that it would not be possible for subgroup members simultaneously to be impartial and to represent their sector. CY will send track-changes to RE. • Members stepping back from the subgroup due to previous contact with parties to the dispute can still offer advice to the subgroup. • In previous instances the procedure has been for the subgroup to report back to the full Forum. • A process chart is desirable. <p>RE will take comments on board, then submit to legal team and hopes for completion of task within 3 weeks.</p> <p>(d) Expenses RE advised the meeting that the Council employees cannot submit claims older than 3 months; and claims must be submitted within the relevant financial year, i.e. no later than March. It was agreed that ALOAF should adopt the same procedure. Blank claim forms will be available at future meetings.</p>	<p>RE</p> <p>CY</p> <p>RE</p> <p>ALL</p>
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	<p>Although there is no dedicated ALOAF budget line, the Council is open to receiving funding requests for proposed ALOAF expenditure for other items.</p>	
4	<p>Upholding access rights cases</p> <p>(a) Proposed framework for A/O+ALOAF case-related activity Dealt with under item 3(c) above.</p> <p>(b) Casework presentation KL presented a list of her access cases – none currently requiring ALOAF involvement. She reported that there have been some worthwhile SRDP access proposals from landowners, and the scheme will be available again in 2019. AE noted the potential for ALOAF to offer generic support for acceptable SRDP proposals if requested. On a different topic, discussion ensued on the balance between case outcomes and the potential cost to the Council of court action, with the public interest being an important factor. Access interests can team up to spread the financial risk. Court decisions unfavourable to access can result in copycat situations – A/Os should be told of such circumstances. RE presented some of his cases, drawing attention to the very large amount of officer time involved in attempting to resolve them, whether by negotiation or legal action. There is a potential mediation role for ALOAF. In some cases, actions by other Council services have led to access issues, but it is hoped that involvement in in-service training will help reduce this aspect. A/Os rely on Environment Planners to flag up potential access implications in planning applications, a process which has variable results, especially where something other than a designated right of way or core path is involved. RE advised that he may be calling on ALOAF for assistance in regard to a particular case. Remarking that assistance with resolving access issues is central to ALOAF's purpose, CY voiced the meeting's thanks to both A/Os for their presentations. In discussion RE advised that the Council website's access advice will be updated soon. It was noted that prompt response to access issues is essential and cannot await detailed consideration at the Forum's infrequent meetings. RE emphasised the role of case-specific subgroups in resolving this impediment.</p> <p>(c) Subgroup/working group creation; (d) Small working group governance It was agreed that Items 3(c) and 4(b) above had dealt with these topics.</p>	ALL

5	<p>ALOAF activities, events, training, information</p> <p>(a) Joint meetings under consideration and to be planned The Chair had received no response from Moray regarding a possible joint meeting in 2018. The consensus was that while ALOAF had devoted recent efforts to members' training, site visits and joint meetings, it was now time to focus on helping to resolve access issues; and it was agreed not to consider joint meetings for 2019 unless approached by other LAFs.</p> <p>(b) Turriff Show debrief The Chair reported a successful presence by ALOAF. In discussion some minor problems with siting and layout were noted; for 2019 it will be important that the display clearly identifies it as an ALOAF stand. It was suggested that the Quiz would work better if all questions were presented on one sheet. Volunteers are sought now for 2019. The equipment is now stored at Mintlaw (from where it can be summoned at any time subject to advance notice).</p> <p>(c) Need for training – external, cross-network groups Agreed to defer further training until there are positive outcomes from the recruitment initiative.</p> <p>(d) GDPR RE advised that the Council will take care of any GDPR requirements affecting ALOAF.</p>	
6	<p>Aberdeenshire Council update</p> <p>(a) Updates from Aberdeenshire Council (e.g. signing Core Paths) RE reported that the Council is progressing core path signage.</p> <p>(b) Bridget Freeman is on maternity leave; the meeting supplied written greetings to be forwarded by AE.</p>	AE
7	<p>AOCB</p> <p>(a) Newsletter Not discussed.</p> <p>(b) Talk for factors' group Having recently attended a factors' meeting, AE and AW felt that their group would benefit from a talk by an access officer. AE will ask Mark Andrew if this can be arranged. A/Os are willing to oblige. One of the issues concerning land managers is quarry safety. RE noted that this is a complicated topic.</p> <p>(c) E-bikes Concern was expressed that these allow easier penetration into more remote areas. CY advised that legally they</p>	AE CY

	<p>are not classed as motorised vehicles. He will share more information on this topic.</p> <p>(d) Hare coursing An issue in Aberdeenshire, but this is a criminal matter and thus for the Police rather than ALOAF.</p> <p>(e) Scotways book “The Law of Access To Land in Scotland” New publication now available.</p> <p>(f) ALOAF meeting arrangements (1) Request to put timetable on agenda rather than time allowed per item, e.g. Item 1 “1800-1810” rather than “10 Mins”. This would make it easier to keep to time. A/Os to follow up. (2) Could a reminder text be sent out by Council on the morning of the meeting day? RE will look into this.</p>	<p>A/O</p> <p>RE</p>
8	<p>Date of next meeting 4 February 2019. Also for 2019 29 April, 22 July, 28 October (all have been booked).</p>	