

DUNDEE CITY COUNCIL

REPORT TO: Leisure, Arts and Communities Committee - 11 June 2007

REPORT ON: Dundee's Local Access Forum

REPORT BY: Director of Leisure and Communities

REPORT NO: 297-2007

1.0 PURPOSE OF REPORT

1.1 To approve the Constitution and Operating Principles for Dundee's Local Access Forum.

2.0 RECOMMENDATIONS

2.1 It is recommended that the Committee approves the Constitution and Operating Principles of Dundee's Local Access Forum.

3.0 FINANCIAL IMPLICATIONS

3.1 None.

4.0 SUSTAINABILITY POLICY IMPLICATIONS

4.1 Sustainability

Dundee's Local Access Forum will aid the promote leisure and access opportunities and encourage healthy living, and will promote opportunities for sustainable transport and encourage citizens to walk, cycle to reduce private car dependency.

4.2 Strategic Environmental Assessment

None required.

4.3 Anti-Poverty

None.

5.0 EQUAL OPPORTUNITIES IMPLICATIONS

5.1 Dundee's Local Access Forum is open to all members of the community.

6.0 MAIN TEXT

6.1 Reference is made to Article IV of the Leisure and Arts Services Committee of 17 January 2005 where the Committee approved the establishment of the Forum as required under Section 25 of the Land Reform (Scotland) Act 2003, and to Article VIII of the Leisure and Arts Services Committee of 18 April 2005, where Committee recommended the operation and membership of the core group of Dundee's Local Access Forum.

The Forum has now been in operation for two years, during this time there have been 8 meetings of the core group, equating to approximately 200 hours of volunteer service by its members. The Forum have been involved in the Core Path Planning

process and have received a number of informative talks from Council Officers to aid it in this task. The Forum has also had the opportunity to comment on access provision in planning applications and on the draft of the Regional Transport Strategy.

During the last two years the Forum has also developed and agreed upon its own Constitution and a set of Operating Principles. The aim of these documents is to create a system for the efficient operation of the Forum which allows it to develop and communicate effectively. The Forum now seeks Committee approval to operate according to these documents as attached at Appendix I.

7.0 CONSULTATION

- 7.1 The Chief Executive, Depute Chief Executive (Support Services) and Depute Chief Executive (Finance) have been consulted in the preparation of this report and are in agreement with its contents.

8.0 BACKGROUND PAPERS

- 8.1 Article IV of the Leisure and Arts Services Committee of 17 January 2005
Article VIII of the Leisure and Arts Services Committee of 18 April 2005

STEWART MURDOCH
DIRECTOR OF LEISURE AND COMMUNITIES
18 MAY 2007

Dundee Local Access Forum Constitution

1. Name

Shall be known as the "Dundee Local Access Forum" hereafter called the Forum.

2. Membership

The Forum is open to all community groups, recreational user groups, landowners/managers and public agencies/bodies with an interest in outdoor access. The structure of the Forum is a wider body of Associate Members, which meets at an annual open meeting, and the Core Group, a group of approximately 16 Members chosen from the interest groups to represent the views of the Forum and the general public.

3. Objectives

The main objectives of the Forum are to:

- a) Advise Dundee City Council and any other person or body consulting the Forum on matters to do with the exercise of access rights, the existence and delineation of rights of way or the drawing up and adoption of a plan for a system of core paths.
- b) 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 lineation of rights of way
 - iii. The drawing up and adoption of the core paths plan
 - iv. The use of core paths
- c) Represent outdoor access interests in and around Dundee by providing a platform for members of the community to meet and discuss issues, interests and opportunities
- d) Raise awareness of outdoor access through education and the promotion of responsible behaviour.
- e) Develop opportunities for outdoor access in and around the Dundee area.
- f) Improve health, social inclusion and environmental benefits through the development of outdoor access projects.
- g) Communicate with others to help develop the wider understanding and promotion of outdoor access.

The Forum will follow a set of operating principles and a communications strategy agreed by the Core Group.

4. Meetings

- a) There will be at least 4 meetings of the Core Group annually, including an AGM.
- b) An annual meeting of the Forum will be held.

- c) Extraordinary meetings may be requisitioned by at least 3 members of the Core Group in writing to the Chairperson.
- d) The extraordinary meeting shall be called within 14 days on receipt of request. The Secretary and Chairperson shall decide if the request is valid and hold an extraordinary meeting giving 14 days of notice, if request is rejected it will be put on the agenda of the following meeting.

5. Officers and Committees

- a) The elected office bearers shall be:
 - i) Chairperson
 - ii) Vice Chairperson
 - iii) Secretary
 - iv) Treasurer
- b) The election of office bearers and forum members shall be for a period of three years initially and shall take place at the AGM. Forum members may be re-elected by due process.
- c) Elections will be majority vote at the AGM. The Secretary will give notice of an election in writing. Nominations may be submitted before or at the AGM.
- d) The Forum may from time to time appoint sub committees for any special purpose.
- e) Should an elected office bearer cease to be able to attend meetings, the vacancy may be filled at the next Forum meeting.
- f) Financial interest of members applying for a position should be made known before the election.

6. Voting

- a) At Core Group meeting only Members will be eligible to vote.
- b) Associate Members will be eligible to vote at an AGM, except on matters pertaining to changing the constitution.
- c) Where no majority occurs the Chairperson will have the casting vote
- d) Where there is no majority in the election of office bearers, the AGM will agree a mechanism to reach a final decision.
- e) A quorum shall consist of 50% of the Core group members, including properly recorded apologies.
- f) The quorum for an AGM will be 50% including properly recorded apologies. If the quorate number is not reached the AGM will reconvene with those present as an EGM.
- g) The constitution may be amended by a motion at a quorate AGM of core group members.

7. Representation

- a) As a matter of policy, representatives from the following organisations may be invited to Forum meetings:

- i) City Council
- ii) News Media
- b) Representatives from other organisations may be invited to Forum meetings by the Office Bearers jointly.
- c) The invited representatives may participate in the business of the meeting at the discretion of the Chairperson, but will not have the right to vote.

8. Finance

- a) The Treasurer shall open a bank account in the name of the Forum.

There shall be three signatories to the account with a requirement for two signatories to sign withdrawals from the account.
- b) The Treasurer shall keep proper and accurate account of the Forum finances and shall produce an audited statement for the AGM.

9. Administration

- a) The Secretary shall give notice of meetings by circular to all members giving at least 14 days notice.
- b) Accurate minutes of all meetings will be kept.
- c) Copies of the minutes and the agenda for forthcoming meetings shall be circulated by the Secretary.
- d) Business, to be included on the agenda of the meeting, must be notified to the Secretary at least 10 days before the meeting. Late business may be introduced at the discretion of the Chairperson.

10. Dissolution clause

Should the Forum be dissolved all assets belonging to the Forum will be transferred to an equivalent organisation with the same objectives as Dundee's Local Access Forum.

Operating Principles of the Dundee Local Access Forum

Definitions:

Chairperson – Chairperson of the Dundee Local Access Forum. A Member of the Operational Group, elected to the post of Chairperson by the other Members of the Operational Group.

Secretary – Secretary of the Dundee Local Access Forum. A Member of the Operational Group, elected to the post of Secretary by the other members of the Operational Group. Dundee City Council can provide a secretary at no cost to the “Association”. In this instance the Secretary will not be a Member and will not have voting rights.

Member – A person elected to sit on the Operational Group, with full voting rights. A Member represents an interest group

Access Officer - The Dundee City Council Access Officer will be entitled to attend forum meetings. Should the Access Officer be unable to be present another Council Officer will attend.

NB. These operating principles are designed to cover the conduct of business by the Dundee Access Forum. They will be appended to the Constitution of the Forum. The “Association” shall work within all current legislation to practice equal opportunities for all members of the community regardless of age, race, creed or disability.

1. Conduct of meetings

1.1 Agenda

- The Chairperson will agree an agenda for the meetings with the Secretary. The agenda and supplementary documents will be sent to Members at least 1 week in advance of the meeting.
- Any Member of the Operational Group will be able to request items to be placed on the agenda. The Secretary should receive items at least 10 days before the next meeting.

1.2 Provision of meeting space

- Rooms and facilities for “Association” meetings are offered to the “Association” by Dundee City Council at no cost.
- Minutes of meetings will be kept by the Secretary and agreed at each meeting.

1.3 Recording and provision of minutes

- Openness of meetings – minutes will be made available on a website and hard copies will be available via the Secretary.
- Minutes will be marked as being draft minutes until amended and ratified by the Operational Group at the subsequent meeting
- Draft minutes will be made available to Members within two weeks after a meeting is held.

2. Decision making processes

2.1 Decisions at meetings

- Decisions made at meetings will be by consensus if possible. Any Member may, however, ask for a vote to be taken during a meeting.
- Voting will be by a show of hands, with a simple majority of those present at the meeting sufficient to carry the decision. The decision will be recorded in the minutes. Any Member not agreeing with the majority vote can ask to have this recorded in the minutes.
- In the event of a tied vote, the Chairperson will have the casting vote
- Observers and experts who are not Members of the Operational Group are not entitled to vote at meetings.

2.2 Resolution of disputes

- The Operational Group will follow the recognised protocol for the resolution of disputes. The role of the Operational Group will be to assist and advise the Council in the resolution of access disputes.

2.3 Invitations to attend meetings

- The Operational Group can invite speakers to provide expert advice or observers as appropriate. Members of the Operational Group wishing to invite expert advice or observers should do so through the Chairperson.

2.4 Working groups

- The Operational Group can set up working groups to tackle specific issues. Composition of working groups will be decided at a meeting of the Operational Group.
- Working groups will be task-limited; being dissolved after their task is complete.
- Working groups will keep minutes on record.

3. Communication

- All contact with the media should be directed through the Chairperson.
- Members will undertake to communicate as appropriate with those they identify in the Forum Communication Plan.

4. Miscellaneous

4.1 Travelling expenses

- Travelling expenses for members attending meetings on forum business out with Dundee can be claimed on the basis of home to meeting venue mileage. Expenses are paid on application to the Secretary.

4.2 Training and resources

- Documentation and training regarding relevant access issues will be made available for members as appropriate

4.3 Barriers to the proper exercise of Members duties

- Members of the Operational Group will inform the Chairperson if they become unable to attend to the business of the Forum or Operational Group.
- If a Member is unable to attend a Forum or Operational Group meeting they should inform the Chairperson or Secretary at the earliest opportunity. The member may nominate a recognised substitute to take their place at the meeting.
- Members who become aware of a financial conflict of interest are obliged to inform the Chairperson as soon as they become aware of such a conflict of interest. A financial conflict of interest is any situation in which involvement with the work or decisions of the Forum or Operational Group leads to material or pecuniary advantage to the Member and/or immediate relatives.
- Members who have not attended three consecutive core group meetings will be written to asking if they wish to step down from Forum duties. They will be given 14 days to reply. If there is no reply or the member does not wish to return the Forum will make arrangements for the place to be filled.

4.4 Amendments to Operating Principles

- These Operating Principles may be amended by a simple majority of those present at a quorate ordinary meeting of the Operational Group.

Dundee Local Access Forum Communications Strategy

Aims:

To gather information and comment from Dundee residents and local interest groups

To disseminate information to:

- Local interest groups
- General public in Dundee area

Principles underlying the communications strategy:

We need to communicate with a wide range of interest groups

We need to communicate with the general public

Communication needs to occur in both directions

Components:

Web based communication:

- Minutes from Access Forum meetings will be made available on a website
- An email address will be made available on the website to contact the Access Forum committee
- An email 'flyer' will be sent to the list of interest group representatives (see below) whenever new minutes are posted, whenever specific information needs to be distributed or specific opinions sought.

Paper based communication:

- The annual general meeting will be advertised in the local press (The Courier) two weeks prior to the meeting date. This will be accompanied by a press release as agreed by the Committee Members.
- A paper summary of the minutes will be sent to anyone on the communications database (see below) that wishes for a paper based summary.
- Paper based versions of the email based fliers described above will be sent to anyone on the list of interested parties (see below) that wishes for a paper based summary.
- Written copies of Access Forum minutes will be held with the Secretary.

Live communication:

- The work of the Access Forum will be presented and reviewed at the Annual General Meeting. This will be a public meeting, advertised in the local press, to which any member of the public may attend and discuss the work of the Access Forum.

Internal Communication:

- The Secretary shall give 30 days notice of a Operational Group meeting to Members

- The Secretary shall send out the agenda and supplementary documents at least 7 days in advance of the meeting
- Members wishing to place items on the agenda should send these to the Secretary at least 10 days before the next meeting
- Communication to Members will be via email, unless paper based communications are requested
- Draft minutes will be sent out to members 2 weeks after the meeting has been held

Other types of communication:

- The work of the Access Forum should be publicised in the local press as appropriate. Such publicity should be accompanied by contact details for the Access Forum
- The Access Forum may be publicised by means of advertisements or flyers placed in positions likely to be frequented by interested parties. These could include, but not be limited to:

Shops selling cycling, walking, horse riding and other outdoor activity equipment

Leisure centres community centres and activity centres

Tourist information centres

Dundee City Council

Public Libraries

Communications Database:

A communications database of parties that would wish to be informed of Access Forum business will be drawn up. This list should include, but not be limited to:

Representatives of leisure groups and clubs (e.g. cycling, walking club secretaries)

Local landowners and farmers

Individuals who have previously responded to invitations to attend Access Forum meetings

Scottish Natural Heritage

Appropriate officers from Dundee City Council

Any member of the public that requests to be added to the communications database

Each individual on the list will be given the option of email or paper based correspondence. Individuals should be asked to consent to their personal details being held on a database and informed that the details will not be passed on to any third party.