

DATA LABEL: PUBLIC



ENVIRONMENT AND SUSTAINABILITY POLICY DEVELOPMENT AND SCRUTINY PANEL

PROPOSAL TO RE-STRUCTURE AND RAISE THE PROFILE OF THE WEST Lothian LOCAL ACCESS FORUM

REPORT BY HEAD OF OPERATIONAL SERVICES

A. PURPOSE OF REPORT

This report outlines proposals to re-structure and raise the profile of the Local Access Forum (LAF) for the West Lothian council area.

The report is put forward for noting by the Panel.

B. RECOMMENDATION

To note the actions below to be taken to re-structure and raise the profile of the West Lothian LAF Forum and to support this report is forwarded to the Council Executive for approval:

- support the constitution, aims and purposes of the West Lothian Local Access Forum
- note the support to be provided to and the procedures and Standing Orders to be followed by the West Lothian Local Access Forum
- support that reports of the operation of the West Lothian Local Access Forum will be brought annually to the Environment Policy Development and Scrutiny Panel for noting

C. SUMMARY OF IMPLICATIONS

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|------------|--|---|
| I | Council Values | Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; working in partnership |
| II | Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment) | Positive discrimination in selection of members for the West Lothian LAF accords with the aims of the Council's Equality Outcomes 2021-2025 |
| III | Implications for Scheme of Delegations to Officers | None |
| IV | Impact on performance | Continued compliance with the statutory duty |

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|-------------|---|---|
| | and performance Indicators | to establish a local access forum under the Land Reform (Scotland) Act 2003, section 25 |
| V | Relevance to Single Outcome Agreement | No Implications |
| VI | Resources - (Financial, Staffing and Property) | No additional resources |
| VII | Consideration at PDSP | Not required |
| VIII | Other consultations | None |

D. TERMS OF REPORT

The Report outlines the actions to be taken by the Parks & Woodland team within NETs, Land & Countryside Services - Operational Services to re-structure and raise the profile of the West Lothian LAF.

D1. Background

Under section 25 of the Land Reform (Scotland) Act ("the Act), West Lothian Council is required to establish a local access forum whose functions include providing advice on public access matters. Further details of the advisory role of a local access forum are given below at paragraph D2.7.

The Act gives the lead management role to Scotland's 32 local authorities and 2 national park authorities (collectively known as 'access authorities'), but it also requires each access authority to set up at least one local access forum to advise it and any other person or body who asks for advice, on issues that arise in relation to the management of outdoor access.

The West Lothian LAF was originally established by the Community Safety Committee on 9 September 2003 and was the successor of the non-statutory forum created by West Lothian Council in 1997.

The West Lothian LAF was originally administered through the Planning service of the Council but in 2018 responsibility was transferred to the team within Nets, Land & Countryside Services - Operational Services.

The West Lothian LAF last met in April 2019. Currently all access issues are managed by the Parks & Woodland team without reference to the West Lothian LAF for advice.

The Parks & Woodland team have successfully succeeded in resolving ongoing access issues and responded to all access surveys and reports in consultation, where necessary, with NatureScot.

The members of the West Lothian LAF have been regularly sent information and reports keeping them up-to-date on current issues.

The Parks & Woodland team are however looking at ways to re-structure and raise the profile of the West Lothian LAF to ensure not only that it is balanced across all relevant interest groups and fully and actively represents the Community but also that (a) it can usefully and constructively assist the Council in its statutory duty as the access authority for the West Lothian council area and (b) there is a clear and

defined role for both the forum itself and its individual members

With the aim of re-structuring and raising the profile of the West Lothian LAF, the Parks & Woodland team have accordingly undertaken a review of the existing LAF. This has involved both:

- a top to bottom appraisal of the existing LAF's governance and practice; and
- a SurveyMonkey questionnaire circulated to all Local Authorities in Scotland and to both National Parks (34 organisations in total) seeking anonymised responses to more fully understand what other access authorities have found has made their own LAFs successful (and/or where a forum is failing). An executive summary of the Survey is contained in Appendix 5 together with details of the objectives for the West Lothian LAF that have been drawn therefrom.

This report is the culmination of this review.

D2 Proposals

- D2.1** ***Rationale:*** to have in place a fully representative, balanced and independent local access forum with whom the Council can consult and seek advice all in accordance with the objectives of the Land Reform (Scotland) Act 2003 and the ex-statutory guidance detailed in the Scottish Natural Heritage (NatureScot) 'Local Access Forums:- A Guide to Good Practice'.
- D2.2** ***Structure:*** The West Lothian LAF would comprise a group of approximately 8 representatives appointed by the Council, who would serve a standard term of up to 3 years (at initial appointment half of nominees within each sector would be for an initial term of 2 years (thereafter 3 years) to ensure that the terms of all forum members do not all expire at the same time). The LAF would sit not as a Council committee but as an autonomous group with administrative and officer support from the Council. Officers anticipate that potential appointees would be individuals with relevant outdoor and access experience and ability or nominated by their employers (in the case of agencies) or their peers (in the case of organisations or peer groups). The proposed recruitment process is described in paragraph D2.13 below. The diagram in Appendix 1 shows how the mechanism fits within the wider context of (a) access stakeholders ("interested parties") and (b) the wider population of West Lothian. Appendix 4 sets out the proposed timescales.
- D2.3** The workings of the LAF to be governed by the Terms of Reference annexed in Appendix 2. The Act requires local authorities to ensure that (a) the membership shows "reasonable representation" across the range of access stakeholders (b) a wide range of expertise is brought to the table and (c) the membership composition should aim to achieve a balance among the all relevant sectors including public agencies, land interests, communities, and users. Officers from the Parks & Woodland team will be available on an ex officio basis to aid, as necessary.
- D2.4** The LAF will comply with the Standing Orders annexed in Appendix 3 to better regulate the proceedings of the LAF.
- D2.5** The 'Guidance to Good Practice on Local Access Forums' issued by Scottish Natural Heritage (now NatureScot) recommends that a Code of Conduct is adopted to regulate the actings of the Members of the West Lothian LAF. A copy of the Code of Conduct which will regulate the actings of the Members of the West Lothian LAF is attached as Appendix 6.

- D2.6** The Act permits a local authority to appoint one or more of its elected members to their local access forum to represent the Council's interest. Two elected members have been appointed to the West Lothian LAF by the Council and shall remain in position until the Council determines otherwise. For all other prospective LAF Members, the recruitment and nomination procedure is described in paragraph D2.13 below.
- D.2.7** **Function:** The Land Reform (Scotland) Act 2003 states that the functions of a local access forum are:
- (a) *to advise the local authority 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 [under the Act].*
- and*
- (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 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.*
- D2.8** A key function of the LAF will be to assist with a review of the Core Paths Plan for West Lothian. This LAF role will clearly depend to a considerable extent on input from supporting groups. For this function and for the various other access functions listed in paragraph D2.7 the West Lothian LAF will have an important role in achieving a consistent and even-handed approach to generic access issues (while continuing to respect specific local needs and the individual character of different parts of West Lothian).
- D2.9** Similarly, with reference to paragraph D2.7(b) above, and while Council officers and other intermediaries will have the primary role in determining disputes, the LAF are expected to provide generic and “good-practice” advice which may help in dispute resolution and consensus building.
- D2.10** **Way of working:** Although not expressly stated in the Act, it is implicit that the Council's role will include providing secretarial resources for the LAF. The LAF is expected to appoint a Chair from within its own numbers but, where necessary, a Council officer will chair the LAF, in a facilitator role, until the LAF has appointed a Chair from among its own number.
- D2.11** A Terms of Reference is to be adopted to regulate the internal ways of working of the LAF which includes the role of LAF Members; the frequency of meetings; and the use of Council website for meeting agendas and minutes. A copy of the Terms of Reference is attached as Appendix 2.
- D2.12** The West Lothian LAF will be tasked to increase engagement with both the public to include publishing of LAF agendas, minutes, etc. and dissemination of information and advice through the Council website and other social media avenues and with the National Access Forum.

- D2.13 Recruitment** – Officers already have a list of people currently or prospectively interested in serving on the West Lothian LAF. It is intended to widen this opportunity to all via a press release, a mailing to the access mailing list and such other recruitment opportunities as considered necessary.

In order to achieve a balanced and representative Forum membership the Council expects to act pro-actively and prospective applicants will be required to provide evidence of their interests and background with the aim of both appointing the best candidates and also to achieve a balance of membership across all sectors, including but not limited to the following: land managers, recreational groups, relevant public agencies and community interests.

The Council will ensure that the application process is fair and transparent and ensure that a balanced and representative Forum is appointed. Positive discrimination shall be permitted to the extent allowed in law and to the extent necessary to achieve so far as possible a balance of representation across all interest sectors, age groups, genders and race.

Where considered necessary, potential members shall attend a selection meeting or meetings arranged by the Council.

Members to the Forum will be appointed by the Council only after consultation with each sector. With regard to the public agency sector however, the Council shall contact the selected agencies and invite nominees/representatives.

- D2.14 Working groups:** It is envisaged that the West Lothian LAF will be supported both by standing and/or ad hoc working groups constituted by the LAF to address specific topics or issues including access disputes. These will comprise a fair and representative number of LAF representatives and may at the option of the Local Access Forum include knowledgeable individuals drawn from the wider public (see Appendix 1).

- D2.15 Timescale:** The following timescale is anticipated (and see Appendix 4):

- Press release and mailing to existing mailing list: by 30 November 2022.
- Selection meeting/s: January 2023
- First meeting of the re-constituted LAF: March 2023

- D3 Policy Implications:** The establishment of a LAF is a statutory requirement and is in accord with the aims of the following Plans:

- [West Lothian Open Space Plan 2020-24](#)
- [West Lothian Active Travel Plan 2016-21](#)
- [West Lothian Local Outcomes Improvement Plan 2013-23](#)
- [West Lothian Corporate Plan 2018-2023](#)
- [West Lothian Local Development Plan 2018](#)
- [West Lothian Community Engagement Plan 2013-2023](#)

The LAF's work will include encouraging social inclusion and supporting the health and wellbeing of the community in general.

E. CONCLUSION

This paper highlights the current work being undertaken by the Parks & Woodland team to comply with the statutory duty to establish and maintain a Local Access Forum and to engage with the Community in relation to access issues. The panel

is asked to support that the content of the report if forwarded to Council Executive for approval.

F. BACKGROUND REFERENCES

- [Land Reform \(Scotland\) Act 2003](#)
- [Scottish Outdoor Access Code](#)
- [Local Access Forums:- A Guide to Good Practice](#)
- [West Lothian Local Access Forum Webpage](#)
- [National Access Forum Webpage](#)
- Report by Head of Development and Regulatory Services to the Community Safety Committee on '*the Land Reform (Scotland) Act 2003: Access to Land*' dated 9 September 2003

Appendices/Attachments:

- | | |
|------------|--|
| Appendix 1 | Model for Local Access Forum [source: adapted from Local Access Forums:- A Guide to Good Practice] |
| Appendix 2 | Local Access Forum Terms of Reference |
| Appendix 3 | West Lothian Local Access Forum Standing Orders Relating to the Conduct of Meetings |
| Appendix 4 | Timetable for the re-establishment of a Local Access Forum for West Lothian |
| Appendix 5 | Report on the West Lothian Council SurveyMonkey Questionnaire |
| Appendix 6 | Local Access Forum - Members Model Code of Conduct |

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Date of meeting: 8 November 2022

Appendix 1

Model for LAF:

source: adapted from SNH 2006 Guidance



Note: The development process of the LAF will be cyclical and will be regularly reviewed to ensure ideal effectiveness

Appendix 2

LAF Terms of Reference

WEST LOTHIAN LOCAL ACCESS FORUM - TERMS OF REFERENCE

1.0 Name and Area of Operation

- 1.1 The group will be known as the West Lothian Local Access Forum (hereinafter referred to as “LAF” or “the Forum”).

2.0 Equal Opportunities

- 2.1 The Forum will follow the policies adopted by West Lothian Council (“the Council”) in relation to acts relating to non-discriminatory behaviour and equal opportunities.

3.0 Aim

- 3.1 The aim of the Forum is to advise and assist the Council on a consensual basis in relation to the development, promotion, monitoring and management of responsible public access to the outdoors in the Forum area.

4.0 Advice and Mediation

- 4.1 To act as the local access forum for West Lothian as required under the Land Reform (Scotland) Act 2003; in particular as a consultee in relation to West Lothian Council’s duties and powers under the Land Reform (Scotland) Act 2003 which include: upholding access rights through the removal of signs and obstructions, dealing with requests to exempt land from access rights, making and reviewing byelaws
- 4.2 To advise West Lothian Council on strategic access issues throughout the Council area to include advice on West Lothian’s access strategies and the development and review of the Core Path plan.
- 4.3 To mediate and offer advice to West Lothian Council parties to help resolve access conflicts by a process of seeking consensus.
- 4.4 To promote responsible access through the Scottish Outdoor Access Code.
- 4.5 To promote the sharing of knowledge, awareness, and good practice in access.

5.0 Core Paths Planning

- 5.1 To advise the Council on priorities for implementation, particularly with regard to Core Paths Plan.

6.0 Publicity and Promotion

- 6.1 To promote the sharing of knowledge, awareness of different viewpoints and good practice in responsible outdoor access in accordance with the Land Reform (Scotland) Act 2003.
- 6.2 To assist in publicising the Land Reform (Scotland) Act 2003 and interpreting it to the public.
- 6.3 To promote and help publicise the Scottish Outdoor Access Code.
- 6.4 To prepare and implement a Communication Strategy for the Forum.

7.0 Structure

- 7.1 Members will number between 8 and 12 excluding Council Members and officials with a balance of members so far as possible representing each of four interest groups being:
 - 7.1.1 Agency & Other Appropriate Bodies;
 - 7.1.2 Landowner/Manager;
 - 7.1.3 Recreation; and
 - 7.1.4 Community.
- 7.2 Membership of the Forum will include no more than two elected members of West Lothian Council with appropriate interests in access matters.
- 7.3 The Forum may appoint Working Groups to advise the Forum on topic-based access issues if and when judged necessary. Any Working Group will comprise a fair and representative number of Forum representatives and may include knowledgeable individuals drawn from the wider public. Working Groups will have clear remits, terms of reference and expected life-spans and will report outcomes and recommendations to the Forum for approval and further guidance.
- 7.4 A wider group of people who wish to be kept in contact with the Forum and have authorised their contact details to be kept will be known as the Forum Contact Group. These individuals and groups will be invited to meetings of the Forum or Working Group (unless or to the extent such meetings are closed to non-members).

8.0 Membership

- 8.1 Members must live or work within the West Lothian Council Area.
- 8.2 Members of the Forum will be selected by West Lothian Council.
- 8.3 Agencies & other appropriate bodies expected to be represented on the Forum are West Lothian Council, NatureScot, Scottish Forestry.

- 8.4 Members of the Forum will be selected for a 3-year period with an option to be re-selected. One member from each interest group will retire every second year in rotation. Those to stand down before having served for 3 years will be selected by lot.
- 8.5 Working Groups should so far as possible have balanced representation from the 4 interest groups.
- 8.6 Members of Working Groups should be drawn from the Forum or co-opted from those with appropriate interests and or qualifications.
- 8.7 Only members of the Forum are eligible to make decisions relating to the stated aims of the Forum.
- 8.8 The Forum will elect annually a Convener and Vice Convener from the membership.
- 8.9 In the event of any member failing to attend 3 consecutive meetings without due cause, the member will be contacted by the Chair to discuss whether the member should stand down.
- 8.10 In the event of a member behaving in an unsatisfactory manner in relation to Forum business they may be invited to stand down. Any complaint in respect of the behaviour of a member should be sent in writing to the Convener who will invite the member to submit an explanation or statement with regard to the complaint. The Convener will then form a disciplinary subgroup to consider the matter and decide whether the member should be invited to stand down.

9.0 Meetings & Administration

- 9.1 Forum meetings will be held three times in each year. Additional meetings of the Forum and of Working Groups may be called as required.
- 9.2 At the first Forum meeting in each calendar year a report of the actions of the Forum for the previous year will be presented.
- 9.3 The Convener will agree agenda items for each Forum meeting with the nominated Council Officer in time for papers to be sent to members. These will be sent to members at least 1 week in advance of the meeting.
- 9.4 Individual members of the Forum requesting items to be placed on the agenda must submit these at least 3 weeks in advance of the meeting.
- 9.5 Forum sub-group meetings will be conducted as appropriate considering the nature of business in accordance with the above principles where possible and practicable.
- 9.6 The Council will provide rooms and facilities and administration for meetings.

- 9.7 Action minutes of meetings will be kept by the Council Officer and agreed at each subsequent meeting.
- 9.8 The Forum may invite Correspondent members of the Forum and/or any other speakers to provide expert advice or observers to meetings as appropriate.
- 9.9 Openness of meetings:
 - 9.9.1 agendas and minutes of meetings will be made available on the Forum page on the Council website as soon as their content is agreed, and
 - 9.9.2 Only Forum members and associated and invited persons and anyone who has indicated their intention to attend in advance will be able attend meetings other than open meetings.
- 9.10 Decisions made at meetings should be by consensus. If necessary voting on motions and amendments, duly moved and seconded will be undertaken. Anyone not agreeing with the majority vote can ask to have this recorded in the minutes.
- 9.11 Members should disclose any personal interests relevant to the business of the meeting at the beginning of each forum or working group meeting stating the nature of the interest. If there is a conflict of interest in a matter to be discussed the member should temporarily leave the meeting while the matter is discussed and will not be permitted to vote on this matter.
- 9.12 Documentation and training regarding relevant access issues will be made available for members as appropriate.

10.0 Communication Strategy

- 10.1 All contact with the media should be directed through the Convener.
- 10.2 The Forum will follow the agreed procedure for the resolution of disputes.

11.0 Alterations to the Terms of Reference

- 11.1 The Terms of Reference were adopted by the Forum on [] 202[2]. Any amendment of the Terms of Reference must be approved by West Lothian Council.

Signed on behalf of the Forum on202[2]

Chair

Vice Chair

Signed on behalf of the Council on202[2]

Authorised Officer

Appendix 3

WEST LoTHIAN LOCAL ACCESS FORUM STANDING ORDERS RELATING TO THE CONDUCT OF MEETINGS

Adopted: [] 202[2]

A. PRELIMINARIES

1. *Commencement and Application*

These Standing Orders will apply and have effect on and after [add Date of the 1st meeting of the Local Access Forum]. The provisions of these Standing Orders will apply to the West Lothian Local Access Forum and any working subgroups of the Local Access Forum.

2. *Review*

The West Lothian Local Access Forum will review these Standing Orders from time to time after consultation with West Lothian Council.

3. *Suspension of Standing Orders*

To suspend any of the Standing Orders, with the exception of Standing Orders 8, 9, 13, 16 and 32 which cannot be suspended, will require the consent of not less than two-thirds of the members voting and the approval of West Lothian Council.

B. CALLING MEETINGS/ITEMS FOR FUTURE MEETINGS

4. *Notice of Meetings*

4.1 Generally Notice of the place, date and time of a meeting of the Forum will, be given to every member of the Forum (and, where required, to such Correspondent members of the Forum as have been invited to speak to the Forum at that meeting) not later than one week before the meeting by being delivered, posted, faxed or transmitted by other electronic means to his or her usual place of residence or employment. Meetings may be face-to-face or by video conference/TEAMS meeting.

4.2 Public Notice of a meeting of the Forum will be given by posting a Notice on the Local Access Forum website, at least four clear working days before the meeting, or if the meeting is convened at shorter notice, then at the time it is actually convened. The Notice of Meeting will include:

- (a) the date, time and place of the meeting, and
- (b) information on the availability for inspection of the Agenda and accompanying reports.

- 4.3 Want of service of a Notice of Meeting on any member of the Forum shall not affect the validity of the meeting.

5. *Place of Meetings*

- 5.1 Meetings of the West Lothian Local Access Forum and of any working subgroup constituted by the Local Forum will be held either at places within the West Lothian Council area or by video conferencing and at times determined by them respectively after consultation with West Lothian Council's access officer or such other authorised officer nominated for that purpose.

6. *Notices of Motion for Submission to Future Meetings*

- 6.1 A Notice of Motion for submission to a future meeting of the Forum will be in writing, signed by the member of the Forum giving Notice, counter-signed by at least one other member and sent to West Lothian Council's access officer or such other authorised officer nominated for that purpose.
- 6.2 Such a Notice of Motion must be received not later than 3 weeks prior to the meeting of the Forum concerned. In calculating the 3-week notice, the day of the Forum meeting will be excluded. If a Notice of Motion is late, it will be referred to the next available meeting of the Forum, at the request of the members involved.

C. ATTENDANCE AT MEETINGS - BASIC PROVISIONS

7. *Chair*

- 7.1 At a meeting of the Forum, the Chair will preside. If the Chair is absent, the Vice Chair will preside. If both the Chair and Vice Chair are absent West Lothian Council's access officer or such other authorised officer nominated for that purpose will preside until the members of the Forum choose one of their number to preside.

8. *Quorum*

- 8.1 The Quorum for any meeting shall be one third of the membership.
- 8.2 If within ten minutes after the time appointed for a meeting of the Forum, a quorum is not present, the Chair will adjourn the meeting to a time he or she may then or afterwards fix.
- 8.3 Correspondent members of the Forum shall not count towards a quorum.

9. *Failure to Attend Meetings*

- 9.1 Members of the Forum unable to attend scheduled meetings of the Forum for any reason should submit their apologies for absence to West Lothian Council's access officer or such other authorised officer nominated for that purpose as soon as possible before the meeting. West Lothian Council's access officer or such other authorised

officer nominated for that purpose will intimate the apologies at the meeting and will record the apologies in the minute of the meeting.

- 9.2 Any member of the Forum who fails to attend three consecutive meetings of the Forum will unless the failure was due to some reason approved by the Forum cease to be a member of the Forum.

10. *Members of Press/Public*

Members of the Press and public will be entitled to attend public meetings of the Forum. Members of the Press and public will be excluded from meetings of the Forum where items of business concern information relating to the financial, business or personal affairs of any particular person or company (other than the Council).

D. CONDUCT OF BUSINESS/PROCEEDINGS AT MEETINGS

11. *Chair - Powers and Duties*

- 11.1 Deference shall at all times be paid to the authority of the Chair and on all points of order, competency and relevancy, his or her ruling shall be final and not open to discussion. This includes discretion to rule on all questions of procedure where no express provision is made under these Standing Orders. When the Chair speaks, any member of the Forum (or any Correspondent member invited to any meeting) who is addressing the meeting must desist from speaking. It is the duty of the Chair to preserve order and to ensure that members obtain a fair hearing. In the event of disorder, the Chair has absolute discretion to adjourn the meeting, and his or her quitting the Chair will bring the meeting to an end.
- 11.2 All powers and duties of the Chair shall in the absence of the Chair or in the event of the Chair being unable to act for any reason, be exercised by the member chosen to preside in terms of Standing Order 7 above.

12. *Sederunt*

West Lothian Council's access officer or such other authorised officer nominated for that purpose shall act as the clerk to any Meeting of the Forum and will record the names of the members present at each meeting, as well as those who have submitted apologies for absence.

13. *Urgent Business*

- 13.1 The business to be transacted at a meeting of the Forum will be that specified on the Agenda and any item of business not on the Agenda which is certified by the Chair as urgent. No other business will be transacted at a meeting of the Forum.
- 13.2 It shall be in the sole discretion of the Chair to decide whether any business not specified on the Agenda for the meeting should, by reason of special circumstances, be considered at the meeting as a matter of urgency, and such special circumstances must be specified in the Minutes of the Meeting.

14. Order of Business/Adjournment

The business of a meeting of the Forum shall be conducted in the order set out on the Agenda for the meeting, provided that any item of business may, with the consent of the meeting, be taken out of its place. The Chair may with the consent of the meeting adjourn the meeting to any other day, time and place.

15. Rescinding of Resolution or Decision

A resolution or decision of the Forum and a resolution or decision of a subgroup on a matter delegated or remitted with will continue to be operative and binding on the Forum for at least six months after the date of the resolution or decision.

16. Declaration of Interest

- 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.

17. Obstructive or Offensive Conduct

In the event of any member at a Forum meeting disregarding the authority of the Chair or of being guilty of obstructive or offensive conduct, a motion may be moved and seconded to suspend such member for the remainder of the sitting. Such a motion will be put to the meeting without discussion and if supported by a majority of members of the Forum present and voting will be declared carried. The offending member will then be required by the Chair to leave the meeting.

18. Order of Speeches

A member wishing to speak will attract the Chair's attention by raising his or her hand, and when called upon will address the Chair. The member will direct his or her speech strictly to the matter under discussion or to the Motion or Amendment to be proposed or seconded by himself or herself or to a question of order. The Chair will decide between two or more members wishing to speak by calling on the member whom he or she first observed to raise his or her hand.

19. *Participation of Correspondent Members, Members of the Public and Elected Members*

Any Correspondent member attending a meeting of the Forum to which the Correspondent member has been invited shall be entitled to speak on any matter under discussion in respect of which the Correspondent member has been invited to attend the meeting and the Chair shall call on the Correspondent member prior to a vote being taken on such matter to address the Forum in relation to such matter.

Members of the public who have given West Lothian Council's access officer or such other authorised officer nominated for that purpose a minimum of two working days' notice of their intention to do so will normally be allowed to speak for not more than five minutes at meetings of the Forum on any specified item on the published agenda. The requirement for two days' notice may be relaxed at the discretion of the Chair. The West Lothian Councillor for the area under discussion in any particular item of Forum business, as a democratically elected representative of the community, will be permitted to attend and speak at Local Access Forum meetings. Unless the West Lothian Councillor is already a member of the Forum he will have no entitlement to vote.

20. *Consensus*

The Forum will have a strong commitment to reaching consensus upon issues on which it is consulted but where there is a divergence of views then motions and amendments will be acceptable.

21. *Number and Duration of Speeches*

The number of speeches and the point at which Motions and Amendments are to be accepted is at the discretion of the Chair. All speakers in any discussion on an item will not speak for more than five minutes.

22. *Motions and Amendments – General*

- 22.1 Every Motion and Amendment arising at a meeting will be moved and seconded, and if requested by a member will be written down and handed to West Lothian Council's access officer or such other authorised officer nominated for the purpose of acting as the clerk of the Forum and will be read out before it is further discussed or put to the meeting.
- 22.2 If a Motion which is specified on the agenda for the meeting (under Standing Order 6) is not moved by the member who has given the notice and seconded, then it will, unless moved by another member and seconded on the day, or postponed by leave of the Forum, be considered as dropped and cannot be moved again without fresh notice.
- 22.3 It will not be competent for a member to move or second his or her own election or appointment as Chair or Vice-Chair of the Forum or as an Office-Bearer of any subgroup or as a representative of the Forum on any similar or outside body. This does

not prevent a member when such election or appointment is under consideration from indicating his or her interest in being nominated for election or appointment.

- 22.4 Every Amendment will be relevant to the Motion on which it is moved. The Chair will decide as to relevancy and has the power, with the consent of the meeting, to conjoin Amendments which are not inconsistent with each other.
- 22.5 Should any Amendment raise a procedural issue, rather than to affect the substantive issue, that procedural issue will be addressed and dealt with, without affecting the substantive Motion or Amendments
- 22.6 All additions to, omissions from, or variations upon a Motion will be considered as Amendments to the Motion and will be disposed of accordingly.
- 22.7 Motions or Amendments which are not seconded will not be discussed.
- 22.8 A Motion or Amendment once moved and seconded will not be withdrawn without the consent of the mover and seconder, and then only with the sanction of the meeting.

23. *Procedural Motions*

- 23.1 A member moving that the Forum do now proceed to the next business or that the debate be now adjourned may speak for not more than five minutes and if the Motion is seconded it will be seconded without a speech. If the Chair is of the opinion that the business which is the subject of the debate has been sufficiently discussed, the procedural motion will be put, without further discussion to the meeting and, if supported by a majority of the Forum present and voting, will be declared carried. This procedural Motion may only be put forward where either a formal Motion or a Motion and any Amendments are not already before the Forum in relation to the Item concerned.
- 23.2 Where both a Motion and Amendment(s) are before the Forum, any member who has not spoken in the debate may move that "the matter be put to the vote" and he or she may speak for not more than five minutes in support of that procedural Motion, which if seconded, will be seconded without a speech. If the Chair is of the opinion that the business which is the subject of the debate has been sufficiently discussed, a vote on the procedural motion will be taken without further debate. If the procedural Motion is carried the mover of the original Motion will have the right to reply in terms of Standing Order 25 and the question under discussion will then be put to the vote.

24. *Point of Order/Explanation*

During the discussion, a member may call attention to a point of order, or with the sanction of the Chair, may make an explanation. A member who is addressing the meeting when a question of order is raised will desist from speaking until the question of order has been decided by the Chair.

25. *Right of Reply*

The mover of an original Motion will have the right to speak in reply and in the reply will confine his or her comments to answering previous speakers and will not introduce a new matter into the debate. The mover may, however, seek a point of clarification. After the mover has been called upon by the Chair to reply no other member can speak to the question except on the point of clarification raised and once the reply has been given the Forum will proceed directly to the vote.

26. *Voting - Order of Motions and Amendments*

When only one amendment is made upon a Motion, the vote will be taken between the Amendment and the Motion, the vote for the Amendment being taken first. Where there is more than one Amendment, generally the Amendment last proposed will be put against the immediately preceding one, and the Amendment which is carried will be put against the next preceding, and so on until only one Amendment remains and the vote will be taken between that Amendment and the original Motion. However, particularly in relation to composite Motions, the Chair may decide that Amendments be taken individually against the Motion. After the vote between an Amendment and the Motion whichever is carried will be the decision of the Meeting.

27. *Voting - Election, Selection or Appointment of Members to any Particular Office or Committee*

- 27.1 In the case of an Election, Selection or Appointment of Members of the Forum to any particular office, subgroup or as a representative of the Forum on an outside body, where the number of candidates nominated exceeds the number of vacancies, the member(s) to be elected, selected or appointed as the case may be, shall be determined by vote. Members voting shall be entitled to cast as many votes as they wish up to the number of vacancies available.
- 27.2 Where only one vacancy requires to be filled the vote will normally be by ballot but may be by a show of hands and any candidate having an absolute majority of the votes cast shall be declared duly elected, selected or appointed as the case may be. Where more than one vacancy requires to be filled and the number of candidates nominated exceeds the number of vacancies, the vote shall be by ballot, the name of the candidate having least votes being struck out of the list of candidates. Such process of elimination by vote by ballot shall be continued until in a case where only one vacancy exists any candidate has an absolute majority of the votes cast, or in any case until the number of candidates remaining equals the number of vacancies when the candidate or candidates remaining shall be declared duly elected, selected or appointed as the case may be.
- 27.3. If in any ballot among more than two candidates there is equality in votes among the candidates having least votes, the candidate whose name shall be eliminated shall be determined by an additional vote by ballot and unless there again be equality in votes, the name of the candidate having least votes shall be struck out of the list.

- 27.4 Where in any vote between two candidates or in such additional vote by ballot there is equality in votes, the candidate to be selected or appointed or eliminated (as the case may be) shall be determined by lot.

28. *Method of Voting*

- 28.1 The vote of the Forum will be taken normally by show of hands. If any member objects to the vote being taken by show of hands and a majority of the members of the Forum present and entitled to vote signify their support of the objection, the vote will be taken by calling the roll or by ballot. Correspondent members of the Forum shall not have a vote.

29. *Casting Votes*

- 29.1 Except as otherwise provided in this Standing Order the Chair or the member presiding in his or her absence in accordance with Standing Order 11 shall in the case of an equality of votes give the casting vote.
- 29.2 In the case of the election, selection or appointment of members to any particular office in any case of equality of votes between candidates the candidate to be elected, selected, appointed or eliminated as the case may be will be determined by lot.

30. *Defect in Procedures*

The proceedings of the Forum shall not be invalidated by any vacancy among their number or by any defect in the election or qualification of any member or by any member voting or taking part in the consideration or discussion of any question when he or she is not entitled to do so.

31. *Recording of Dissent from Decision*

A member of the Forum may have his or her dissent recorded to a decision of the Forum provided that he or she has moved a Motion or Amendment and failed to find a seconder or else has taken part in a vote provided that such member asks immediately after the item is disposed of that such dissent be recorded.

32. *Code of Conduct*

All members of the Forum will be bound by the provisions of the West Lothian 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.

Appendix 4

Timetable for the re-establishment of a Local Access Forum (LAF) for West Lothian

8 November 2022: Report for Noting to the Environment Policy Development and Scrutiny Panel



30 November 2022:

Press release, social media, website and invite letter to interested parties to inform them of the Inaugural Meeting to re-establish a LAF



December 2022-January 2023: Selection Process to be carried out by West Lothian Council to establish a representative membership to include following groups:

- Agencies
- Land Managers
- Users
- Community

Notes:

- maintain a reserve list if over-subscription of potential candidates
- maintain a list of Correspondent members (the Forum Contact Group)
- include so far as possible representatives from significant disability organisations
- endeavour to include representatives from tourism or other significant interests



March 2023

1st Meeting of the (re-established)
West Lothian Local Access Forum

Appointment of Members

Election of Chair

Adoption of ToR/CoC/SO

Appendix 5

Report on the West Lothian Council SurveyMonkey Questionnaire:

Purpose of Questionnaire

West Lothian Council are looking at ways to re-structure and raise the profile of its Local Access Forum (the Forum) to ensure not only that it is balanced across all relevant interest groups and fully and actively represents the Community but also that (a) it can usefully and constructively assist the Council in its statutory duty as the Access Authority for the West Lothian council area and (b) there is a clear and defined role for both the Forum itself and its individual members.

West Lothian Council are under a statutory duty (under s25 of the Land Reform Scotland Act 2003 ("the Act")) to establish a Local Access Forum. The Forum in West Lothian has not met since before the pandemic.

The remit of a Local Access Forum is fully detailed in s25 of the Act but these functions include:

- advising the local authority on matters having 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 and offering; and
- where the offer is accepted, providing assistance to the parties to any dispute about (1) the exercise of access rights (2) the existence and delineation of rights of way (3) the drawing up and adoption of a core path plan or (4) the use of core paths.

As part of the West Lothian review and to more fully understand what other access authorities have found has made their own LAFs successful (and/or where any Forum is failing) it was decided to circulate a SurveyMonkey to all Local Authorities in Scotland and to both National Parks 34 organisations in total) with the aim of ascertaining and adopting the approaches that have been successfully embraced by other access authorities.

Period of Survey

The survey was live from 20 May 2022 to 9 August 2022 and was carried out by SurveyMonkey. This was largely an on-line survey although a number of the Survey responses were completed by West Lothian Council on behalf of the relevant access authority at their request following a telephone call.

Responses received

A total of 28 responses were received amounting to an 82% response.

[Note: It is understood that where no response was received, that the relevant Council does not currently have an operational Local Access Forum and/or Access Officer. These nul responses have not however been incorporated in the attached analysis of the responses as it is possible that the access authorities do have working Forums but have not responded for some other reason].

Main themes

Not unexpectedly the headline message is that where resource is made available to nurture a LAF the more effective and helpful the Forum becomes to the Access Authority.

The following themes are however apparent – for a better understanding of the issues facing Forums these have been separated into Positive and Negative issues. Inevitably in any survey of this type the negatives seem more challenging than the positives.

Positives:

1. Adopting a formal Terms of Reference with an accompanying Code of Conduct and appropriate Governance aids the smooth running of a Forum
2. An effective chairperson is crucial to the smooth running of a Forum
3. Membership size is not critical to the efficient and effective operation of a Forum
4. A Forum works best when the Members on the Forum are enthusiastic and committed to making a difference
5. Having a sub-forum to deal with particular issues (for example, Access) which reports to the Forum is effective
6. A combination of TEAMS and face-to-face meetings has been shown in the majority of case to be effective and has tended to increase participation
7. Consulting beyond the membership of the Forum on an issue-by-issue basis is constructive
8. Decisions made by an access authority have more credibility when they have been approved/discussed by a Local Access Forum.

Negative:

1. Most Forums struggle to appoint Members
2. Most Forums struggle to achieve a representative balance of membership
3. Forums rely heavily on the input of the Council and its Access Officer/Ranger for focus and agenda and accordingly tend to be reactive rather than pro-active
4. Many Forums lack true independence
5. Many access authorities no longer have a full-time Access Officer (with some access authorities lacking this position at all or doubling up the role with other local authority functions) and this inevitably results in a poorer Forum
6. Most (new) Forum Members receive minimal training to help them understand their role

7. Members of a Forum often fail to understand their role is to represent interests beyond their own particular concerns and it can be a challenge to change this mindset
8. The NatureScot Guidance 'Local Access Forums - A Guide to Good Practice', currently in its 2nd Edition (2005), is overdue an update
9. Lack of publicity hinders the operation of a Local Access Forum
10. There is very little public involvement in and/or public awareness of the purpose of the Forum

There is however clearly no one-size-fits-all solution and an access authority needs to tailor its Forum to suit its own local issues: for example, an access area predominantly of hill/open land has significantly different issues when contrasted to an access area which is predominately farmland.

Local Access Forums cannot however stand still and, as recognised in the Local Access Forum Guidance, must evolve to address the issues of the day. When first set up the focus of the Forums across all access authority areas was predominantly to advise on establishing the Core Path network; whereas present issues are more wide ranging and issues typically include helping to publicise the Scottish Outdoor Access Code and advising the access authority on (i) general access enquiries, (ii) access disputes, (iii) the exercise of access rights on access lands, (iv) the exercise of public rights of way and (v) Path Agreements and Path Orders; as well as acting as a statutory consultee on proposed Exemption Orders, providing advice to the Council as access authority on access strategies and generally carrying out the statutory functions of a local access forum as contained in sections 10-23 and section 25 of the Act to include its role in assisting an access authority to carry out a review of its Core Path Plan.

Objectives

Going forward, and following consideration of the particular issues in West Lothian, the current status of the Forum and both the positive and negative comments in the responses from other access authorities, the focus of West Lothian Council to help achieve a more effective Forum will be to :

- Adopt a formal terms of reference with an accompanying Code of Conduct and appropriate Governance
- Clearly define the role of the Forum in providing independent assistance and advice to the Council in accordance with the remit set out under s25 of the Land Reform Scotland Act 2003
- Reduce the size of the Forum to between 8 and 12 members with a defined term of membership
- Address issues of membership by advertising and appointing for new members
- Introduce application packs to allow a fuller appraisal (and scoring) of potential candidates: to achieve a balanced representation across all interest groups, to appoint members on the basis of positive discrimination to alleviate inequalities, to address the role of individual members of the Forum itself and to ensure the best candidates are appointed to the Forum

- Extend participation by actively seeking correspondent members of the Forum who can contribute to specific issues on 'as needed' basis without the need to commit to becoming full members
- Introduce a combination of face-to-face and TEAMS Forum meetings
- Adopt a subgroup model to report and provide support to the main Forum
- Offer bespoke training to members
- Raise the profile of the Forum by targeted publicity

***Parks & Woodland - NETs, Land & Countryside Services - Operational Services
8 September 2022***

Appendix 6

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 Ethical Standards in Public Life etc. (Scotland) Act 2000).

Although the Local Access Forum is not a devolved public body as defined in the Schedule to the Ethical Standards in Public Life etc. (Scotland) Act 2000, 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.

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 West Lothian Council's access officer or such other authorised officer nominated for that purpose.

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

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 West Lothian Council. No Code can provide for all circumstances and if you are uncertain about how the rules apply, you should seek advice from West Lothian Council's access

officer or such other authorised officer nominated for that purpose, 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 (a) officials of the Forum or (b) members of the Forum or West Lothian 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 West Lothian Council's access officer or such other authorised officer nominated for that purpose.

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.