

# Public Document Pack



## PLYMOUTH LOCAL ACCESS FORUM

Floor 1  
Civic Centre  
Plymouth  
PL1 2AA

Tel: 01752 304163

Fax: 01752 304819

Email: [laf@plymouth.gov.uk](mailto:laf@plymouth.gov.uk)

Web: [www.plymouth.gov.uk/laf](http://www.plymouth.gov.uk/laf)

Published 28 August 2014

When calling or telephoning please ask for: **Lynn Young**

## PLYMOUTH LOCAL ACCESS FORUM

Monday 8 September 2014  
10.30 am  
Council House, Plymouth (Next to the Civic Centre)

### **Committee Members–**

Mr Fairchild, in the Chair  
Mr Stewart, Vice Chair

Councillors Sam Davey, Ken Foster and Wheeler

Mr Attrill, Mr Curno, Mr Emery, Mr Harvey, Ms Hitchens, Mr Pawley, Mrs Rodgers and Mr Skinner

***Members are invited to attend the above meeting to consider the items of business overleaf***

***Members are requested to sign the attendance list at the meeting.***

## **PLYMOUTH LOCAL ACCESS FORUM**

### **1. APOLOGIES**

To receive apologies for non-attendance submitted by Forum Members.

### **2. DECLARATIONS OF INTEREST**

Members will be asked to make any declarations of interest in respect of items on this agenda.

### **3. MINUTES**

**(Pages 1 - 6)**

The Forum will be asked to confirm the minutes of the 16 June 2014.

### **4. CHAIR'S URGENT BUSINESS**

To receive reports on business which, in the opinion of the Chair, should be brought forward for urgent consideration.

### **5. TRACKING RESOLUTIONS**

**(Pages 7 - 8)**

To monitor progress on previous resolutions.

### **6. PLYMOUTH PLAN**

Jessica Vaughan, Planning Officer, will provide members with an update on the Plymouth Plan.

### **7. HUDDLE HOT TOPICS**

**(Pages 9 - 10)**

To discuss any issues arising from the July and August editions of Huddle Hot Topics.

### **8. WORKING GROUPS**

To agree any working groups for items on this agenda.

### **9. LOCAL ACCESS FORUM (LAF) RECRUITMENT PROPOSALS**

The Public Rights of Way Officer will provide members with a verbal update on the proposals for recruiting new members to the Forum.

### **10. LOCAL ACCESS FORUM (LAF) TERMS OF REFERENCE**

**(Pages 11 - 32)**

The Forum will review their Terms of Reference (ToRs).

**11. WORK PROGRAMME (Pages 33 - 34)**

To receive the Forum's Work Programme for 2014 – 2015.

**12. CORRESPONDENCE (Pages 35 - 36)**

To consider any correspondence received and note any correspondence sent by the Forum.

**13. ISSUES ARISING FROM FORUM MEMBERS**

To discuss any issues brought forward by members of the Forum.

**14. DATE OF NEXT MEETING**

The next meeting will be held at 10.30 am on Monday 15 December 2014 at the Council House, Plymouth.

This page is intentionally left blank

## Plymouth Local Access Forum

Monday 16 June 2014

### PRESENT:

Mr Fairchild, in the Chair.

Mr Stewart, Vice Chair.

Mr Attrill, Mr Curno, Councillor Sam Davey, Mr Emery, Mr Harvey, Ms P Hitchens and Councillor Wheeler.

Apologies for absence: Councillor K Foster, Robin Pearce (Public Rights of Way Officer) and John Skinner.

Also in attendance: Rosemary Starr (Smarter Choices Manager) and Lynn Young (Democratic Support Officer).

The meeting started at 10.30 am and finished at 12.45 pm.

*Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.*

### 1. APPOINTMENT OF CHAIR AND VICE CHAIR

Agreed that Ray Fairchild is appointed Chair and Ian Stewart is appointed as Vice-Chair for the Plymouth Local Access Forum for the municipal year 2014 - 2015.

### 2. WELCOME TO NEW MEMBERS

The Chair welcomed Councillor Sam Davey to the Plymouth LAF.

### 3. DECLARATIONS OF INTEREST

The following declarations of interest were made in accordance with Code of Conduct –

<b>Name</b>	<b>Subject</b>	<b>Reason</b>	<b>Interest</b>
Mr Pawley	South West Coast Path	Is the Plymouth local representative for the South West Coast Path	Personal
Councillor Wheeler	Planning applications	Is a member of the Planning Committee	Personal

### 4. MINUTES

Agreed that the minutes of the meeting held on 17 March 2014 are confirmed as a correct record.

Agreed that the LAF Secretary would contact Mike Goble to clarify if there is a programme for cleaning slipways or if slipways are only cleaned on request.

5. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

6. **TRACKING RESOLUTIONS**

Rosemary Starr (Smarter Choices Manager), gave a verbal update on behalf of Kat Deeney (Green Infrastructure Team Leader). The Forum was advised that –

- (a) the Local Nature Partnership (LNP) was now up and running and a website would soon be available;
- (b) a video of the LNP would be available online in September;
- (c) a report on the LNP would be available for the September meeting;
- (d) Kat Deeney was willing to attend December's meeting to answer further questions.

Following members' questions, the Chair advised the Forum that a representative of the LAF should be on the board of the LNP.

Agreed that Kat Deeney would be asked to clarify the issue of LAF membership on the LNP.

7. **ANNUAL REVISION OF THE LOCAL ACCESS FORUM TERMS OF REFERENCE**

The Forum noted and agreed its Terms of Reference. The LAF recommended the removal of the word 'only' from paragraph 3.4. The recommendation was that LAF members could serve more than two terms.

Agreed that –

- (1) the Public Rights of Way Officer clarify how the RoWIP has been included in the Local Transport Plan;
- (2) the Public Rights of Way Officer to check if there is a lower age limit to being a LAF member, and if yes, what it is;
- (3) the Smarter Choices Manager ask Jon Shaw to attend a future LAF meeting;
- (4) the Smarter Choices Manager to include in the Plymotion newsletter information on membership of the LAF and to contact the University of the 3<sup>rd</sup> Age re LAF recruitment;
- (5) the Smarter Choices Manager to update the LAF on the LAF recruitment campaign at the 8 September meeting.

8. **HUDDLE HOT TOPICS**

The Forum noted the latest versions of Huddle Hot Topics.

A discussion ensued regarding the issue of cycling on footpaths.

Dave Curno clarified the situation, and explained that the issue of cycling on footpaths has developed into a technical debate about the status of towpaths in general. He confirmed that a mobility scooter is a mechanically-propelled carriage and there is no right to use it along a footpath, bridleway or restricted byway. Someone who uses a mobility scooter on a footpath is in exactly the same position as someone riding a horse or bicycle along the same route - they are not committing an offence but they are trespassing.

The Chair reminded LAF members who had access to Huddle, of the importance of its use.

9. **PATHS FOR COMMUNITIES**

Ray Fairchild, Chair, advised the Forum that he had discussed this matter with Robin Pearce, Public Rights of Way Officer, and it was agreed that it would be beneficial to form a sub-committee. Should further funding be released under the scheme, the Forum would be well prepared and could apply for a grant. Ray Fairchild asked Forum members to think of suitable walks for the scheme and to consider membership of the sub-committee.

Agreed that the Public Rights of Way Officer sets up an initial project meeting with Messrs Attrill and Curno and Mrs Hitchens.

10. **SOUTH WEST COAST PATH UPDATE**

Dave Pawley, LAF member, updated members on the South West Coast Path.

The Forum was advised that –

- (a) the steps at Jennycliff had now been repaired with new steps made of recycled composite plastic, new safety fencing, handrails and signage had been installed, and the path had been widened and resurfaced;
- (b) there were a number of projects in the Plymouth area that were being considered and included –
  - Laira rail bridge to Cattedown Wharves;
  - bridge across the mouth of Hooe Lake;
  - West Hoe Road to Long Room via Millbay Docks.

Following members' questions it was reported that

- (c) The Cattedown Wharves line was still used occasionally, and it was possible that Network Rail owned the line and land;
- (d) the land at the former Royal Marines base at Turnchapel had been purchased by Yacht Haven and would be used for engineering purposes. The South West Coast Path would oppose any proposal to close the site to the public.

11. **LOCAL TRANSPORT PLAN**

Rosemary Starr, Smarter Choices Manager, gave a presentation on the Local Transport Plan. The Forum was advised that –

- (a) the Local Transport Plan covered the period 2011-26;
- (b) the plan had been developed in consultation with key stakeholders, the business community, the public and neighbouring Local Authorities, and linked communities together;
- (c) the aim of the plan was to make walking, cycling and public transport the desirable choice, thereby leading to a reduction of carbon in the city;
- (d) the walking and cycling infrastructure of Plymouth was being improved;
- (e) there were a number of other projects in the pipeline, including the restoration of Laira Rail Bridge, which would provide a new walking and cycling path across the River Plym;
- (f) a comprehensive cycling programme was planned for this year, and included the city's participation in the third 'Sky Ride Plymouth' event;
- (g) a range of facilities were available for cyclists and included –
  - free adult cycling refresher courses;
  - a free monthly cycle maintenance workshop in Devonport;
  - the availability of 3600 'Bikeability' places this year;
  - participation in the 'Bike It Plus' scheme (in association with Sustrans);
- (h) Councillor Philippa Davey was the Council's Cycling Commissioner;
- (i) the Plymotion team was now working on offering Personal Travel Planning to 32,000 households in Plympton, Plymstock and Peverell;
- (j) the Co-operative Way brochure and South West Coast Path encouraged people to walk;
- (k) two members of staff in the Transport & Infrastructure Department had recently completed their Walk Leader qualification;

Following members' questions, the Forum was advised that –



- (l) there had been an increase in the availability of footpaths suitable for walking;
- (m) there were now three locations in Plymouth which offered cycle hire;
- (n) Partnership work with neighbouring authorities in the Plymouth travel-to-work areas (ie Devon, Cornwall and the South Hams) was important;
- (o) information regarding the transit of cycles on trains was available.

The Chair thanked Rosemary Starr for her report.

12. **WORKING GROUPS**

Ian Stewart, Vice Chair, suggested the creation of a working group to investigate little known paths in Plymouth in order to make the citizens of Plymouth aware of what paths are available. It was suggested that a path could be explored and this could be used as an idea for funding under the Paths for Communities scheme in the future.

Agreed that a working group would meet outside Ham House at 10.30 am on Monday 7 July 2014 to walk the path through Ham Woods.

13. **WORK PROGRAMME**

The Forum reviewed and updated its work programme.

Agreed that –

- (1) the Chair circulates the Annual Review to the LAF members;
- (2) the action re attendance at the Saltram Countryside Park Stakeholder Forum is still outstanding.

14. **CORRESPONDENCE**

There were no items of correspondence for the Forum to note.

Agreed that the Public Rights of Way Officer updates Councillor Wheeler on the footpath at Coombe Dean School

15. **DATE OF NEXT MEETING**

Agreed that the next meeting of the Forum is held at 10.30 am on Monday 8 September 2014.

16. **ISSUES ARISING FROM FORUM MEMBERS**

Bob Harvey, LAF member, advised that a local Member of Parliament had issued a statement to the effect that no more wind turbines were needed in the region.

Bob Harvey, LAF member, advised that he had received an update from the Tamar Valley Area of Outstanding Natural Beauty (AONB), detailing recent developments. Ray Fairchild, Chair, advised the Forum that it was his aim to have a representative from the Plymouth LAF on the AONB to ensure that the LAF were kept informed of any developments.

Agreed that Bob Harvey would send AONB information to Ian Stewart, Vice Chair.

17. **AOB**

Agreed that –



- (1) the Public Rights of Way Officer provides LAF members with a copy of the Co-operative Way brochure as soon as it is available;
- (2) the LAF Secretary updates the LAF web pages.

## PLYMOUTH LOCAL ACCESS FORUM

### TRACKING RESOLUTIONS

Date / Minute number	Resolution	Explanation / Minute	Action	Progress
16.6.14 Minute 4	LAF secretary to contact Micky Goble to clarify if there is a programme for cleaning slipways or if slipways are only cleaned on request		Lynn Young	Actioned – e-mailed Micky Goble on 23 July 2014 and 27 August 2014. Response received and will be circulated to members at meeting.
16.6.14 Minute 6	Kat Deeney to be asked to clarify the issue of LAF membership on the LNP		Robin Pearce/Rosie Starr	Actioned – emailed Kat Deeney on 30 June 2014 asking for the questions from the LAF to be included in the report for the LAF which is due in September.
16.6.14 Minute 7(1)	Public Rights of Way Officer to clarify how the Rights of Way Improvement Plan has been included in the Local Transport Plan		Robin Pearce	The LAF received a presentation from Rosemary Starr on 16 June 14 explaining the links between the former Rowip and the succeeding LTP3. References to the ROWIP will be dealt with under proposed changes to the Terms of Reference.
16.6.14 Minute 7(2)	Public rights of Way Officer to check if there is a lower age limit to be a LAF member, and if yes, what it is		Robin Pearce	We can confirm there is neither a lower or an upper age limit for LAF Membership.
16.6.14 Minute 7(3)	Smarter Choices Manager to ask Jon Shaw to attend a future LAF meeting		Rosie Starr	
16.6.14 Minute 7(4)	Smarter Choices Manager to include in Plymotion newsletter regarding LAF membership and to contact the University of the 3 <sup>rd</sup> Age		Rosie Starr	

	(U3A) regarding LAF recruitment			
16.6.14 Minute 7(5)	Smarter Choices Manager to update the LAF on the LAF recruitment campaign at the next meeting		Rosie Starr	On agenda for 8 September 2014 meeting.
16.6.14 Minute 9	Public rights of Way Officer to set up an initial meeting with Messrs Attrill and Curno and Mrs Hitchens		Robin Pearce	Meeting has been arranged for 08 August 2014.
16.6.14 Minute 13(1)	Chair to circulate the Annual Review to the LAF		Ray Fairchild	
16.6.14 Minute 13(2)	Public Rights of Way Officer to update Councillor Wheeler on the footpath at Coombe Dean School		Robin Pearce	Emailed Ian Gillespie and requested he provide Cllr Wheeler with any information he has about the any footpaths at the school.
16.6.14 Minute 17(1)	Public Rights of Way Officer to provide LAF members with a copy of the Co-operative Way booklet as soon as it is available		Robin Pearce	Done.
16.6.14 Minute 17(2)	LAF secretary to update the LAF webpages		Lynn Young	Done – 30/07/2014.

-  = Complete resolution
-  = Outstanding resolution

**LAFs**  
**HUDDLE HOT TOPICS**  
**July/August 2014**

**Traffic Regulation Orders**

There's been a brief discussion around whether permanent TROs should be reviewed by the highway authority, even though valid indefinitely. Mention is made in the posts about possible exemptions for cycles or mobility scooters in certain instances.

**Cycling on footpaths is fine says the Cyclists Touring Club**

This discussion continues with various posts during July and August. What is evident is that there are differences in legal interpretation between different Huddle users. One of the more recent posts suggests a discussion along the following lines:

“So, why don't we discuss how the law could usefully be changed? Can I suggest the following package of proposals as a basis for discussion?”

***Proposal 1***

Ways shown on the definitive map as bridleways should be deemed to be shown as restricted byways.

***Proposal 2***

Surveying authorities should be required to show on the definitive map all non-motorised highways as either footpaths or restricted byways applying the following criteria: Where a highway by nature of its width or the right of the owner to have lawful barriers could not reasonably be used by ridden horses it should be shown as a footpath but otherwise as a restricted byway.

***Proposal 3***

Restricted byways should be treated as bridleways in respect of the power to plough, minimum widths and the power of the highway authority to require gates to be widened.

**Anti-Social Behaviour, Crime and Policing Act 2014****[Reform of anti-social behaviour powers: statutory guidance for frontline professionals](#)**

Public Spaces Protection Orders are included in the above guidance – page 46. The PSPO is designed to prevent anti-social behaviour in public spaces. The aim is to make public spaces more welcoming and restrictions or requirements can include closure or be targeted at specific people, at certain times or in certain circumstances. Dogs, noise and alcohol are specifically mentioned. It is suggested in the guidance that the relevant authority, the district or unitary council, should particularly discuss proposals affecting certain types of land e.g. common land, open access land, town and village greens and public rights of way with the LAF.

It is suggested that Public Spaces Protection Orders may be used to restrict anti-social behaviour, thus offering more flexibility than gating orders. Importantly, there is a consultation requirement when a public right of way is affected such that users must be notified, included those who regularly use the right of way to travel to work as well as those who live nearby. Interested persons must be told how they can make representations. It will be up to the Council how best to consult which may include digital communication or public meetings or meetings with a LAF.

“District councils will take the lead in England with county councils undertaking the role only where there is no district council.” The Council **must** consult the Police and **should** consult

the owner or occupier of land and the County Council where they are the highway authority. Parish/Town Councils will not be able to implement. However, given that the PSPO can be used to restrict access to a public right of way, common land, access land and town/village greens partnership working is essential. "The maximum duration of a PSPO is three years but they can last for shorter periods of time where appropriate. Short-term PSPOs could be used where it is not certain that restrictions will have the desired effect, for instance, when closing a public right of way, councils may wish to make an initial PSPO for 12 months and then review the decision at that point."

**Guidance to local authorities on reviewing RoWIPs from Dan Rogerson, MP, Parliamentary Under Secretary of State for Water, Forestry, Rural Affairs and Resource Management.**

This is an important letter to Chief Executives and should have reached PROW Managers. This is attached separately. It encourages local authorities to work with LAFs in reviewing RoWIPs. The emphasis is on access to woodland and also encouraging provision for cyclists, horse-riders and disabled users. The letter flags up a forthcoming cycling and walking delivery plan from the Department for Transport which calls for local authorities to have a "commitment to creating a sense of place through cycling and walking, with coherent, connected and attractive networks." Local authorities are encouraged to look to this Plan while considering cyclist needs in the RoWIP.

**LAF Annual Review Forms**

LAF Annual Review Forms have been put on the Huddle website. The regional report has been sent to Natural England and the national report to Defra will follow shortly.

**Dog walking advice consultation**

Details of the Natural England consultation with LAFs on dog walking advice have already been circulated. One LAF member has referred to a BHS leaflet on dogs and horses which might be helpful to look at.

<http://www.bhs.org.uk/~media/BHS/Files/PDF%20Documents/Safety%20leaflets/Dogs%20and%20Horses%20leaflet.ashx>

**LAF survey results**

The results from the LAF survey of Chairs and Secretaries earlier in the year are on Huddle and have been circulated direct to LAFs.

**Monitoring of Engagement with the Natural Environment (MENE)**

Results from Year 5, 1<sup>st</sup> quarter are on Huddle and can be accessed too on [http://www.naturalengland.org.uk/Images/mene-report-march-may-2014\\_tcm6-38132.pdf](http://www.naturalengland.org.uk/Images/mene-report-march-may-2014_tcm6-38132.pdf)

**Local Action Groups**

A member of Norfolk LAF has put the draft Wensum & Coast Local Development Strategy on Huddle. This is being driven by the Wensum & Coast Local Action Group and a LAF member is on this group. The LAG is looking to draw down funding from the RDPE and other sources to develop a programme of activity including recreational access and tourism. Are any SW LAFs involved in Local Action Groups?

*Please speak to your Huddle representatives or me if you require additional information on any items.*

Hilary Winter, Regional Coordinator, SW LAFs [hilary.winter@devon.gov.uk](mailto:hilary.winter@devon.gov.uk)

## Plymouth Local Access Forum

### Terms of Reference



#### 1. Title and Forum Area

- 1.1 The Forum shall be known as the Plymouth Local Access Forum (the Forum).
- 1.2 The area to be covered is the whole of the area within the boundaries of Plymouth City and that area for which Plymouth City Council is the responsible highway authority.

#### 2. Roles and Responsibilities

- 2.1 The Plymouth Local Access Forum is an advisory body. Its statutory function is to advise as to the improvement of public access to land in the area for any lawful purpose of open-air recreation and the enjoyment of the area, and as to other matters as may be prescribed.
- 2.2 In carrying out its work the Forum shall have regard to:-
- the needs of land management;
  - desirability of conserving the natural beauty of the area for which it is established, including the flora, fauna and geological and physiographical features of the area;
  - any guidance issued by the Secretary of State; and
  - any position statement adopted by the Forum.
- 2.3 It is the statutory function of the Forum to give advice to the following bodies to be known as section 94(4) bodies:-
- parish and town councils;
  - the appointing authority;
  - any county, unitary, district or borough council;
  - any Secretary of State including their Departments or 'executive agencies';

- Natural England;
- the Forestry Commission;
- English Heritage;
- Sport England (the English Sports Council);
- Area of Outstanding Natural Beauty (AONB) Conservation Boards.

2.4 Any advice given by the Forum to section 94(4) bodies shall fall into at least one of the following categories:-

- improvement of public access (whether on foot or by horse, cycle, mechanically propelled vehicle or by any other lawful means) to land in the area for the purposes of open-air recreation and the enjoyment of the area;
- public access to land in the area for any other lawful purpose (whether on foot, horse, cycle or by any means other than by mechanically propelled vehicle);
- public access to land in the area by means of a mechanically propelled vehicle for any other lawful purpose, but only insofar as the access relates to byways open to all traffic (BOAT).

2.5 The Forum will promote liaison with any other Local Access Forums established in Devon, Cornwall, Torbay, South Hams, West Devon and Dartmoor and actively encourage the attendance of such authorities to Forum meetings with observer status.

2.6 The Chair or Vice-Chair of any other Local Access Forum is granted observer status of any meeting of the Forum.

2.7 Any official representative of Natural England is granted observer status at any meeting of the Forum.

### **3.0 The Role of Plymouth City Council**

3.1 As the appointing authority, Plymouth City Council shall:-

- advertise for and appoint members to the Forum taking into account the need for fairness, transparency and compliance with the Council's policy on equality and diversity;
- take account of the advice given by the Forum when making decisions:
- provide feedback to the Forum on advice the Forum has given whether in



exercise of its statutory function or not;

- provide a secretary for the Forum, and ongoing Officer support, training and advice;
- provide a meeting venue and refreshments where necessary;
- publicise the work of the Forum;
- reimburse Forum members expenses for travel, child care and subsistence costs directly incurred in respect of members' duties.

## 4.0 Membership

4.1 Membership to the Forum will be representative of one or more fields of interest as defined below rather than of any particular organisation:-

- local people who enjoy outdoor recreation in the area;
- owners and occupiers of access land, or land over which the public have lawful access;
- other interests considered to be relevant to Plymouth which include, but are not limited to tourism, outdoor education, sport and recreational provision, disability awareness, local business interest, the military, health, wildlife and cultural heritage.

4.2 Members shall be appointed to the Forum by Plymouth City Council in accordance with the Member Selection Criteria in Appendix A. The purpose of the Member selection process is designed to ensure a fair distribution of interests and ensure members have the knowledge and experience necessary to enable them to make an informed and constructive contribution to the work of the Forum.

4.4 Members shall be appointed for an initial term of either one, two or three years (the initial term) the length of the initial term for any particular member being determined by the appointing authority.

4.5 In deciding the length of term to be offered the appointing authority shall take into account: -

- the continuity of the Forum by ensuring no more than a third of terms

expire each year;

- any extant terms; and
- any preference for a particular term expressed by an applicant.

4.6 Upon the expiry of the initial term of office a member will be eligible to apply for re-appointment. If re-appointed for a further term that term will be for a further three years (the subsequent term).

4.7 There is no limit on how many times a member may re-apply for a further term of office.

4.8 In the event that a seat becomes vacant during the initial term any replacement member appointed shall continue to serve that same term of office.

4.9 In the event that a seat becomes available before the expiry of a subsequent term the term offered to any replacement member shall be at the discretion of the appointing authority taking into account the matters listed in 4.5 above.

4.10 The appointing authority reserves the right to allocate shorter or longer terms if required to ensure the continuity of the Forum.

4.11 A member may resign his seat by giving notice of resignation in writing to the Secretary of the Forum.

4.12 Plymouth City Council may terminate the appointment of a member of the Forum if:

- he becomes an elected member of Plymouth City Council;
- he is absent from all meetings of the Forum in a 12-month period without the prior agreement of the appointing authority;
- he fails to comply with the requirements set out in section 4.15 below;
- he fails to comply with the members code of Conduct (See Appendix C).

4.13 A request for the termination of membership can be made to the appointing authority by the Chair of the Forum following a formal resolution of the Forum. In doing so the Chair must have explained his reasons for seeking the removal of the member to the Forum and those reasons must include at least one of those provided in section 4.12 above.

4.14 The Plymouth Local Access Forum shall consist of at least 10 and not more than 22 members of which three places are reserved for Plymouth City Council Elected Members.

4.15 By accepting an offer of appointment members confirm:-

- their ability to devote their own time to attend meetings and training events as required;
- their commitment to represent the Plymouth Local Access Forum over any other organisations of which they may be a member;
- their ability and willingness to network with a wide range of interests outside of Forum meetings;
- their commitment to working within these Terms of Reference.

4.16 The Local Access Forum will elect a Chair and Vice-Chair from within its membership base.

4.17 The term of office for appointment to the position of Chair shall be three years.

4.18 The term of office for appointment to the position of Vice-Chair shall be two years.

4.19 Elected Members of Plymouth City Council will not be eligible for appointment to either position but shall be entitled to vote in elections.

4.20 The method of appointment for the Chair and Vice-Chair of the Local Access Forum shall be as follows:-

- nominations for the positions will be made to the secretary to the Forum in advance of the meeting and those nominees will be read out by the Secretary.
- no details about the nomination will be shared with the Forum other than the names of those nominated. Members can nominate themselves.
- any nominee who accepts the nomination will stand for the relevant post.
- voting shall be by secret ballot;
- election for the post of Chair shall take place first, with all members of the

Forum (including those standing for the position concerned) being entitled to vote. A member may vote for him/herself;

- the secretary will announce the result of the election to the post of Chair;
- In the event of a tie on the first round of voting for the post of Chair, a second round of voting will be held in which the only candidates standing will be those whose scores were tied. Again, all members may vote including those standing;
- election for the post of Vice-Chair will then take place and preferably candidates eligible to stand for the position shall be those drawn from a different category or type of interest (set out in paragraph 4.1) to that of the newly elected Chair;
- the secretary will announce the result of the election to the post of Vice-Chair;
- in the event of a tie on the first round of voting for the post of Vice-Chair a second round will be held in the same manner as that of the Chair's election.

4.21 Members shall disclose the nature of any direct or indirect interest in any matter brought up for consideration at a meeting of the Forum.

4.22 Members shall identify their own training needs.

## **5 Administration**

5.1 Plymouth City Council shall provide a secretary responsible for the administration of the Forum who shall be neither an elected Member of the City Council nor a member of the Forum.

5.2 The Forum shall normally meet at least quarterly and additional meetings arranged where necessary.

5.3 Meeting agendas shall be agreed between the Chair and the Secretary.

5.4 Meetings shall be advertised in advance and held in public.

5.5 Agendas, papers and minutes of the meeting shall be available to the public.

5.6 The public shall be able to ask questions on the business of the Forum only at

the discretion of the Chair and with prior permission.

5.7 The Chair may, where appropriate, invite observers to the meeting who shall be able to contribute to the meeting at the discretion of the Chair.

5.8 The declaration of interests shall be an agenda item at the start of each meeting.

5.9 All papers for meetings will be sent to members at least five days in advance and should be supported by a clear recommendation wherever possible.

5.10 A consensus should be reached on all matters discussed but where this is not the case opposing views will be recorded.

5.11 The quorum for meetings of the Forum shall be 7 members.

## **6 Allowances**

6.1 Members may claim travelling costs for attending Forum meetings and authorised training events and where appropriate a carers allowance is payable at rates in line with the City Council Members Allowance Scheme.

DRAFT REVISED

## Appendix A – Membership Selection Criteria

Requirements	Essential	Desirable
<b>Skills</b>	<p>Good communication and interpersonal skills.</p> <p>Ability to work as part of a team.</p> <p>Ability to consider competing interests in a strategic manner to find agreed solutions</p>	<p>Proven ability to network and liaise with wider interests</p>
<b>Knowledge</b>	<p>Knowledge/appreciation of countryside issues with particular reference to Plymouth</p> <p>Knowledge of the conflicting interactions between recreation, land management and conservation.</p>	<p>An understanding of administrative procedures in central or local government</p> <p>An understanding of the Countryside and Rights of Way Act 2000</p>

<b>Experience</b>	<p>Experience of using public rights of way or access land for recreational purposes</p> <p><b>OR</b></p> <p>Experience of managing land over which public rights of way or access land subsists</p> <p><b>OR</b></p> <p>Experience of tourism, outdoor education, sport and recreational provision, disability awareness, local business interest, the military, health promotion or wildlife and cultural heritage.</p>	<p>Experience of public speaking</p> <p>Experience of attending formal public meetings</p>
<b>Equal Opportunities</b>	<p>A commitment to further equal opportunity issues in the work of the Forum</p>	<p>Knowledge of the Disability Discrimination Act 1995</p>
<b>Other Requirements</b>	<p>Willingness to commit to attending Local Access Forum meetings and training events for up to 3 years</p> <p>A commitment to making the countryside more accessible and enjoyable for open-air recreation in ways, which address social, economic and environmental interests.</p>	

**Appendix B – Section 94 (4) bodies**

- the appointing authority(ies) (which will be a highway authority or National Park authority)
- any county, unitary, district or borough council within the area of the Forum
- the Secretary of State (in effect this means any Government Department with a Secretary of State, e.g. Defra and MOD, as well as ‘executive agencies’ such as the Planning Inspectorate and the Highways Agency)
- Natural England
- the Forestry Commission
- English Heritage
- Sport England (the English Sports Council)
- Area of Outstanding Natural Beauty (AONB) Conservation Boards
- Parish and town councils

DRAFT REVISED



## Appendix C – Plymouth Local Access Forum Code of Conduct

### PART 1

#### GENERAL PROVISIONS

##### 1. Scope

(1) A member must observe the Plymouth Local Access Forum's code of conduct whenever he or she -

- (a) conducts the business of the Forum;
- (b) conducts the business of the office to which he or she has been appointed; or
- (c) acts as a representative of the Forum,

and references to a member's official capacity shall be construed accordingly.

(2) This code of conduct shall not, apart from paragraphs 3 and 4(a) below, have effect in relation to the activities of a member undertaken other than in an official capacity.

(3) Where a member acts as a representative of the Forum on another relevant Local Access Forum, he must, when acting for that other Local Access Forum, comply with that other Local Access Forum's code of conduct.

(4) In this code, 'member' refers to appointed members of the Plymouth Local Access Forum.

(5) In this code, 'Forum' refers to the Plymouth Local Access Forum.

##### 2. General Obligations

A member must:

- (a) promote equality by not discriminating unlawfully against any person;
- (b) treat others with respect; and
- (c) not do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the Forum.

3. A member must not in his or her official capacity, or any other circumstance, conduct himself or herself in a manner that could reasonably be regarded as bringing their office or the Forum into disrepute.

4. A member:

- (a) must not in his or her official capacity, or any other circumstance, use his or her position as a member improperly to confer on or secure for himself, herself or any other person, an advantage or disadvantage; and
- (b) must, when using or authorising the use by others of the resources of the Forum, act in accordance with the Forum's requirements.

5. A member must, if he or she becomes aware of any conduct by another member who he or she reasonably believes involves a failure to comply with the Forum's code of conduct, make a written allegation to that effect to the Forum Secretary as soon as it is practicable for him or her to do so.

**PART 2**

**INTERESTS**

**Personal Interests**

6. (1) A member must regard himself or herself as having a personal interest in any matter if the matter relates to an interest in respect of which notification must be given or if a decision upon it might reasonably be regarded as affecting to a greater extent than other council tax payers, ratepayers or inhabitants of Plymouth, the well-being or financial position of himself or herself, a relative or a friend or -

- (a) any employment or business carried on by such persons;
- (b) any person who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any corporate body in which such persons have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or

(2) In this paragraph:

- (a) 'relative' means a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons; and
- (b) 'partner' in sub-paragraph (2)(a) above means a member of a couple who live together.

**Disclosure of Personal Interests**

7. A member with a personal interest in a matter who attends a meeting of the Forum at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

**Prejudicial Interests**

8. (1) Subject to sub-paragraph (2) below, a member with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgment of the public interest.

(2) A member may regard himself or herself as not having a prejudicial interest in a matter if that matter relates to -

- (a) another relevant Local Access Forum of which he or she is a member;
- (b) another Local Access Forum in which he or she holds a position of general control or management;
- (c) a body to which he or she has been appointed or nominated by the Forum as its representative;

**Participation in Relation to Disclosed Interests**

**9.** (1) a member with a prejudicial interest in any matter must :

- (a) withdraw from the room or chamber where a meeting is being held whenever it becomes apparent that the matter is being considered at that meeting, unless he or she has obtained a dispensation;
- (b) not seek improperly to influence a decision about that matter.

**10.** For the purposes of this Part, "meeting" means any meeting of the Forum.

DRAFT REVISED

This page is intentionally left blank

**Plymouth Local Access Forum**

**Terms of Reference**



**1. Title and Forum Area**

- 1.1 The Forum shall be known as the Plymouth Local Access Forum.
- 1.2 The area to be covered is the whole of the area within the boundaries of Plymouth City and that area for which Plymouth City Council is the responsible authority.

**2. Roles and Responsibilities**

- 2.1 The purpose of the Plymouth Local Access Forum shall be to advise the relevant Section 94(4) bodies (see Appendix B) on how to make the outdoors more accessible and enjoyable for open-air recreation, in ways that address social, economic and environmental interests, and with regard to issues of particular local relevance.
- 2.2 The Plymouth Local Access Forum shall:
- Contribute to the development of any Rights of Way Improvement Plan for Plymouth;
  - Promote a constructive and inclusive approach to the improvement of recreational access to the countryside which can be implemented through Community Strategies, Local Transport Plan, AONB Management Plans and Planning Policy;
  - Advise upon the management and maintenance of access, balancing the provision of access against the needs of conservation of the natural beauty, wildlife and cultural heritage, and the needs of residents, landowners and land managers;
  - Identify and respect local circumstances and different interests while operating within national guidance;
  - Advise on developing additional opportunities for everyone to enjoy the rights of way and access network.
- 2.3 In providing advice the Local Access Forum will have regard to:
- The needs of land management;
  - The desirability of conserving the natural beauty of the area;
  - The management and maintenance of access whilst balancing this against the needs of biodiversity, wildlife management, the interests of landowners and managers, and countryside management projects in and around Plymouth;
  - Guidance issued by the Secretary of the State;
  - Any Position Statement agreed by the Forum.
- 2.4 The Forum will promote liaison with any Local Access Forums established in Devon, Cornwall, Torbay, South Hams, West Devon and Dartmoor and actively encourage the attendance of such authorities to Forum meetings with observer status.

## 2.5 The Role of Plymouth City Council

- To advertise and appoint members to the Forum taking into account the need for fairness, transparency and compliance with the Council's policy on equality and diversity;
- To take account of the advice given when making decisions;
- To provide feedback to the Forum on advice the Forum has given;
- To provide a secretary for the Forum, and ongoing Officer support, training and advice;
- To provide a meeting venue and refreshments where necessary;
- To publicise the Forum;
- To reimburse Forum members expenses for travel and child care and subsistence cost directly incurred in respect of members' duties.

## 3. Membership

3.1 Membership to the Forum will be representative of one or more fields of interest as defined below rather than any particular organisation of which they might also be a member: -

- Local people who enjoy outdoor recreation in the area;
- Owners and occupiers of access land, or land over which the public have access;
- Other interests considered to be relevant to Plymouth which include, but are not limited to tourism, outdoor education, sport and recreational provision, disability awareness, local business interest, the military, health promotion and wildlife and cultural heritage.

3.2 Members shall be appointed to the Forum by Plymouth City Council in accordance with the Member Selection Criteria in Appendix A. The purpose of the Member selection process is designed to ensure a fair distribution of interests and ensure members have the knowledge and experience necessary to enable them to make an informed and constructive contribution to the work of the Forum.

3.4 Members shall be appointed for an initial period of three years after which they will be eligible for appointment for a further period of three years only. In the event that a seat becomes vacant during the initial term of appointment the replacement member shall continue that same term of appointment.

3.5 A member may resign his/her seat by giving notice of resignation in writing to the Secretary of the Forum.

3.6 Plymouth City Council may terminate the appointment of a member of the Forum if:

- He/she becomes an elected member of Plymouth City Council;
- He/she is absent from all meetings of the Forum in a 12-month period without the prior agreement of the Council;
- He/she fails to comply with the requirements set out in clause 3.8 below;
- He/she has failed to comply with clause 3.11 below;
- He/she fails to comply with the members code of Conduct (See Appendix C).

3.7 The Plymouth Local Access Forum has places for 22 members of which three places are reserved for Plymouth City Council Elected Members.

3.8 Before appointment members shall confirm:

- Their ability to devote their own time to attend meetings and training events as required;

- Their commitment to represent the Plymouth Local Access Forum over any other organisations of which they may be a member;
- Their ability and willingness to network with a wide range of interests outside of Forum meetings;
- Their commitment to working within the Terms of Reference.

3.9 The Chair and Vice-Chair shall be appointed by election by the Forum at the first meeting held following the City Council's AGM. The term of office for this appointment shall be until the first meeting of the Forum following the City Council's subsequent AGM. Elected Members of Plymouth City Council will not be eligible for appointment to either position but shall be entitled to vote in elections.

3.10 The method of appointment for the Chair and Vice-Chair of the Local Access Forum shall be as follows:

- Voting shall be by secret ballot;
- Election for the post of Chair shall take place first, with all members of the Forum (including those standing for the position concerned) being entitled to vote. A member may vote for him/herself;
- The secretary will announce the result of the election to the post of Chair;
- In the event of a tie on the first round of voting for the post of Chair, a second round of voting will be held in which the only candidates standing will be those whose scores were tied. Again, all members may vote including those standing;
- Election for the post of Vice-Chair will then take place and preferably candidates eligible to stand for the position shall be those drawn from a different category or type of interest (set out in paragraph 3.1) to that of the newly elected Chair;
- The secretary will announce the result of the election to the post of Vice-Chair;
- In the event of a tie on the first round of voting for the post of Vice-Chair a second round will be held in the same manner as that of the Chair's election.

3.11 Members shall disclose the nature of any direct or indirect interest in any matter brought up for consideration at a meeting of the Forum.

3.12 Members shall identify their own training needs.

#### **4 Administration**

4.1 Plymouth City Council shall provide a secretary responsible for the administration of the Forum who shall be neither an elected Member of the City Council nor a member of the Forum.

4.2 The Forum shall normally meet at least quarterly and additional meetings arranged where necessary.

4.3 Meeting agendas shall be agreed between the Chair and the Secretary.

4.4 Meetings shall be advertised in advance and held in public.

4.5 Agendas, papers and minutes of the meeting shall be available to the public.

4.6 The public shall be able to ask questions on the business of the Forum at the discretion of the Chair.

4.7 The Chair may, where appropriate, invite observers to the meeting who shall be able to contribute to the meeting at the discretion of the Chair.

4.8 The declaration of interests shall be an agenda item at the start of each meeting.

4.9 All papers for meetings will be sent to members at least five days in advance and should be supported by a clear recommendation wherever possible.

4.10 A consensus should be reached on all matters discussed but where this is not the case opposing views will be recorded.

4.11 The quorum for meetings of the Forum shall be 7 members.

## **5 Allowances**

5.1 Members may claim travelling costs for attending Forum meetings and authorised training events and where appropriate a carers allowance is payable at rates in line with the City Council Members Allowance Scheme.



## Appendix A – Membership Selection Criteria

<b>Requirements</b>	<b>Essential</b>	<b>Desirable</b>
<b>Skills</b>	<p>Good communication and interpersonal skills.</p> <p>Ability to work as part of a team.</p> <p>Ability to consider competing interests in a strategic manner to find agreed solutions</p>	<p>Proven ability to network and liaise with wider interests</p>
<b>Knowledge</b>	<p>Knowledge/appreciation of countryside issues with particular reference to Plymouth</p> <p>Knowledge of the conflicting interactions between recreation, land management and conservation.</p>	<p>An understanding of administrative procedures in central or local government</p> <p>An understanding of the Countryside and Rights of Way Act 2000</p>
<b>Experience</b>	<p>Experience of using public rights of way or access land for recreational purposes</p> <p><b>OR</b></p> <p>Experience of managing land over which public rights of way or access land subsists</p> <p><b>OR</b></p> <p>Experience of tourism, outdoor education, sport and recreational provision, disability awareness, local business interest, the military, health promotion or wildlife and cultural heritage.</p>	<p>Experience of public speaking</p> <p>Experience of attending formal public meetings</p>
<b>Equal Opportunities</b>	<p>A commitment to further equal opportunity issues in the work of the forum</p>	<p>Knowledge of the Disability Discrimination Act 1995</p>
<b>Other Requirements</b>	<p>Willingness to commit to attending Local Access Forum meetings and training events for up to 3 years</p> <p>A commitment to making the countryside more accessible and enjoyable for open-air recreation in ways, which address social, economic and environmental interests.</p>	

**Appendix B – Section 94 (4) bodies**

- the appointing authority(ies) (which will be a highway authority or National Park authority)
- any county, unitary, district or borough council within the area of the Forum
- the Secretary of State (in effect this means any Government Department with a Secretary of State, e.g. Defra and MOD, as well as ‘executive agencies’ such as the Planning Inspectorate and the Highways Agency)
- Natural England
- the Forestry Commission
- English Heritage
- Sport England (the English Sports Council)
- Area of Outstanding Natural Beauty (AONB) Conservation Boards
- Parish and town councils

## **Appendix C – Plymouth Local Access Forum Code of Conduct**

### **PART 1**

#### **GENERAL PROVISIONS**

##### **1. Scope**

(1) A member must observe the Plymouth Local Access Forum's code of conduct whenever he or she -

- (a) conducts the business of the Forum;
- (b) conducts the business of the office to which he or she has been appointed; or
- (c) acts as a representative of the Forum,

and references to a member's official capacity shall be construed accordingly.

(2) This code of conduct shall not, apart from paragraphs 3 and 4(a) below, have effect in relation to the activities of a member undertaken other than in an official capacity.

(3) Where a member acts as a representative of the Forum on another relevant Local Access Forum, he must, when acting for that other Local Access Forum, comply with that other Local Access Forum's code of conduct.

(4) In this code, 'member' refers to appointed members of the Plymouth Local Access Forum.

(5) In this code, 'Forum' refers to the Plymouth Local Access Forum.

##### **2. General Obligations**

A member must:

- (a) promote equality by not discriminating unlawfully against any person;
- (b) treat others with respect; and
- (c) not do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the Forum.

3. A member must not in his or her official capacity, or any other circumstance, conduct himself or herself in a manner that could reasonably be regarded as bringing their office or the Forum into disrepute.

4. A member:

- (a) must not in his or her official capacity, or any other circumstance, use his or her position as a member improperly to confer on or secure for himself, herself or any other person, an advantage or disadvantage; and
- (b) must, when using or authorising the use by others of the resources of the Forum, act in accordance with the Forum's requirements.

5. A member must, if he or she becomes aware of any conduct by another member who he or she reasonably believes involves a failure to comply with the Forum's code of conduct, make a written allegation to that effect to the Forum Secretary as soon as it is practicable for him or her to do so.

### **PART 2**

#### **INTERESTS**

##### **Personal Interests**

6. (1) A member must regard himself or herself as having a personal interest in any matter if the matter relates to an interest in respect of which notification must be given or if a decision upon it might reasonably be regarded as affecting to a greater extent than other council tax payers, ratepayers or inhabitants of Plymouth, the well-being or financial position of himself or herself, a relative or a friend or -

- (a) any employment or business carried on by such persons;
- (b) any person who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any corporate body in which such persons have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or

(2) In this paragraph:

- (a) 'relative' means a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons; and
- (b) 'partner' in sub-paragraph (2)(a) above means a member of a couple who live together.

**Disclosure of Personal Interests**

7. A member with a personal interest in a matter who attends a meeting of the Forum at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

**Prejudicial Interests**

8. (1) Subject to sub-paragraph (2) below, a member with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgment of the public interest.

(2) A member may regard himself or herself as not having a prejudicial interest in a matter if that matter relates to -

- (a) another relevant Local Access Forum of which he or she is a member;
- (b) another Local Access Forum in which he or she holds a position of general control or management;
- (c) a body to which he or she has been appointed or nominated by the Forum as its representative;

**Participation in Relation to Disclosed Interests**

9. (1) a member with a prejudicial interest in any matter must :

- (a) withdraw from the room or chamber where a meeting is being held whenever it becomes apparent that the matter is being considered at that meeting, unless he or she has obtained a dispensation;
- (b) not seek improperly to influence a decision about that matter.

10. For the purposes of this Part, "meeting" means any meeting of the Forum.







Plymouth Local Access Forum  
Secretary - Plymouth Local Access Forum  
Democratic Support  
Plymouth  
Devon  
PL1 2AA

Strategic Planning and Infrastructure  
Department for Place

Floor 2, Ballard House  
West Hoe Road  
Plymouth PL1 3BJ

T 01752 304233  
E [robin.pearce@plymouth.gov.uk](mailto:robin.pearce@plymouth.gov.uk)  
[www.plymouth.gov.uk/prow](http://www.plymouth.gov.uk/prow)

Please ask for: Robin Pearce

Date 15 August 2014

My Ref: WCA.006

Your Ref

Dear Sir or Madam,

**Wildlife and Countryside Act 1981**

**Modification Order Application**

**Addition of a footpath from Lulworth drive to Tavistock Road, Plymouth, Devon**

I write with regard to the above application which as previously advised was decided by our Planning Committee of 14 August 2014.

On this occasion the committee declined to make any Order.

The application is therefore refused and, subject to the applicant's right of appeal to the relevant Secretary of State, will not be progressed any further.

I hope this information is of use to you, should you have any further queries please do not hesitate to contact me.

Yours Sincerely

Robin Pearce  
Plymouth Transport & Highways

This page is intentionally left blank