



**PLYMOUTH LOCAL ACCESS FORUM**

Floor 3  
Ballard House  
Plymouth  
PL1 3BJ

Tel: 01752 398444

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

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

Published 28 May 2015

When calling or telephoning please ask for: **Helen Rickman**

**PLYMOUTH LOCAL ACCESS FORUM**

Date: Monday 8 JUNE 2015  
Time: 10.30 AM  
Place: Council HOUSE, PLYMOUTH (NEXT TO THE CIVIC CENTRE)

**Committee Members–**

Mr Attrill, Mr Curno, Councillor Sam Davey, Mr Fairchild, Councillor Ken Foster, Mr Harvey, Mrs Hitchins, Mr Pawley, Mr Stewart, Mr Skinner and Councillor Wheeler.

***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. APPOINTMENT OF CHAIR AND VICE CHAIR**

To appoint a Chair and Vice Chair for the municipal year 2015 – 2016.

### **2. APOLOGIES**

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

### **3. DECLARATIONS OF INTEREST**

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

### **4. MINUTES**

**(Pages 1 - 8)**

The Forum will be asked to confirm the minutes of the 16 March 2015.

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

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

### **6. PLYMOUTH LAF UPDATE**

Forum Members will be provided with a verbal update on the LAF.

### **7. TRACKING RESOLUTIONS**

**(Pages 9 - 10)**

To monitor progress on previous resolutions.

### **8. WORKING GROUPS**

To agree any working groups for items on this agenda.

### **9. WORK PROGRAMME**

**(Pages 11 - 12)**

To discuss and agree the Forum's Work Programme for 2015 - 2016.

### **10. SOUTH WEST COAST PATH UPDATE**

The Forum will be provided with an update on the South West Coast Path.

### **11. HUDDLE HOT TOPICS**

**(Pages 13 - 14)**

To discuss any issues arising from the April/May 2015 version of Huddle Hot Topics.

**12. THE FORUM'S TERMS OF REFERENCE**

**(Pages 15 - 26)**

To review the Plymouth Local Access Forum's terms of reference.

**13. CORRESPONDENCE**

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

**14. DATE OF NEXT MEETING**

The next meeting will be held at 10.30 am on Monday 28 September 2015, at the Council House.

**15. ISSUES ARISING FROM FORUM MEMBERS**

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

This page is intentionally left blank

## Plymouth Local Access Forum

**Monday 16 March 2015**

### **PRESENT:**

Mr Fairchild, in the Chair.

Mr I Stewart, Vice Chair.

Mr Curno, Councillor Sam Davey, Councillor Ken Foster, Mr Harvey, Mrs Hitchens, Mr Pawley and Councillor Wheeler.

Apologies for absence: Mr Attrill, Mr Emery and Mr Skinner.

Also in attendance: Robin Pearce (Public Rights of Way Officer), Rosemary Starr (Smarter Choices Manager), Kat Deeney (Natural Infrastructure Manager), Professor Jon Shaw (Head of Geography at the University of Plymouth) and Helen Rickman (Democratic Support Officer).

The meeting started at 10.30 am and finished at 12.25 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.*

#### 45. **DECLARATIONS OF INTEREST**

The following declaration of interest was made in accordance with the Code of Conduct –

<b>Name</b>	<b>Subject</b>	<b>Reason</b>	<b>Interest</b>
Mr Pawley	South West Coast Path Update	Representative for the South West Coast Path Association	Personal

#### 46. **MINUTES**

Agreed that the minutes of the meeting held on 15 December 2014 are confirmed as a correct record.

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

The Chair advised Forum Members that Hillary Winter (Regional Coordinator for the South West Region Local Access Forums) was due to vacate her role at the end of March 2015 as Natural England was withdrawing the position.

Local Access Forum's in Devon, Cornwall, Dartmoor, Torbay and Plymouth would instead be supported by John Holmes, Area Manager for Devon Cornwall and the Isles of Scilly.

Agreed that –

- (1) the Chair would thank Hillary Winter, on the Forum's behalf, for her dedication to the role of Regional Coordinator for the South West Region Local Access Forum's;
- (2) the Chair, whilst noting that Natural England have observer status on all LAFs, would invite John Holmes to a future meeting of the Local Access Forum.

48. **TRACKING RESOLUTIONS**

Members were provided with an update on the Forum's tracking resolutions and were advised that:

- (a) an update on the Local Nature Partnership, deferred from the 15 December 2014 LAF meeting, had been added to the agenda and Kat Deeney (Natural Infrastructure Manager) would be in attendance;
- (b) several Forum Members met on 29 January 2015 to walk footpaths in the vicinity of St Budeaux; it was confirmed that two of the three sections of the footpath belonged to the Kloof and that they were not a public right of way;
- (c) with reference to minutes 39 'Huddle Hot Topics' and 41 'Work Programme' from the 15 December 2014 LAF meeting, the Vice Chair confirmed that he hadn't yet contacted Dean Blagdon (Community Physical Activity Worker) regarding the Walking for Health Scheme however would do so shortly;
- (d) with reference to minute 43 'Issues Arising from Forum Members' from the 15 December 2014 LAF meeting, Mr Harvey confirmed that he was a potential candidate for the Chairmanship of the South Devon Area of Outstanding Natural Beauty Partnership Committee therefore had not yet ascertained the future plans for local AONB groups. Mr Harvey highlighted the importance of the relationship between LAFs and AONBs, especially during a period of significant funding cuts, and questioned the impact this was having on other organisations such as the National Trust. A suggestion was made that a representative from the Dartmoor National Trust was to be invited to a future LAF meeting to advise Forum Members how budgetary cuts were affecting their service.

Agreed that the Chair would contact the Dartmoor National Trust to invite a representative to a future LAF Meeting to advise Forum Members of the affect budgetary cuts was having upon the service.

49. **JON SHAW - PROFESSOR OF TRANSPORT GEOGRAPHY - PLYMOUTH UNIVERSITY**

Professor Jon Shaw, Head of Geography at the University of Plymouth, introduced himself to Forum Members and advised them of his role and the way in which the LAF and the University could work together in the future.

Forum Members were advised that –

- (a) Professor Jon Shaw was a Lecturer in Transport Geography at Plymouth University. Approximately 160 students graduated in geography every year at the University spanning the full range of both human and physical geography;
- (b) the University had an 'expert directory' of which Forum Members were welcome to use if they required advice or an opinion regarding a specific issue such as footpath erosion or access to the countryside; Members simply had to contact the University's switch board and speak to the press office who in turn would transfer calls to the appropriate person;
- (c) for larger issues Plymouth City Council had launched a research connection with the University of Plymouth; for transport related research Phil Heseltine was the Council's main point of contact;
- (d) undergraduate and postgraduate students were required to undertake large scale dissertation projects; it was considered that approximately 20 dissertations each year related to transport issues or an area which might be of interest or use to LAF Members. The Forum itself could be highlighted to students to benefit the work of both;
- (e) a series of public lectures were due to be advertised on the big screen on North Hill, near the University, relating to the issue of improving transport links, specifically the HS2 railway line and how this would benefit Plymouth; the lecture was scheduled for 20 October 2015.

In response to questions raised it was reported that –

- (f) undergraduate students undertook a one year dissertation project whereas postgraduate dissertations were shorter starting in January with completion by September; it was considered that the LAF and students working on their dissertations could work together to mutual advantage;
- (g) the transport lectures would be properly advertised once the University's timetabling had been completed; regular interested parties, including local MPs, would be invited to attend. Information relating to the lecture would be circulated with the minutes of the LAF meeting;
- (h) Professor Jon Shaw confirmed he was not aware if and how the UK National Ecosystem Assessment 2011 affected Government Policy;
- (i) ecologists and environmental scientists formed part of the Geography remit;
- (j) Rosie Starr (Smarter Choices Manager) had already spoken to University students regarding Plymouth's Local Access Forum however the University was willing to facilitate another meeting with new students in September 2015 at the start of the academic year. Rosie advised Members that the Plymotion Team had a stall at the University's Fresher Fair and LAF Members would be

welcome to be affiliated with the stall, or have their own, to promote the LAF and its aims;

- (k) research areas and areas of knowledge for students as well as the University 'expert directory' exceeded Plymouth's boundary;
- (m) the Council had non-formal 'open discussions' with Professor Jon Shaw regarding transport decisions in the city; he had a good working relationship with the Council and its officers;

The Chair thanked Professor Jon Shaw for his attendance at the meeting and looked forward to working with him in the future.

50. **LOCAL NATURE PARTNERSHIP**

Kat Deeney (Natural Infrastructure Manager) provided Members with an update on the Local Nature Partnership.

Members were advised that –

- (a) a briefing note upon the Local Nature Partnership (LNP) was submitted to the 15 December 2014 LAF meeting;
- (b) Local Nature Partnerships were set up as part of the Natural Environment White Paper 2011; the intention of the Partnership was to be a strategic lead for local environmental issues;
- (c) there were 43 LNPs across the country, each having had to apply to DEFRA for approval. There was a huge variety in LNPs across the country as some were larger covering a number of different regions whereas Plymouth's was one of the smallest. It was considered that all LNPs worked very differently as they were locally determined;
- (d) Plymouth's LNP had a mixed partnership with a representative of Plymouth City Council currently acting as interim Chair. Other members included representation from the Environment Agency, South West Water and Plymouth Marine Institute; it was hoped that Public Health would be represented on the board shortly;
- (e) Plymouth's LNP meetings were scheduled quarterly; the focus of the LNP itself was to be the Champion and Strategic Lead for the Partnership's three themes: growth, water and health & wellbeing;
- (f) the LNP had a good link with the Local Economic Partnership; it was considered that this link provided greater influence on local projects, especially the Growth Plan;
- (g) Kat Deeney (Natural Infrastructure Manager) and a representative from Somerset LNP had secured a seat on the Leadership Group of which they shared and alternated their attendance;



- (h) policies included in the Plymouth Plan had been proofed by the Local Nature Partnership; planning authorities were required to engage with LNPs;
- (i) South West Water had invested £120m for the water treatment works at Roborough in Plymouth. The current focus was the modelling work for the project with the end product of significantly increasing the quality of water in the Sound by 2020;
- (j) the health themed focus of Plymouth's LNP concentrated upon linking with the Health & Wellbeing Board to target the reduction in activity levels of Plymouth residents; it was considered that the natural environment had a huge role to play in improving this issue. A joint bid for funding with Public Health for the Active Neighbourhoods Lottery Scheme had successfully achieved stage 1 and it was considered that there was approximately a 75% chance of receiving funding at stage 2; the outcome would be announced in September 2015.
- (k) Plymouth LNP was currently working on a short film detailing the role of the Partnership; it was expected that this would be completed within three to four months' time.

In response to questions raised it was reported that –

- (l) LNPs were not provided with funding from Government, unlike Local Enterprise Partnerships, therefore resourcing of the Partnership was an issue. Plymouth City Council provided the secretarial role and representation at meetings however this was provided in-house;
- (m) the Assistant Director for Strategic Planning and Infrastructure was the interim Chair on Plymouth's LNP;
- (n) the LNP focused on the natural environment when proofing the Plymouth Plan; the next stage of the plan would provide more detail regarding site allocations for green space, development and housing. A refresh of the green space evidence base was due to be undertaken in April 2015;
- (o) the local green space designation planning policy framework consultation was due to commence in Summer 2015; Kat Deeney confirmed she would keep the Chair of the LAF updated on the progress of the consultation;
- (p) when Plymouth's LNP was put forward for adoption by Defra, the boundary of the LEP also had to be included;
- (q) there was potential for the LAF to engage with the officer group of the LNP; the next board meeting was scheduled for 15 April 2015;
- (r) the three key milestones for the LNP were (1) securing representation on the Leadership Board, (2) having so many organisations together on one Board and (3) working with South West Water to secure additional funding which

would help improve water quality in Plymouth;

- (s) work was ongoing with the Saltram Plan; meetings didn't take place regularly however Kat was due to meet the new manager in a few weeks' time to ensure that the Masterplan was embedded.

Members noted the update and thanked Kat for her attendance.

Agreed that Kat Deeney would update the Chair of the LAF on the progress of the Green Space Designation consultation that was due to commence in September 2015.

51. **PLYMOUTH PLAN**

Robin Pearce (Public Rights of Way Officer) provided Forum Members with an overview of the Plymouth Plan consultation event organised for the LAF. Members were advised that comments raised, as part of the Group's meeting on this subject, had been submitted.

Forum Members thanked Robin for his help with the Plymouth Plan.

52. **SOUTH WEST COAST PATH UPDATE**

Mr Pawley (representative for the South West Coast Path Association and Member of the LAF) advised Members that –

- (a) the South West Coast National Trail had experienced significant funding reductions; this was having an affect upon the role of its Members;
- (b) he was responsible for monitoring 10-14 miles of the South West Coast Path however others had 60-70 mile stretches to cover;
- (c) This is work previously carried out by Mark Owen however splitting the work amongst volunteers saved money;
- (d) Mark Owen designed a framework for surveying the coast path; this model also assessed the coast path furniture, including benches and signposts, all of which had to be inspected on an annual basis;
- (e) Cattedown Rail Spur had been strimmed recently; officers were unaware as to why this site had been cleared;
- (f) the damage to the Breakwater Hill wall had been cleared and repair works appeared to have commenced

Members noted the update.

53. **MODIFICATION ORDERS UPDATE**

Robin Pearce (Public Rights of Way Officer) advised Members that there were six Modification Order reports underway including Hooe Lake, Stamford Lane, The Kloof, Plymstock School, Venn Close and Elizabeth Cottage. It was expected that these Modification Orders would be submitted to the Planning Committee from June 2015 onwards. Members highlighted the benefit of attending the Planning Committee when these Orders were to be discussed as a training event for LAF Members.

Under this item Mr Pawley informed Members that Cornwall County Council had produced a digital accessible map of Cornwall which enabled users to zoom in and access most paths, not including permissive paths. This was published on Cornwall County Council's website.

Agreed that –

- (1) Forum Members would be contacted when the modification orders were due to go to the Planning Committee;
- (2) the LAF Secretary would publish the electronic link to Cornwall County Council's digital accessible map as part of the Forum's minutes for meeting.

<http://map.cornwall.gov.uk/website/ccmap/index.html?layerName=Public%20Rights%20of%20Way>

54. **HUDDLE HOT TOPICS**

Members noted the Huddle Hot Topics February 2015 update.

55. **WORKING GROUPS**

Rosemary Starr (Smarter Choices Manager) confirmed that she would contact Kat Deeney (Natural Infrastructure Manager) with regards to the timing for the green spaces site allocation stage to ensure that all known green spaces were accounted for in the Plymouth Plan (Stage 2).

56. **WORK PROGRAMME**

The Forum reviewed its work programme for 2014/15.

Rosemary Starr (Smarter Choices Manager) advised Members that the information, as discussed at the 15 December 2014 LAF meeting, regarding public slipways on the Council's website was still in progress. An update on this issue, as well as an update on the waterways exercise, could be provided at a future LAF meeting.

Agreed that an update on the waterways exercise as well as information relating to public slipways would both be included on the Forum's work programme and scheduled for a future LAF meeting.

57. **CORRESPONDENCE**

There were no items of correspondence.

58. **ISSUES ARISING FROM FORUM MEMBERS**

Robin Pearce (Public Rights of Way Officer) informed Members that a landowner in Plympton had dedicated a new footpath in Greenacres Woodland; this was an entirely new route and approximately £20,000 had been spent undertaking necessary improvements.

Members were also advised that improvement work had been completed in Ham Woods along the route of the Co-operative Way; at the Mowhay Road end of the route the path was eroded however resurfacing and edging works were undertaken to significantly improve the area.

Members noted the update.

59. **DATES OF FUTURE MEETINGS**

Members were advised that the calendar of future committee meetings would be submitted to the March 2015 Full City Council meeting.



Under this item the process for planning committee application updates being provided to Forum Members. Members were advised that initially the LAF Secretary had forwarded emails to Members from the planning department, advising them of planning updates, however Members were now able to register themselves to the planning updates mailing list to receive automatic updates.

Agreed that the LAF secretary would email Members with the link to planning updates mailing list.

**PLYMOUTH LOCAL ACCESS FORUM  
TRACKING RESOLUTIONS**

<b>Date / Minute number</b>	<b>Resolution</b>	<b>Explanation / Minute</b>	<b>Action</b>	<b>Progress</b>
15.12.14 Minute 41	The Forum reviewed and updated its Forward Work programme.  <u>Agreed</u> that Ian Stewart (Vice Chair) would contact Dean Blagdon.		LAF Vice Chair	The Vice Chair confirmed at the 16 March 2015 LAF meeting that he has not yet contacted Dean Blagdon but would do so shortly.
15.12.14 Minute 43	<u>Agreed</u> that Bob Harvey would contact Hilary Winter (Regional LAF Co-ordinator) to determine if contact could be made with the local AONBs to ascertain their plans for the next 12 months, and to advise them that LAFs can advise them if required.		Bob Harvey	Bob Harvey updated Members at the 16 March 2015 LAF meeting and confirmed that he had not yet contacted local AONBs to ascertain their plans for the next 12 months.
16.3.15 Minute 47	<u>Agreed</u> that - (1)the Chair would thank Hillary Winter, on the Forum's behalf, for her dedication to the role of Regional Coordinator for the South West Region Local Access Forum's;	Chair's Urgent Business	Ray Fairchild - Chair	
16.3.15 Minute 47	<u>Agreed</u> that – (2)the Chair would invite John Holmes to a future meeting of the Local Access Forum.	Chair's Urgent Business	Ray Fairchild - Chair	
16.3.15 Minute 48	<u>Agreed</u> that the Chair would contact the Dartmoor National Trust to invite a representative to a future LAF Meeting to advise Forum Members of the affect budgetary cuts was having upon the service.	Tracking Resolutions	Ray Fairchild - Chair	
16.3.15 Minute 50	<u>Agreed</u> that Kat Deeney would update the Chair of the LAF on the progress of the Green Space Designation	Local Nature Partnership	Kat Deeney- Ray Fairchild -	

	consultation that was due to commence in September 2015.		Chair	
16.3.15 Minute 53	<u>Agreed</u> that – (1) Forum Members would be contacted advising them of when the modification orders were due to go to the Planning Committee;	Modification Orders Update	Robin Pearce – Public Rights of Way Officer	This is ongoing.
16.3.15 Minute 53	<u>Agreed</u> that – (2) the LAF Secretary would publish the electronic link to Cornwall County Council’s digital accessible map as part of the Forum’s minutes for meeting.	Modification Orders Update	Helen Rickman – LAF Secretary	The electronic link to the digital accessible map has been published as part of the minutes.
16.3.15 Minute 55	Rosemary Starr (Smarter Choices Manager) confirmed that she would contact Kat Deeney (Natural Infrastructure Manager) with regards to the timing for the green spaces site allocation stage to ensure that all known green spaces were accounted for in the Plymouth Plan (Stage 2).	Working Groups	Rosemary Starr – Smarter Choices Manager	
16.3.15 Minute 56	<u>Agreed</u> that an update on the waterways exercise as well as information relating to public slipways would both be included on the Forum’s work programme and scheduled for a future LAF meeting.	Work Programme	Helen Rickman – LAF Secretary	This has been added to the Forum’s work programme – a date has yet to be agreed.
16.3.15 Minute 59	<u>Agreed</u> that the LAF secretary would email Members with the link to planning updates mailing list.	Dates of Future Meetings	Helen Rickman – LAF Secretary	Forum Member email addresses were provided to the Planning department to add members to the weekly planning consents email list. Confirmed complete.

-  = Complete resolution
-  = Outstanding resolution



This page is intentionally left blank



## **Huddle Hot Topics**

### **April/May 2015**

The main item is a summary for LAFs of rights of way clauses in the Deregulation Act 2015 and this is included below in its entirety. Other than that there is a discussion going on about initiatives to improve access for those with disabilities.

#### **Rights of way clauses in the Deregulation Act 2015 - Summary for Local Access Forums by Jonathan Tweney, Defra. April 2015**

The rights of way clauses are part of a wider de-regulatory package of public rights of way reforms; other aspects of the reforms will be implemented through secondary legislation (regulations) and guidance.

The existing legal processes for recording public rights of way are complex, slow and resource intensive. The reforms make improvements to benefit users of rights of way, landowners, local authorities and developers alike by creating a simpler system for mapping, changing and extinguishing rights of way. The proposals are a balanced package supported by a group representing the full range of interests in rights of way. They make procedures more streamlined, and flexible, but also give local authorities more scope to use their judgement in dealing with insubstantial or irrelevant applications and objections, and enable the development of locally negotiated solutions.

#### **Detail on the clauses in the Act**

The clauses in the Act introduce a preliminary sift for applications to record rights of way, so that local authorities are relieved of the burden of dealing with poor or spurious applications. They also provide that local authorities (rather than applicants) approach landowners, but only where claims pass the preliminary sift, and enable the local authority to negotiate an alternative route with the landowner before recording the way; this will reduce the number of applications that result in costly dispute procedures. Provision for landowners to apply for gates on byways will also reduce the number of applications that are disputed and end up at public inquiry.

Other measures cut the number of cases that are referred to the Secretary of State for resolution; these include providing for recourse to a local magistrate's court rather than the Secretary of State where a local authority has failed to deal with a viable application and ensuring that any given case can go before the Secretary of State only once, rather than several times, which can often be the case at present. A similar measure enables authorities to refer only those parts of orders that are disputed to the Secretary of State for resolution.

Improvements to provisions for a 'right to apply' make it easier for landowners to get local authorities to respond positively to requests for the extinguishment or diversion of an existing right of way.

There are a number of smaller procedural changes to cut the administrative and financial burden on local authorities and others. These include giving: local authorities discretion to disregard irrelevant appeals and objections, rather than having to submit them all to the Secretary of State as is currently the case; a fast track procedure for correcting minor administrative errors on the definitive map and statement, rather than having to go through the full modification order procedure; reducing the requirement for advertising rights of way orders in newspapers; providing that the courts quash only the Secretary of State's decision, where that is found to be at fault, so that the order-making process does not have to start all over again from scratch; providing that applications to have a right of way recorded do not have to be accompanied by copies of documents that are already in the authority's possession; enabling volunteers to transfer applications, so that work does not have to start over again where an applicant can no longer pursue it;

Other measures reduce the scope for disputes over rights of way once the definitive map and statement is closed at the 2026 cut-off date. One measure ensures that, just as rights of way cannot be claimed or upgraded after the cut-off, they also cannot be downgraded. Providing for local authorities to designate a right of way for protection during a short window after the cut-off will enable local authorities to derive maximum benefit from the work undertaken by volunteer groups in the period leading up to the cut-off date.

### **Improving access for those with disabilities**

The Huddle posts include details of work being done in various LAFs to improve access and replace stiles with gates and the need for suitably maintained surfaces. Some posts cite problems where bollards have been placed too close together to allow wheelchairs or mobility scooters to pass through. Reference is made to gates produced by Centrewire for mobility scooters. The Centrewire webpage also includes an explanation of the British Standard for Gaps, Gates and Stiles.

<http://www.centrewire.com/BRITISH%20STANDARD.pdf>

The Fieldfare Trust is included as a useful organisation. <http://www.fieldfare.org.uk/>

## **Plymouth Local Access Forum Terms of Reference**

### **1.0 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.

### **2.0 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 and Dartmoor and actively encourage the attendance of such authorities to forum meetings with observer status.

### **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).

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 current terms already in existence; 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 award shorter or longer terms if required to ensure the continuity of the forum.
- 4.11 A member may resign their 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:
- They become an elected member of Plymouth City Council;
  - They are absent from all meetings of the Forum in a 12-month period without the prior agreement of the appointing authority;
  - They fail to comply with the requirements set out in section 4.12 below;
  - They have failed to comply with section 4.15 below;
  - They fail 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 their reasons for seeking the removal of the member to the forum and those reasons must be 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 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 staggered so as not to coincide with the expiry of the term of office of the Chair.

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 may be made either to the secretary to the forum in advance of the meeting or at the meeting itself and those nominees will be read out by the Secretary.
- No details about nominations 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;
- All members of the Forum (including those standing for the position concerned) are entitled to vote. A member may vote for themselves;
- The secretary will announce the result of the election to the post;
- In the event of a tie on the first round of voting for the post, 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;

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 in consultation with the Public Rights of Way Officer and the Chair.

### **5.0 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 at the discretion of the Chair.
- 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.

### **6.0 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.



## 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**

**1.0 Scope**

1.1 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.

1.2 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.

1.3 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.

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

1.5 In this code, 'Forum' refers to the Plymouth Local Access Forum.

**2.0 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.

**3.0** 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.

**4.0** 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.

- 5.0** 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**

- 6.0** (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

- 6.1** 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**

- 7.0** 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**

- 8.0** (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**

**9.0** 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.

This page is intentionally left blank