

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 Plymouth Local Access Forum Person Specification. 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 12month period without the prior agreement of the appointing authority;
 - They fail to comply with the requirements set out in section 4.15 below;
 - They fail to comply with the requirements set out in section 4.21 below;
 - They fail to comply with the Plymouth Local Access Forum Members Code of Conduct.
- 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 formally meet at least twice a year and additional informal meetings arranged where necessary.
- 5.3 Meeting agendas shall be agreed between the Chair and the Secretary.
- 5.4 Formal meetings shall be advertised in advance and held in public.
- 5.5 Agendas, papers and minutes of formal meetings 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.