

CITY OF PLYMOUTH

Subject: Plymouth Local Access Forum Development Report
Committee: Plymouth Local Access Forum
Date: 28 March 2011
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Summary:

Plymouth City Council is changing. How support is provided to the Plymouth Local Access Forum (PLAF) also needs to change and so the PLAF will need to work with Plymouth City Council to ensure that change is managed. Staying stagnant isn't an option for us so the PLAF will need to change with us to remain effective.

Following the PLAF meeting held on 22 November 2010 members were asked to complete a consultation document on LAF development. The results of the consultation were then provided at the PLAF meeting held on 24 January 2011, where members undertook a discussion into the results. This report presents the implemented changes, further changes and proposed changes to the PLAF, the reasons why these changes will improve the PLAF and how support to the PLAF will encourage and deliver a more efficient and effective Forum.

The proposed changes will be implemented into the PLAF Terms of Reference and adopted at the first meeting of the PLAF after the Council's AGM.

1.0 Introduction

- 1.1 At the PLAF meeting held on 22 November 2010 Forum members were invited to complete a consultation questionnaire on potential development ideas for the PLAF and submit their response to the PLAF Secretary. In total 86 per cent of Forum members completed and submitted the consultation questionnaire and the results of this consultation were provided in a report to the Forum at their meeting of 24 January 2011.
- 1.2 Having taken into account the responses from the consultation questionnaire, sought advice from Natural England and reviewed how other Forums operate a number of changes have been implemented to the PLAF and further proposed changes have been identified. It is believed that these changes will enable the PLAF to become a more efficient and effective Forum when dealing with general items of business, responding to consultation requests and offering advice to Section 94(4) bodies.

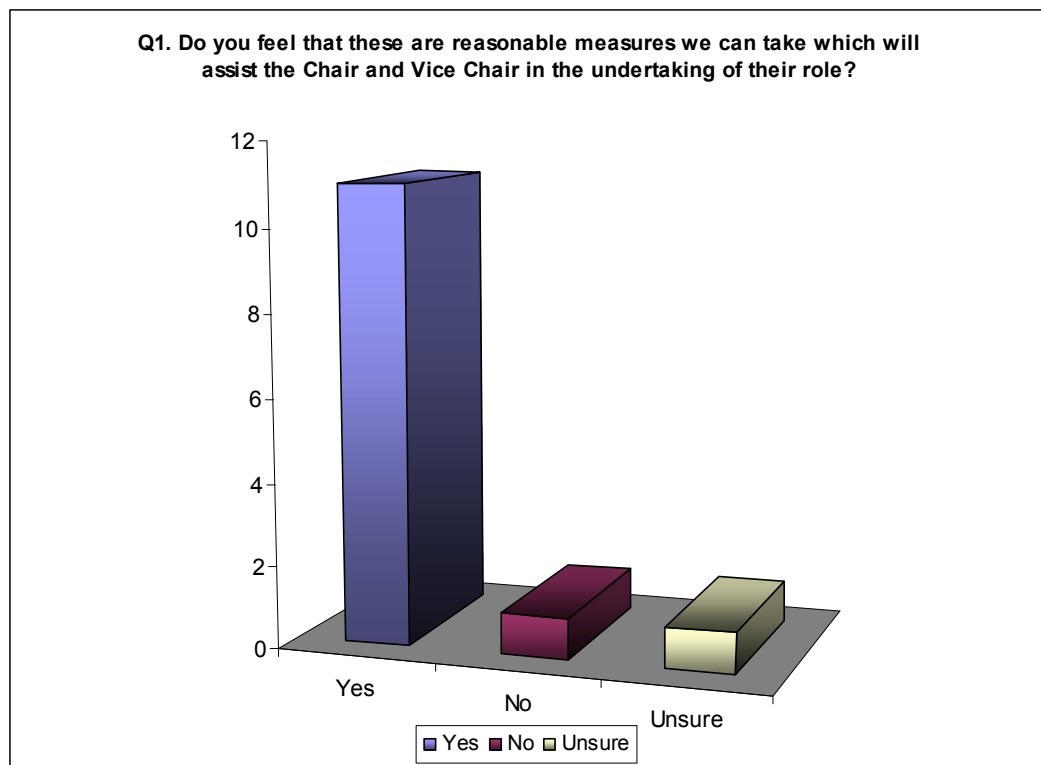
2.0 Implemented changes

- 2.1 In observing and reviewing the operation of the PLAF meetings held on 9 August 2010, 27 September 2010 and 22 November 2010 a number of areas of improvement with regard to the focus and delivery of business at PLAF meetings have been identified. In an attempt to enable the Forum to become more focused on agenda items at their meeting of 24 January 2011 the following items of business were included as new agenda items:
- Tracking Resolutions – this item enables Forum members to reflect on resolutions agreed at previous meetings;
 - Work Programme – this item informs Forum members of what issues are on the agenda for future meetings throughout the year;
 - Issues Arising from Forum Members – this item allows Forum members to raise any issues of concern at a specific time on the agenda.
- 2.2 The inclusion of these items has enabled the Forum to be more focused on items of business; it has allowed for Forum members to be more fully prepared for issues to be discussed and has also kept Forum members up to date on the progress of resolutions agreed at previous meetings. By focusing Forum members on the issues of discussion and informing them of the progress of previously agreed resolutions the Forum has become a more effective and efficient body. Furthermore, Forum members are able to suggest items of business to be included onto the work programme, which will encourage a greater involvement of all Forum members and help focus their attention on specific issues.

2.3 In an attempt to improve the management of items of business at PLAF meetings the following measures have been implemented:

- the Chair will be issued a briefing note at each meeting with a schedule of suggested timings;
- a 30 minute pre-meet is available to the Chair and Vice Chair prior to each meeting;
- correspondence and liaison with the Chair about the agenda prior to it being despatched.

Evidence Base for change: When asked 84% of Members agreed this level of intervention was reasonable. No other suggestions were made as to how else the Chair might be supported but Members were keen to avoid interference in LAF business by the local authority.



2.4 The adoption of these measures has enabled the Chair to become more informed about the agenda and potential contentious issues. Additionally, the Chair through having a guideline on timings will be able to manage the meeting appropriately. The support provided to the Chair and Vice Chair in the running of the Forum is aimed to empower them to be effective leaders. A Chair with a clearly defined agreed agenda is more likely to result in an effective Forum.

3.0 Further changes

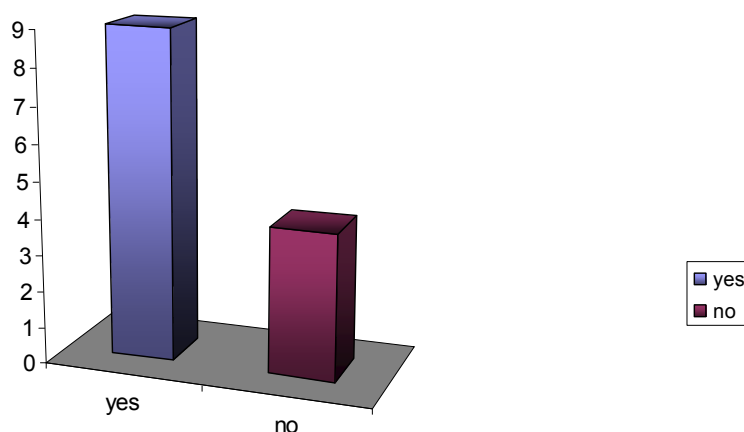
3.1 In order to improve the effectiveness of Forum members when dealing with specific items of business and to promote the role and operation of the PLAF the below areas of improvement have been identified to be developed.

3.2 A procedure note for working groups will be created by the PLAF Secretary and the Public Rights of Way Officer. The procedure note will enable Forum members to confidently set up and control a working group to effectively review relevant issues and to deliver appropriate recommendations. The procedure note will cover the following areas:

- how to activate a working group;
- setting the membership for a working group;
- setting the aims and objectives for a working group;
- a process chart providing tips on how to analyse an issue;
- how to reach a conclusion;
- how to make recommendations and what to do with them;
- Mechanisms for review
- Establish what the working group needs to accomplish to have been successful;
- Agree when the working group will end. Will it cease after a period of time or when it has achieved a specific result?

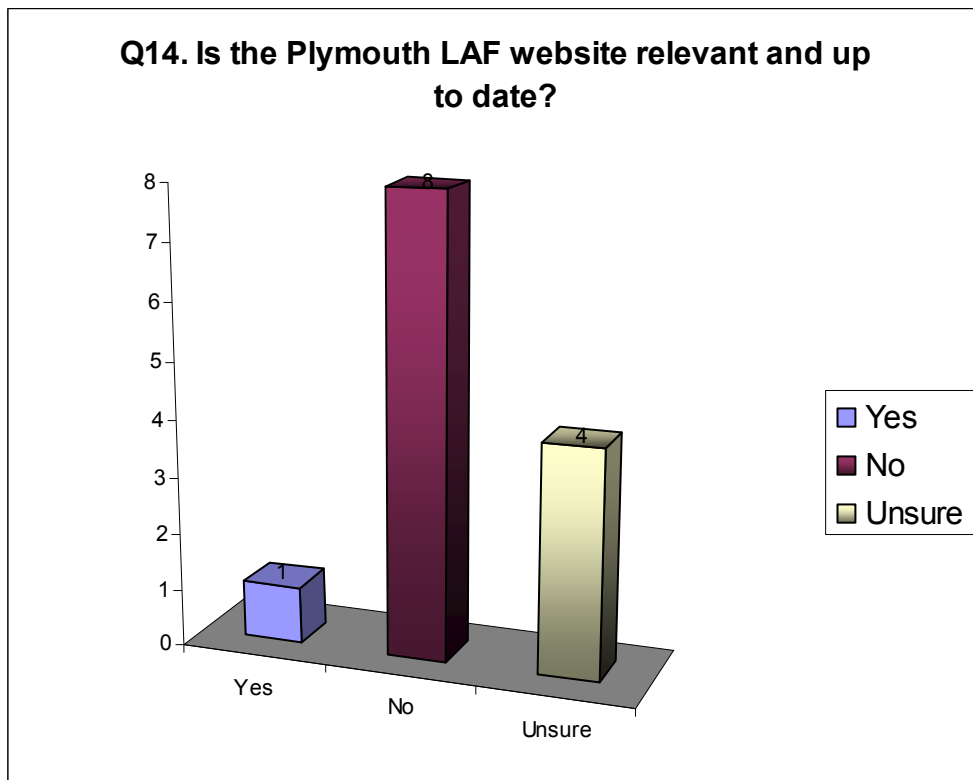
Evidence Base for change: When asked 69% of Members felt that guidance on the use of working groups would support the development of the LAF. We therefore feel this is a positive change providing an additional resource for the Chair and offers clarity and consistency. This will help support other proposed changes by providing a clearly defined mechanism to conduct LAF business outside of the main LAF group.

Q7 Do you think it would help focus the LAF if we provided a draft procedure note which set out how to set up a working group, define its boundaries and reporting procedures and make advance arrangements for its dissolution?



- 3.3 Updates to the PLAF webpage to ensure that information is brought up to date and therefore, improve the promotion of the PLAF.
- 3.4 Ensure that an annual report for the previous year is drafted by the PLAF Secretary and is submitted to the PLAF at their first meeting after the Council's AGM. This report, once approved, is to be published and included on to the PLAF webpage.
- 3.5 Undertake an advertising campaign for new PLAF members with the aim of balancing out the number of people representing the different interest groups at PLAF meetings.

Evidence Base for change: 61% of Members considered the LAF pages of the Plymouth City Council website were out of date. We will ensure the website is allocated more time and better reflects the work the LAF does. This will include better access to PLAF agendas and minutes and other information about the LAF.

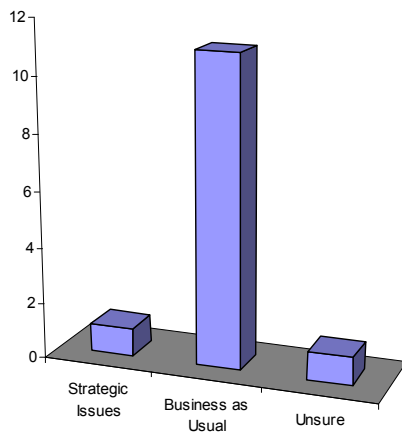


4.0 Proposed changes

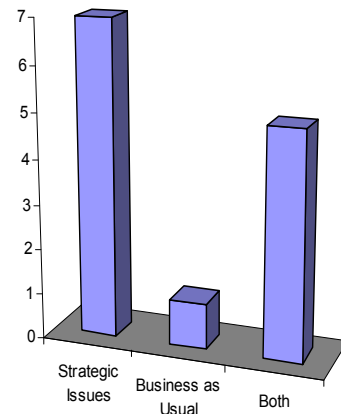
- 4.1 Further to observing and reviewing the operation of previous PLAF meetings, the PLAF Secretary has reviewed the Terms of Reference of other Local Access Forums (LAF) and the guidance produced for LAFs by the Department for Environment, Food and Rural Affairs (DEFRA). In analysing all of the above information the proposed changes to the PLAF in sections 4.1 – 4.5 have been identified as areas that will provide improvement to the administration, focus and management of business at PLAF meetings and will therefore, ensure that the PLAF becomes a more effective and efficient body.
- 4.2 The PLAF reduce the number of business meetings currently scheduled from six to four annually. Plymouth LAF meets more frequently than any other LAF in the country. Devon Countryside Access Forum for example meets three to four times per year and it is felt that the PLAF could benefit from a reduction of business meetings. We consider that the frequency with which the LAF meets promotes a culture within which business as usual is easily accommodated for whilst longer term strategic issues can be brushed aside. We do not believe this is how a LAF should operate. We appreciate that minor local issues are always going to be of interest to Members however the value of LAF's to S.94 bodies rest in their capacity as an independent advisory body and this predominantly translates to feedback on strategic issues. Whilst LAFs should always be free to determine their own priorities this should not be to the detriment of the LAF's effectiveness.
- 4.3 Reducing the number of full meetings held each year will be helpful to ensuring the LAF are a more effective body. This change will in effect force members to re-evaluate which topics available are most important and worthy of a spot on the agenda and which are not. Many business as usual matters such as individual planning applications and ad-hoc local issues will occur between meetings and so there will be less point in raising them.
- 4.4 This change will not however prohibit the consideration of business as usual matters. Rather the LAF will need to put in place separate mechanisms for dealing with them. At the current time the PLAF do not excel in their consideration of either strategic or business as usual matters, this process will allow the main LAF group to focus on strategic issues but provide a means by which more focus can be given to smaller local issues making the LAF much more effective at both. Other proposed changes will support the inclusion of these items within LAF business such as the adoption of position statements which would allow the Chair and Secretary or a dedicated working group to deal with them instead of taking up the time of the main body.
- 4.5 There are also further advantages in this change in that the LAF Secretary would have more time to spend on working with the LAF rather than in attending meetings and producing agendas and minutes. This could translate as a greater level of research on strategic topics or the support of working groups.

Evidence Base for change: 84% of LAF members felt that the vast majority of LAF time was taken up by “business as usual” issues but only 8% wished to see this trend continue. In contrast 54% believed that the majority of time should be spent on strategic matters and a further 38% believed there should be a greater mix between strategic and business as usual matters. This supports the view that some form of change is necessary that would allow a greater mix of topics and allow more time to be spent on strategic matters.

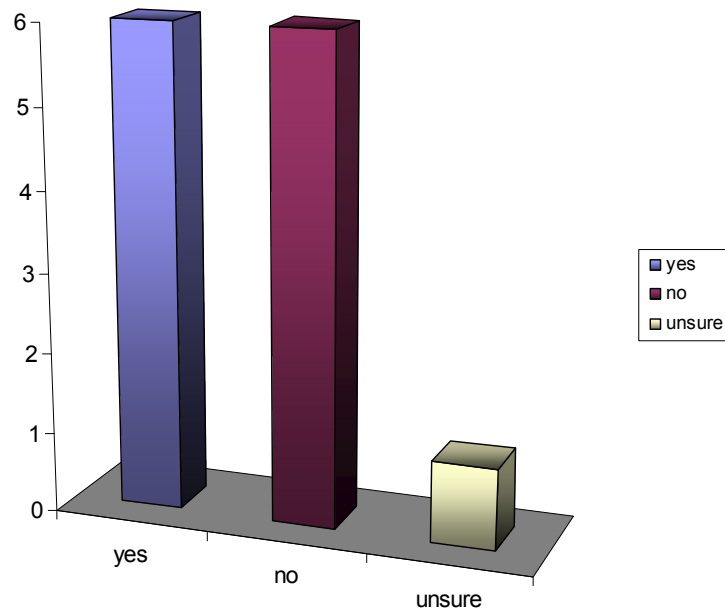
Q4. Thinking back over the past 12 months do you feel that the Plymouth LAF has spent most of its time on business as usual or on strategic issues?



Q5. Do you feel that over the next 12 months the Plymouth LAF should spend most of its time on business as usual or on strategic issues?



Q6. Do you believe that having 4 meetings rather than 6 meetings per year could assist the Plymouth LAF to become a more strategic body?



- 4.6 Position statements to be created and implemented into the PLAF Terms of Reference to ensure that the Forum can respond, via the Secretary in consultation with the Chair, to consultations and offer advice to Section 94(4) bodies outside of business meetings.
- 4.7 Commit the PLAF to making better use of working groups to deal with strategic matters outside of Forum meetings.
- 4.8 There will be an annual election of the Chair and Vice-Chair and to maintain a reasonable balance the Chair and Vice-Chair should not represent the same interest group or be an elected member of Plymouth City Council.

5.0 Support to the PLAF

- 5.1 In order for the PLAF to become a more effective and efficient body through reducing its number of business meetings the PLAF Secretary will be required to provide an enhanced supporting role in between meetings. A number of areas of support have been identified, subject to the reduction in meetings, and through carrying out these areas of support it is anticipated that the PLAF will become a highly recognised, organised and effective body which will add value to consultations and provide advice to Section 94(4) bodies.
- 5.2 The PLAF Secretary will devote time to research strategic issues and potential consultations that the PLAF could respond to and include them on the work programme. Updated versions of the work programme and tracking resolutions documents will be provided at every meeting of the Forum.
- 5.3 The PLAF Secretary and Public Rights of Way Officer will be available to provide verbal support and guidance to any working groups activated.
- 5.4 Through the inclusion of position statements the PLAF Secretary, in consultation with the Chair, will deal with issues that arise between meetings where a response is required before the next business meeting of the Forum. This will ensure that the advice provided by the PLAF will be regular and consistent.

6.0 Recommendations

6.1 It is recommended that:

- (a) The PLAF approve proposals to reduce the number of business meetings from six to four annually;
- (b) The PLAF will approve and agree the creation of position statements.
- (c) The PLAF approve that the Chair and Vice-Chair should not represent the same interest group;
- (d) The PLAF will delegate authority to the PLAF Secretary, in consultation with the Chair, to deal with issues and consultation responses using the approved position statements where a response is required before the next meeting of the Forum.
- (e) The PLAF approve the amendment of the PLAF Terms of Reference (as attached at Appendix I) to reflect the proposed changes.
- (f) The PLAF approve the Chair and Vice Chair to continue in their position until the next meeting of the Forum

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 ~~Structure and Local Plans~~ **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 ~~social inclusion~~ **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: -

- ~~Users of rights of way, or the new access right~~ Local people who enjoy outdoor recreation in the area;
- Owners and occupiers of access land, or land over which ~~local rights of way~~ the public have access ~~subsist~~;
- ~~In addition to this Plymouth City Council will encourage fair representation of~~ Other interests considered to be relevant to Plymouth. ~~These~~ 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 Within these interests the City Council would encourage the representation of younger people, women, people with disabilities and those on low incomes. Representation in any category from at least one individual with experience of the needs of the disabled will be strongly encouraged.~~

3.3 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 ~~either one, two or~~ 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 ~~the giving of~~ 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 ~~with~~ 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.
- ~~Their consent for a photograph, brief biography and e-mail address/contact details to be made available to the public, including the Forum website.~~

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.** ~~and shall hold office for one calendar year or until such time as they are replaced by election at the first meeting following the expiry of that one calendar year.~~ **The term of office for this appointment shall be until the first meeting of the Forum following the City Council's subsequent AGM.** ~~for one calendar year. Subject to their continued membership to the Forum they shall be eligible for re-election annually thereafter.~~ 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, **where reasonably practicable, the only** candidates eligible to stand for the position ~~would~~ **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 **F**orum.

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 ~~every two months~~ **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 with a minimum of 1 member from each of the interest groups - users, landowners/managers and others. ~~represented at that time.~~

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

Requirements	Essential	Desirable
Skills	<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>
Knowledge	<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>
Experience	<p>Experience of using public rights of way or access land for recreational purposes</p> <p>OR</p> <p>Experience of managing land over which public rights of way or access land subsists</p> <p>OR</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>
Equal Opportunities	<p>A commitment to further equal opportunity issues in the work of the forum</p>	<p>Knowledge of the Disability Discrimination Act 1995</p>
Other Requirements	<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.