

# 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 with a minimum of 1 member from each of the interest groups - users, landowners/managers and others.

## **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.