

Plymouth Local Access Forum

Terms of Reference



1. Title and Forum Area

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

2. Roles and Responsibilities

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

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

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

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

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

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

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

3.0 The Role of Plymouth City Council

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

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

exercise of its statutory function or not;

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

4.0 Membership

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

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

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

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

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

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

expire each year;

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

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

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

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

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

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

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

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

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

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

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

4.15 By accepting an offer of appointment members confirm:-

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

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

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

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

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

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

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

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

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

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

4.22 Members shall identify their own training needs.

5 Administration

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

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

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

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

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

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

the discretion of the Chair and with prior permission.

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

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

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

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

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

6 Allowances

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

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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.

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