

# Loch Lomond and The Trossachs National Park Authority Local Access Forum Terms of Reference

## **1. Name**

- 1.1. The forum will be called the Loch Lomond and The Trossachs National Park Access Forum, and may be referred to as 'LLTAF' (hereinafter referred to as "the Forum").

## **2. Access Authority**

- 2.1. The Access Authority is Loch Lomond and The Trossachs National Park Authority, an Authority established in terms of and acting under the National Parks (Scotland) Act 2000 and the Loch Lomond and The Trossachs National Park Designation, transitional and Consequential Provisions (Scotland) Order 2002 and having its principal office at National Park Headquarters, Carrochan, 20 Carrochan Road, Balloch, G83 8EG

## **3. Reference Area**

- 3.1. The area which falls within the boundaries of the area known as Loch Lomond and The Trossachs National Park as defined in the Article 3 of The Loch Lomond and The Trossachs National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2002 and which falls within the jurisdiction of Loch Lomond and The Trossachs National Park Authority established in terms of Article 4 of said Order is the area within which the Forum can operate.

## **4. Status**

- 4.1. The Forum is established by the Access Authority in terms of Section 25 of the Land Reform (Scotland) Act 2003 ("the Act")
- 4.2. The Forum is independent of the Access Authority.

## **5. Functions and Role of the Forum**

- 5.1. The functions of the Forum as prescribed by Section 25(2) of the Act are:-
  - 5.1.1. to advise the Access Authority and any other person or body consulting the Forum on matters having to do with: -
    - (i) the exercise of access rights,
    - (ii) the existence and delineation of rights of way,
    - (iii) the drawing up, adoption, review and amendment of the Access Authority's core paths plan;
  - 5.1.2. to offer and, where the offer is accepted, to give assistance to the parties to any dispute about-
    - (i) the exercise of access rights;
    - (ii) the existence and delineation of rights of way;
    - (iii) the drawing up, adoption, review and amendment of the Access Authority's core paths plan; or the use of core paths, towards the resolution of the dispute.
- 5.2. The Forum shall act as a statutory consultee on: -
  - 5.2.1. proposed exemption orders lasting six or more days (Section 11(2)(a) of the Act)
  - 5.2.2. proposed bylaws in terms of Section 12 of the Act;
  - 5.2.3. drawing up, adoption, review and amendment of the Access Authority's core paths plan (Sections 18(1)(c) and 20A(1)(c) of the Act)
  - 5.2.4. any other matter for which legislation or regulation makes provision for the Forum to act as statutory consultee.
- 5.3. The Forum may assist the Access Authority perform any of its functions, duties and general business including: -

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- 5.3.1. Publicising the Scottish Outdoor Access Code (Section 10 of the Act) and promoting understanding and awareness of access rights among both access takers and land managers;
  - 5.3.2. Making byelaws and management rules;
  - 5.3.3. Upholding access rights (Section 13 of the Act) and providing advice on the responsible use of access rights;
  - 5.3.4. Dealing with prohibition signs, obstructions, dangerous impediments etc. (Section 14 of the Act)
  - 5.3.5. Taking steps for the safety, protection, guidance and assistance of those exercising access rights responsibly (Section 15 of the Act);
  - 5.3.6. Acquiring land to enable or facilitate exercise of access rights (Section 16 of the Act);
  - 5.3.7. Drawing up, adopting, reviewing and amending the Access Authority's core paths plan;
  - 5.3.8. Maintaining core paths etc. (Section 19 of the Act);
  - 5.3.9. Making path agreements (Section 21 of the Act);
  - 5.3.10. Making path orders (Section 22 of the Act); and
  - 5.3.11. Restoring rights of way or core paths after ploughing (Section 23 of the Act)
  - 5.3.12. Advising land managers on responsible land management and inland water management in relation to access rights;
  - 5.3.13. Providing advice to the Access Authority in its capacity as planning authority regarding responsible access and its interaction with planning;
  - 5.3.14. Providing advice to the Access Authority where access rights affect any business carried out by the Access Authority e.g. issues relating to conservation, management of sites, public events;
  - 5.3.15. Giving advice on the development and implementation of recreation and access strategies which includes:
    - (i) setting the responsible exercise of access rights in a broad context, comprising provision for access, all forms of open-air recreation, transport, tourism, health, and public information;
    - (ii) ensuring provision is made for all users, and reflects the needs of local people.
    - (iii) addressing the co-ordinated use of resources to deliver integrated recreation and access provision and management.
  - 5.3.16. Providing advice to the Access Authority on the development, implementation and monitoring of plans relating to outdoor access and recreation.
- 5.4 Additional activities may be carried out from time to time where these are agreed by a majority of the members of the Forum.

### **6. The Role of the Access Authority**

- 6.1. To appoint members to the Forum.
- 6.2. When appointing members to the Forum, the Access Authority must ensure a reasonable balance of representation amongst;
  - 6.2.1. persons and bodies representing those who have an interest in: -
    - (i) the exercise of access rights;
    - (ii) the existence and delineation of rights of way;
    - (iii) the use of core paths and the drawing up, adoption, review and amendment of the Access Authority's core paths plan.
  - 6.2.2. landowners, land managers, and bodies representing owners and managers of land, in respect of which access rights are exercisable or over which there is a core path.
  - 6.2.3. With reference to achieving broad representation, the Access Authority may have regard to the ability of an individual to represent more than one interest on the Forum (for example, a landowner who is also a horse-rider, or a cyclist who is also a kayaker).
  - 6.2.4. In the same vein, the Access Authority should have regard to, but not be bound by an aspiration for broad geographical coverage.
- 6.3. To provide the secretariat to the Forum including: -

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- 6.3.1. providing a venue for up to four meetings of the Forum per year;
- 6.3.2. organising and advertising up to four meetings of the Forum per year;
- 6.3.3. In discussion with the Forum Convenor, setting the agenda and taking minutes at meetings organised by the Access Authority;
- 6.3.4. Distributing papers, minutes and relevant information for meetings organised by the Access Authority;
- 6.3.5. providing an address for the Forum which shall be National Park Headquarters, Carrochan, 20 Carrochan Road, Balloch, G83 8EG.
- 6.4. The Access Authority's officers may attend any meeting of the Forum. The officers' role is advisory and non-voting.
- 6.5. The Access Authority may from time to time facilitate site visits by Forum members (see separate guidance on site visits).
- 6.6. The Access Authority may, but is not obliged to, reimburse reasonable, properly incurred and vouched for travel expenses incurred by members of the Forum attending Forum meetings and other approved activities .
- 6.7. The Access Authority is not obliged to provide support or assistance for any additional activities carried out from time to time by members of the Forum, even where these activities are agreed by a majority of the members of the Forum.
- 6.8. The Access Authority may provide training and development opportunities for the Forum as a whole or for individual Forum members, for example to address gaps in knowledge or understanding of a particular subject, or where induction or refresher sessions may be considered beneficial.
- 6.9. The Access Authority may, following discussion with the Convenor, or, as appropriate, the Vice Convenor, end the appointment of a Forum member in the event of gross misconduct or continual absence from Forum meetings.

### **7. Structure and Membership of the Forum**

- 7.1. The Forum shall consist of up to 16 and no fewer than 8 appointed members.
- 7.2. One of the appointed members shall be a member of the Access Authority's Board ("the Board") and shall be appointed to the Forum by the Board.
- 7.3. The remaining members shall be appointed by the Executive of the Access Authority.
- 7.4. Members are appointed for a period of three years and are eligible for re-appointment immediately thereafter, up to a maximum of three terms.
- 7.5. The office bearers shall comprise a Convenor and a Vice Convenor ("the Office Bearers").
- 7.6. The Office Bearers shall be elected by the appointed members of the Forum from its membership. In the event that no forum member wishes to become an office bearer, the Forum may request that the Access Authority recruit and appoint a new member to take on the role of Convenor, and/or, as may be required, a Vice Convenor, whilst at the same time having regard to balance of representation.
- 7.7. The Office Bearers shall serve for a term of two years and shall be eligible for re-election immediately thereafter, up to a maximum of three terms. Following this, except in exceptional circumstances, a two-year interval must elapse before an

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individual will be eligible for re-election to the same post, however, an individual may be elected as Convenor immediately after serving as Vice Convenor.

7.8. The procedure for electing the Office Bearers is as follows:

- 7.8.1. Nominations must be made in writing or in person to the nominated Access Authority officer at least two weeks prior to the date of the Forum meeting at which the election is to be held. Each nomination must have a proposer and seconder from the Forum membership;
- 7.8.2. Prior to the vote at the election, nominees may make a short verbal statement (no more than 5 minutes) or circulate a short written statement to the members in support of their nomination;
- 7.8.3. Members must be present at the election meeting and can cast one vote per Office Bearer;
- 7.8.4. Election of the Convenor will take place first, followed by the election of the Vice Convenor, except where the election concerns only one or other of the roles;
- 7.8.5. The candidate with the most votes is elected to the post for which they are standing;
- 7.8.6. In the event of a draw the current Convenor will have a casting vote;
- 7.8.7. The newly elected Office Bearers shall take up their posts immediately after the close of the meeting at which the election was held.

7.9. Meetings of the Forum will be chaired by the Convenor, or, in the event of the Convenor's absence, the Vice Convenor. If the Office Bearers are not present the members will decide by majority vote who shall chair the meeting.

7.10. Office Bearers can be removed from office if nine members, or two thirds of the Forum, (whichever is the fewer), support a motion to that effect. Such a motion must be signed by the members supporting it and submitted to the secretariat in writing 21 days prior to a Forum meeting.

7.11. The Forum shall generally convene four times per year, and not less than twice per year.

7.12. The Forum may invite such parties to meetings as it may consider relevant for the purpose of providing expert advice on any matter arising.

7.13. Members are appointed in their own right, that is to say members are not appointed to represent the views of an organisation but rather those of the wider interest group. Therefore, any member of a representative body who is unable to attend a specific meeting may not be temporarily replaced by a substitute acceptable to the body concerned without the prior consent of the Access Authority.

7.14. Members of the Forum may have their appointments terminated by the Access Authority because of prolonged, un-notified absences from meetings and/or misconduct (for example actions that may bring the Forum or National Park Authority into disrepute).

7.15. A member may resign from the Forum by writing directly to the secretariat and giving at least 4 weeks' notice. Members representing organisations must resign if they are no longer authorised to represent their organisation at the Forum. However, such an individual may re-apply to represent the same area of interest on the Forum should a future vacancy arise.

7.16. Where possible, members are encouraged to seek the views of the interest group they represent, including, where appropriate, a specific body, and bring matters before the Forum as relevant. The Access Authority may provide a communication plan prepared to guide this process.

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7.17. Where expedient, the Forum may set up time-limited, topic-based sub-groups to address specific pieces of work. A sub-group may comprise both Forum members and non-members invited to contribute relevant expertise for the operational lifespan of the sub-group.

7.18. The Forum may invite contributions from non-members, whether in person or by other means, where specialist input is required.

### **8. Administration of Meetings**

8.1. Meetings will normally be held in-person at a pre-advertised venue, but may from time to time be held online for practical reasons. A 'hybrid' option may be made available where expedient to aid inclusion.

8.2. The secretariat shall issue draft minutes to the Convenor for comment not later than four weeks after the meeting. Once approved by the Convenor the draft minutes will be circulated along with any papers prior to the next Forum meeting. Once the minutes are approved by the Forum, following any final amendments made at the meeting, the minutes will be posted on the website.

8.3. The venue and timing of meetings will be proposed by the secretariat to be agreed in discussion with the Convenor. Where possible, meeting dates will be set six months in advance, or ideally for one calendar year at a time.

8.4. The quorum for meetings of the Forum will be 6 members. If the number of attending members falls below 6 during a meeting, then the meeting will end.

8.5. Agenda items and papers may be submitted by any member of the Forum following notification of the Convenor and should be submitted to the Forum's secretariat not less than three weeks in advance of the relevant meeting.

8.6. The Convenor will canvas Forum members for agenda items in advance of any meeting and will then these items to the secretariat who will set and circulate the agenda.

8.7. The agenda and any papers will be made available on the Access Authority's website approximately one week prior to the relevant meeting and may also be requested by email.

8.8. All meetings of the Forum will be held in public where meeting papers are being discussed. Notice of public meetings will be provided via the Access Authority's website.

8.9. Where issues are considered to be of a confidential nature, members of the public may be asked to leave the meeting to allow the matters to be dealt with in private. Such instances will be decided by the Forum members whose decision shall be final.

8.10. Any Forum member who has a direct or indirect personal interest in any matter for discussion at a meeting must, at the outset of any meeting at which the matter is to be considered, disclose the nature of their interest to the meeting. The remaining members in attendance will determine whether the affected individual can participate in discussion of the item. If considered necessary, the remaining members will have a right to ask the affected individual to withdraw from the meeting during that particular item.

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## **9. Public Participation at Meeting**

- 9.1. Members of the public may propose items for discussion at Forum meetings by contacting the Convenor, another Forum member, or the secretariat. The proposal will be considered by the Convenor in discussion with the secretariat and, if approved, the applicant may choose to present the item in person at a meeting, or may provide a written contribution to be presented by a Forum member.
- 9.2. Members of the public wishing to participate in a Forum meeting as above must submit a request in writing to the secretariat three weeks in advance of the meeting.
- 9.3. Any written contribution proposed for presentation at a Forum meeting by a member of the public will be assessed for relevancy and content by the Convenor. The Convenor's decision on the proposed contribution will be communicated in writing to the applicant prior to the meeting. In the event that a written contribution contains inflammatory language or inappropriate references to Access Authority staff, Forum members or other stakeholders, this content shall be redacted prior to publication of the paper.
- 9.4. Members of the public whose request to address the Forum has been approved may speak for a maximum of five minutes. Similarly, those choosing to have their contribution presented by a member of the Forum should ensure their paper may be read comfortably in a maximum of five minutes.
- 9.5. The Convenor will co-ordinate the response and any further related questions that may be asked by Members of the speaker.
- 9.6. Should a member of the public wish to have an issue raised on their behalf by a Forum member they should contact the member at least two days in advance of the meeting.
- 9.7. Forum members can be e-mailed at [accessforum@lochlomond-trossachs.org](mailto:accessforum@lochlomond-trossachs.org)
- 9.8. Members of the public can contact a member of the Access Authority's Access Team at least two days in advance of a meeting requesting that an issue is raised on their behalf for discussion at the meeting.
- 9.9. Members of the public should provide the Access Authority or the Forum member with full contact details in order that a reply to the request can be made in writing and the minutes of the relevant meeting sent once approved.
- 9.10. Items put forward for discussion at a meeting of the Forum must be relevant to the role of the Forum, failing which the Forum, in its sole discretion, may refuse to discuss the matter.

## **10. Anti-discrimination**

The Forum shall not unlawfully discriminate within the meaning and scope of any law, enactment, order, or regulation relating to discrimination (whether in race, gender, religion, disability, sexual orientation, age or otherwise)

## **11. Communications**

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- 11.1. A communication charter will be developed and approved by the Forum to ensure that effective links are made and that the Forum is able to represent the diverse range of access related requirements of the Access Authority's communities – resident, land-owning/managing and visiting.

### **12. Data Protection, Freedom of Information and Records Management**

- 12.1. The Forum acknowledges that the Access Authority is subject to the requirements of the Freedom of Information (Scotland) Act 2002, ("FOISA"), the Environmental Information (Scotland) Regulations 2004 ("EISR") and the Data Protection Act 2018 ("DPA") and the Access Authority is required to comply fully with any legitimate requirements placed upon it by the said Acts. Any information relating to the Forum requested under the legislation must be considered for disclosure and may require to be disclosed if requested. However, **when considering information for disclosure, the Authority shall have regard to the independent nature of the Forum, as set out in Government guidance.** Any requests for information under the Acts will be processed by the Access Authority's Information Officer. At its sole discretion the Access Authority may discuss the release of requested information with the Forum but the final decision on disclosure will rest with the Access Authority.
- 12.2. The Forum acknowledges that all records created and processed by the Access Authority are subject to the requirements of the Public Records (Scotland) Act 2011 and the Access Authority is required to comply with the requirements of the Records Management Plan approved by the Keeper of the Records of Scotland for the management of records. Records created and managed by the Access Authority will be retained and disposed of in accordance with the Access Authority's record retention schedule.

### **13. Finance**

- 13.1. If deemed necessary, a bank account may be opened in the name of "Loch Lomond and The Trossachs Access Forum" and a treasurer elected from the members of the Forum. There would be a requirement of three signatories for cheques with two of the three required signatories signing for each cheque.

### **14. Dissolution**

- 14.1. In the event of dissolution of the Forum, any monies held will be transferred to the Access Authority and retained until such a time as another Forum can be established or for a period of five years, whichever is the shorter. After five years, any residual monies may be used for the improvement of the paths network.

### **15. Alterations to Terms of Reference**

- 15.1. Any alterations to these Terms of Reference must be ratified by members of the Forum at a special meeting called specifically for that purpose.

### **16. Forum Signatories**

- 16.1. In the event of a requirement for documents to be signed on behalf of the Forum, the signatories shall be the Convenor together with one other Forum member, normally the Vice Convenor.

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Terms of Reference approved:- (date)

SUBSCRIBED for and on behalf of Loch Lomond and The Trossachs Access Forum

at .....

on the ..... day of .....2020

by .....Convenor

.....Full Name

And by

..... Vice Convenor (or

other Forum member)

.....Full Name