

APPLICATION PACK

for

Prospective members of the West Lothian Local Access Forum

Index of documents

1. Welcome letter
 2. Information about the West Lothian Local Access Forum and the role of the Forum
 3. Gender Representation
 4. Reasonable Adjustments
 5. Person specification
 6. Time commitment and length of term
 7. Forum meetings
 8. Disqualifications and residence requirements
 9. Key dates in the appointment process
 10. Selection process
 11. Guidance on completing your application
 12. Valuing diversity
 13. Management of your application/assessment process
 14. Following appointment
 15. Training and support
 16. The Fit and Proper Person Test
 17. Complaints
- Appendix A. The Principles of Public Life in Scotland
- Appendix B. Forum Code of Conduct
- Appendix C. Terms of Reference
- Appendix D. Standing Orders

1. Welcome letter

15 January 2024

Dear Potential Applicant

Thank you for your interest in the current vacancies on the West Lothian Local Access Forum (“the Forum”).

The aim of this information pack is to try and answer some of the questions you may have about local access forums, and more specifically about the West Lothian Local Access Forum.

If you are interested in outdoor access and would like to help with the future development and management of outdoor access in West Lothian, please take a few moments to read through this information.

We value very highly the benefits of having different experience and points of view on the Forum. In particular we welcome applications from people with protected characteristics that are currently under-represented, such as women, disabled people, LGBTI+ people, those from black and minority ethnic communities and people aged under 25.

Thank you for your interest and we hope you will give serious consideration to applying.

Yours sincerely

PARKS & WOODLAND

Beecraigs Country Park, Nr Linlithgow, West Lothian EH49 6PL

2. Information about West Lothian Local Access Forum and the role of the Forum

Local access forums are a way of bringing together people who have an interest in outdoor access. They are intended to help promote understanding of others' needs, and allow the opportunity for discussion with the aim of developing consensus towards outdoor access management and development.

Under the Land Reform (Scotland) Act 2003, West Lothian Council are required to establish a local access forum for their council area consisting of a reasonable balance of (a) persons and bodies representing the interests of persons with an interest in public access on and over land and (b) owners of land over which access rights are exercisable.

The function of the Local Access Forum is to provide advisory and dispute resolution services to West Lothian Council in relation to the exercise of access rights, the existence of rights of way and the adoption and variation of core paths plans.

Specifically, as provided under the Land Reform (Scotland) Act 2003 the functions of a local access forum are:

(a) to advise the local authority and any other person or body consulting the forum on matters to do with the exercise of access rights, the existence and delineation of rights of way or the drawing up and adoption of a plan for a system of core paths

and

(b) 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 and adoption of the plan referred to in paragraph (a) above; or

(iv) the use of core paths,

towards the resolution of the dispute.

Further details of the remit of the West Lothian Local Access Forum are contained in the Terms of Reference detailed at Appendix C below.

Further Guidance is also provided in the Scottish Outdoor Access Code:

<https://www.outdooraccess-scotland.scot/node/4273516>

3. Gender Representation

West Lothian Council's aim is for the Forum to have a gender balance and West Lothian Council shall in their part of the selection process observe the requirements set out in the Gender Representation on Public Boards (Scotland) Act 2018 which sets a 'gender representation objective' that 50% of members shall be women.

Scottish Government Guidance on the Act is available here:

4. Reasonable Adjustments

If you require a reasonable adjustment at any stage of the appointments process or if you wish a paper copy of the application pack or need any of the application pack documentation in an alternative format such as plain text or large print, please contact: tony.mason@westlothian.gov.uk.

5. Person specification

The person specification sets out the skills, knowledge, understanding and experience we are looking for in our Forum members. None of the requirements sought need to have been gained by working in a management post or at a senior level and while experience is important we are looking to increase the diversity of our board particularly in terms of age. You may have a natural aptitude in these areas or you may have gained them by being active in your community, in a voluntary capacity or through your personal experience.

Applicants will have the opportunity to demonstrate evidence of a number of different areas of expertise. These are split into two separate parts of the person specification; the essential and desirable criteria as detailed below.

We will review the evidence you present in your written application and may test the evidence at interview, if required.

Essential:

- Good communication and interpersonal skills
- The ability and willingness to receive and disseminate information
- An ability to work constructively with competing interests
- An ability to provide a balanced rational view
- Willingness to commit to meetings and training events

Desirable:

- An ability to represent a range of access related interest groups
- Experience of working within a forum setting
- Knowledge and understanding of the Scottish Outdoor Access Code and the Land Reform (Scotland) Act 2003
- Membership of or the ability to represent an interested organisation / group / type of activity, such as British Horse Society, National Farmers Union, Scottish Canoe Association, a path group, walking group, community organisations, people with disabilities, or young people
- Computer literate with access to the Internet
- Experience of dealing with and discussing strategic issues
- Experience of working in partnership with a variety of groups and interests
- A good knowledge of the West Lothian area

6. Time commitment and length of term

Members of the Forum will be expected to prepare for and attend approximately three formal Forum meetings a year (these meetings will either be by a TEAMS call or if face-to-face will usually be convened at Beecraigs Country Park, Linlithgow or another location within the West Lothian Council area.

Members may, in addition, be required to attend other ad hoc meetings called by the Forum to discuss specific business, some of which may be held by video conferencing or be on site.

Members who sit on any subgroup of the Forum may have additional commitments to attend meetings of the Forum subgroup and to carry out site visits as occasion requires.

While meetings of the Forum and any subgroups are expected to be held during business hours some may require evening commitments. If a site visit is required this may need to be convened on a weekend.

The term of appointment will be for a maximum of three years. Members of the Forum will be required to retire by rotation but may stand for re-selection. There is currently no maximum period that a member may not serve beyond on the Forum.

7. Forum meetings

In 2024, there are expected to be 3 or 4 Forum Meetings with the first to be on 23 January 2024 with later meetings expected through the year. These meetings may be face-to-face or by TEAMS.

The Forum are also exploring the use of video-conferencing for future meetings. This will allow Forum Members to take part effectively without the need for them to travel long distances and widens the opportunity for applications from those living and working in remote parts of the council area.

Meetings of the Forum will comply with the Standing Orders detailed in Appendix D to better regulate the proceedings of the Forum.

8. Disqualifications and residence requirements

There is no bar on non-British nationals applying for and being appointed to the Forum. However, you must be legally entitled to work in the UK.

9. Key dates in Appointment Process

No closing date has been fixed for the current recruitment but applicants will be advised of the outcome of their application at the earliest opportunity.

10. Selection process

Applicants are asked to submit their application listing the relevant skills and experience they have and providing a brief statement about why they wish to join the Forum. The answers provided will be judged against the person specification by a selection panel of Council officers.

11. Guidance on completing your application

How to apply

You can complete the online application form at:

<https://westlothian.gov.uk/article/34249/West-Lothian-Local-Access-Forum>

Alternatively, you can request an application form by emailing tony.mason@westlothian.gov.uk or by calling us on 07827 983963.

If you experience any difficulties completing the application form please contact us by calling 07827 983963.

Your Application

Your application is the key document which will determine whether or not you will be selected for appointment. You must, therefore, be able to demonstrate within your application how you meet the priority and essential criteria as laid out in the person specification above.

Application

You should when completing your application form look to demonstrate evidence of all essential criteria:

- Good communication and interpersonal skills
- The ability and willingness to receive and disseminate information
- An ability to work constructively with competing interests
- An ability to provide a balanced rational view
- Willingness to commit to meetings and training events

We are also interested in hearing from candidates who are also able to demonstrate one or more of the following desirable criteria. You are not required, however to demonstrate any of these criteria for your application to be considered.

- An ability to represent a range of access related interest groups
- Experience of working within a forum setting
- Knowledge and understanding of the Scottish Outdoor Access Code and the Land Reform (Scotland) Act 2003
- Membership of or the ability to represent an interested organisation/ group/ type of activity, such as British Horse Society, National Farmers Union, Scottish Canoe Association, a

path group, walking group, community organisations, people with disabilities, or young people

- Computer literate with access to the Internet
- Experience of dealing with and discussing strategic issues
- Experience of working in partnership with a variety of groups and interests
- A good knowledge of the West Lothian area

Personal Details and Evidence

The application form seeks personal information about you and the skills, knowledge, understanding and experience you have that are relevant to the role. The person specification details the essential and desirable criteria and indicate how each of the criteria will be tested.

Self-Assessment – Suitability

Please note that we may contact you to seek clarification or further information on the contents of your application.

Suggested preparation

- take time to think about each of the criteria
- think about the situations you have been involved in which are relevant to the criteria
- think how your actions/experiences in these situations demonstrated the criteria
- prepare your answers

Your examples

- please be clear and succinct
- if providing examples, please ensure that they are specific and describe actual events rather than a generalised description of what you would usually do
- draw on examples which best demonstrate your skill, knowledge or experience in that area, but please try to use different examples across the range of criteria to demonstrate a breadth of experience
- explain what you did and how you did it – use “I” not “we”
- give the outcome – what happened?
- If providing evidence of your knowledge or understanding, describe how you gained and/or used this knowledge or understanding

12. Valuing diversity

We value very highly the benefits of having different experience and points of view on the Forum. Applications are particularly welcome from people with protected characteristics that have been under-represented on the Forum, such as women, disabled people, LGBTI+ people, those from black and minority ethnic communities and people aged under 25.

Positive action shall be exercised to the extent allowed in law and to the extent necessary to achieve so far as possible a balance of representation across all interest sectors, age groups, genders and race.

If you have a disability within the meaning of section 6 of the Equality Act 2010 and require an adjustment at any stage of the appointment process, please get in touch with us on 07827 983963 or

by email at: tonymason@westlothian.gov.uk.

13. Management of your application/assessment process

Applications will in most cases be determined solely by an assessment of the written application form and the written evidence you have presented against the essential criteria described above.

In certain cases where further clarification is required a short interview may be required and those applicants will be notified of this in accordance with the timetable set out above and invited to interview. The interview will be by a TEAMS call at an agreed time.

In determining all applications, we may consider information available in the public domain such as a check of social media activity/posts, printed and other media. Any findings in this regard may be discussed with you during the interview as part of the Fit and Proper Person Test.

In accordance with Article 6 (1) (e) of the General Data Protection Regulations all information collected will only be used for the purpose of this application. For successful candidates this information will be retained and destroyed six months after you cease to be a member of the Local Access Forum save such information as shall be published under paragraph 14 below or published in the normal course of the business of the Local Access Forum. For unsuccessful candidates this information will be destroyed after a period of 6 months after the end of the recruitment.

If you require any reasonable adjustments for the interview or other assessments, please let us know when you are agreeing the interview date so that we can put arrangements in place.

Subject to the number of applicants, feedback may be available on request to those who are not selected for appointment. Feedback will be based on:

- the assessment of your merit in relation to the skills, knowledge, experience and values required by the person specification; and
- the outcome of the Fit and Proper Person Test where appropriate (see Appendix A).

For individual applicants (i.e. not officially representing a recognised group) we reserve the right to request references before any appointment is made.

14. Following appointment

Should you be appointed to the Local Access Forum, some of the information that you have provided will be made public in an announcement about your appointment. This may include:

- your name
- a short description of the West Lothian Local Access Forum
- a brief summary of the skills, knowledge and experience you bring to the role
- how long you have been appointed for

15 Training and Support

Following appointment to the Forum, your immediate induction will include (but not be restricted to) the following:

- your role and responsibilities
- the role of the West Lothian Local Access Forum and arrangements for Forum meetings
- internal and external communication in relation to the business of the Local Access Forum

Further training will be provided throughout the appointment to the extent required and resources are available.

16. The Fit and Proper Person Test

The selection panel must be assured that any individual appointed to the Forum is a 'fit and proper person'. In this context a 'fit and proper person' is an individual who is suitable for appointment because they meet the requirements of the role and because their past or present activities and/or behaviours do not render them unsuitable for an appointment.

Checks are built in to the stages of the appointment round, to gather appropriate information and evidence. For this appointment round, the verifications in place for the Fit and Proper Person Test are:

Verification of relevant information provided by the applicant:

- evaluation of the evidence provided by you in relation to the skills and knowledge required for the role will be tested in the application and at interview
- if applicants are required to have specific qualifications which are material to the selection panel's decision making, this information may be checked as part of the final assessment

Ensuring that the applicant's conduct to date has been compatible with an appointment to the Forum:

- a social media check may be carried out prior to your interview
- you will be asked to confirm that you understand the work of the Forum and the nature of the appointment and that you are not aware of having committed any offence or performed any act incompatible with being a member of the Forum forms. By virtue of submitting the application form you are declaring that the information provided is, to the best of your knowledge and belief, true and complete

Determining that the applicant's appointment is not barred by reference to the constitution of the body concerned by way of, for example, criminal offences or other relevant matters:

- confirmation that you are not disqualified on any grounds from being appointed forms part of the declaration statement of the application form. By virtue of submitting the completed form you are declaring that the information provided is, to the best of your knowledge and belief, true and complete

Ensuring that the applicant agrees to apply the Principles of Public Life in Scotland and be bound by the Code of Conduct of the Forum:

- applicants should familiarise themselves with the Principles of Public Life in Scotland. These are included in Appendix A. If invited for interview, you will be asked to confirm your understanding of, and agreement with these principles
- in carrying out the role as a Member of the Forum, individual members will be expected to comply with the Code of Conduct and rules adopted by the West Lothian Local Access

Forum. A copy of the Code of Conduct is included in Appendix B. Confirmation that you have read the Code of Conduct, that you understand it and agree to be bound by it in the event that you are appointed forms part of the declaration statement of the application form

Establishing that the individual is able to meet the time commitment required:

- the time commitment for this role as detailed in Paragraph 6 above. You will be asked to confirm that you can meet this commitment

17. Complaints

If you have concerns with the way in which this appointment was conducted, please tell us at:
<https://westlothian.gov.uk/complaints>.

Appendix A -- The Principles of Public Life in Scotland

West Lothian Council requires that any person who wishes to be appointed to the Forum is a Fit and Proper Person as described in more detail below:

Duty You have a duty to uphold the law and act in accordance with the law and the public trust placed in you. You have a duty to act in the interests of the Forum of which you are a member and in accordance with the core tasks of the Forum

Selflessness You have a duty to take decisions solely in terms of public interest. You must not act in order to gain financial or other material benefit for yourself, family or friends

Integrity You must not place yourself under any financial, or other, obligation to any individual or organisation that might reasonably be thought to influence you in the performance of your duties

Objectivity You must make decisions solely on merit when carrying out the business of the Forum

Accountability and Stewardship You are accountable for your decisions and actions. You have a duty to consider issues on their merits and must ensure that the Forum uses its resources prudently and in accordance with the law

Openness You have a duty to be as open as possible about your decisions and actions, giving reasons for your decisions and restricting information only when the wider public interest clearly demands

Honesty You have a duty to act honestly. You must declare any private interests relating to your duties and take steps to resolve any conflicts arising in a way that protects the public interest

Leadership You have a duty to promote and support these principles by leadership and example, to maintain and strengthen the public's trust and confidence in the integrity of the Forum and its members in conducting business

Respect You must respect both fellow Members of the Forum and all Officers of West Lothian Council and the role they play, treating them with courtesy at all times. Similarly, you must respect members of the public when performing duties as a Member of the Forum.

Appendix B -- Code of Conduct

LOCAL ACCESS FORUM - Members Model Code of Conduct

FOREWORD

The Ethical Standards in Public Life etc. (Scotland) Act 2000 introduced a new ethical framework to Scotland. The Act required the Scottish Ministers to issue a Code of Conduct for Councillors and a Model Code of Conduct for members of devolved public bodies (listed in Schedule 3 to the Ethical Standards in Public Life etc. (Scotland) Act 2000).

Although the Local Access Forum is not a devolved public body as defined in the Schedule to the Ethical Standards in Public Life etc. (Scotland) Act 2000, it is considered appropriate for the Forums to adopt a Code of Conduct based on the Model Code for devolved public bodies.

The Code plays a vital role in setting out, openly and clearly, the standards of conduct that must be applied and, in doing so, will reinforce and strengthen public confidence in the Forum.

The Council may also from time to time issue guidance to assist members of the Forum in observing the Code. Forum members who identify specific areas on which they would welcome guidance should not hesitate to get in touch with West Lothian Council's access officer or such other authorised officer nominated for that purpose.

The Council looks forward to working in partnership with the Forum members to achieve the highest possible standards of conduct in public life.

SECTION 1: INTRODUCTION TO THE CODE OF CONDUCT

- 1.1 As a member of a Local Access Forum, it is your responsibility to make sure that you are familiar with, and that your actions comply with, the provisions of this Code of Conduct.

Guidance on the Code of Conduct

- 1.2 You must observe the rules of conduct contained in this Code. It is your personal responsibility to comply with these and review regularly your personal circumstances with this in mind, particularly when your circumstances change. You must not at any time advocate or encourage any action contrary to the Code of Conduct.
- 1.3 The Code has been developed in line with the key principles listed in Section 2 and provides additional information on how the principles should be interpreted and applied in practice. Additional guidance may from time to time be issued by West Lothian Council. No Code can provide for all circumstances and if you are uncertain about how the rules apply, you should seek advice from West Lothian Council's access officer or such other authorised officer nominated for that purpose, although ultimately interpretation of the Code is a matter for you as a member. You may also choose to consult your own legal advisers and, on detailed financial and commercial matters, seek advice from other relevant professionals.

SECTION 2: KEY PRINCIPLES OF THE CODE OF CONDUCT

The general principles upon which this Code of Conduct are based are:

Public Service

You have a duty to act in the interests of the Forum of which you are a member and in accordance with the core tasks of the Forum.

Selflessness

You have a duty to take decisions solely in terms of public interest. You must not act in order to gain financial or other material benefit for yourself, family or friends.

Integrity

You must not place yourself under any financial, or other, obligation to any individual or organisation that might reasonably be thought to influence you in the performance of your duties.

Objectivity

You must make decisions solely on merit when carrying out Forum business.

Accountability and Stewardship

You are accountable for your decisions and actions to the public. You have a duty to consider issues on their merits taking account of the views of others, and must ensure that the Forum uses its resources prudently and in accordance with the law.

Openness

You have a duty to be as open as possible about your decisions and actions, giving reasons for your decisions and restricting information only when the wider public interest clearly demands.

Honesty

You have a duty to act honestly. You must declare any private interests relating to the business of the Forum and take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

You have a duty to promote and support these principles by leadership and example, to maintain and strengthen the public's trust and confidence in the integrity of the Forum and its members in conducting business.

Respect

You must respect fellow members of the Forum and employees of the Forum and the role they play, treating them with courtesy at all times. You should apply the principles of this code to your dealings with fellow members of the Forum and its employees.

SECTION 3: GENERAL CONDUCT

Relationship with Employees of the Forum

- 3.1 You will treat any (a) officials of the Forum or (b) members of the Forum or West Lothian Council with courtesy and respect. It is expected that officials and employees will show you the same consideration in return.

Allowances

- 3.2 You must comply with any rules of the Forum regarding remuneration, allowances and expenses.

Gifts and Hospitality

- 3.3 You must never canvass or seek gifts or hospitality.
- 3.4 You are responsible for your decisions connected with the offer or acceptance of gifts or hospitality and for avoiding the risk of damage to public confidence in your Forum.

Confidentiality Requirements

- 3.5 There may be times when you will be required to treat discussions, documents or other information relating to the work of the Forum in a confidential manner. You will often receive information of a private nature which is not yet public, or which perhaps would not be intended to be public. There are provisions in the Standing Orders of the Forum on the categories of confidential and exempt information and you must always respect and comply with the requirement to keep such information private.
- 3.6 It is unacceptable to disclose any information to which you have privileged access, for example derived from a confidential document, either orally or in writing. In the case of other documents and information, you are requested to exercise your judgement as to what should or should not be made available to outside bodies or individuals. In any event, such information should never be used for the purpose of personal or financial gain, or used in such a way as to bring the public body into disrepute.

Use of Forum Facilities

- 3.7 Members of the Forum must not misuse facilities, equipment, stationery, telephony and services, or use them for personal, party political or campaigning activities. Use of such equipment and services, etc must be in accordance with the Forum's policy and rules on their usage.

Appointment to Partner Organisations

- 3.8 You may be appointed, or nominated by your Forum, as a member of another body or organisation. If so, you are bound by the rules of conduct of these organisations and should observe the rules of this Code in carrying out the duties of that body.
- 3.9 Members who become directors of companies as nominees of the Forum will assume personal responsibilities under the Companies Acts. It is possible that conflicts of interest can arise for such members between the company and the Forum. It is your responsibility to take advice on your responsibilities to the Forum and to the company. This will include questions of declarations of interest.

SECTION 4: DECLARATION OF INTERESTS

The key principles of the Code, especially those in relation to integrity, honesty and openness, are given further practical effect by the requirement in the Standing Orders of the Forum for you to declare certain interests in proceedings of the Local Access Forum. This ensures transparency of your interests which might influence, or be thought to influence, your actions.

In considering whether to make a declaration in any proceedings, you must consider not only whether you will be influenced but whether anybody else would think that you might be influenced by the interest. You must keep in mind that the test is whether a member of the public, acting reasonably, might think that a particular interest could influence you.

If you feel that, in the context of the matter being considered, your involvement is neither capable of being viewed as more significant than that of an ordinary member of the public, nor likely to be perceived by the public as wrong, you may continue to attend the meeting and participate in both discussion and voting. The relevant interest must however be declared. It is your responsibility to judge whether an interest is sufficiently relevant to particular proceedings to require a declaration and you are advised to err on the side of caution. You may also seek advice from West Lothian Council's access officer or such other authorised officer nominated for that purpose.

Making a Declaration

- 4.1 You must consider at the earliest stage possible whether you have an interest to declare in relation to any matter which is to be considered. You should consider whether agendas for meetings raise any issue of declaration of interest. Your declaration of interest must be made as soon as practicable at a meeting where that interest arises. If you do identify the need for a declaration of interest only when a particular matter is being discussed you must declare the interest as soon as you realise it is necessary.
- 4.1.1 The oral statement of declaration of interest should identify the item or items of business to which it relates. The statement should begin with the words "I declare an interest". The statement must be sufficiently informative to enable those at the meeting to understand the nature of your interest but need not give a detailed description of the interest.

Effect of Declaration

- 4.1.2 Declaring a financial interest has the effect of prohibiting any participation in discussion and voting. There may be circumstances where a Forum member can contribute usefully to informed discussion notwithstanding a non-financial interest. For that reason, a declaration of

non-financial interest involves a further exercise of judgement on your part. You must consider the relationship between the interests which have been declared and the particular matter to be considered and relevant individual circumstances surrounding the particular matter.

- 4.1.3 In the final analysis the conclusive test is whether, in the particular circumstances of the item of business, and knowing all the relevant facts, a member of the public acting reasonably would consider that you might be influenced by the interest in your role as a member of a public body and that it would therefore be wrong to take part in any discussion or decision-making. If you, in conscience, believe that your continued presence would not fall foul of this objective test, then declaring an interest will not preclude your involvement in discussion or voting. If you are not confident about the application of this objective yardstick, you must play no part in discussion and must leave the meeting room until discussion of the particular item is concluded.

SECTION 5: LOBBYING AND ACCESS TO MEMBERS OF PUBLIC BODIES

- 5.1 In order for the Forum to fulfil its commitment to being open and accessible, it needs to encourage participation by organisations and individuals in the decision-making process. Clearly however, the desire to involve the public and other interest groups in the decision-making process must take account of the need to ensure transparency and probity in the way in which the public body conducts its business.
- 5.2 You will need to be able to consider evidence and arguments advanced by a wide range of organisations and individuals in order to perform your duties effectively. Some of these organisations and individuals will make their views known directly to individual members. The rules in this Code set out how you should conduct yourself in your contacts with those who would seek to influence you. They are designed to encourage proper interaction between members of public bodies, those they represent and interest groups.

Rules and Guidance

- 5.3 You must not, in relation to contact with any person or organisation who lobbies, do anything which contravenes this Code of Conduct or any other relevant rule of the Forum or any statutory provision.
- 5.4 You must not, in relation to contact with any person or organisation who lobbies, act in any way which could bring discredit upon the Forum.
- 5.5 The public must be assured that no person or organisation will gain better access to, or treatment by, you as a result of employing a company or individual to lobby on a fee basis on their behalf. You must not, therefore, offer or accord any preferential access or treatment to those lobbying on a fee basis on behalf of clients compared with that which you accord any other person or organisation who lobbies or approaches you. Nor should those lobbying on a fee basis on behalf of clients be given to understand that preferential access or treatment, compared to that accorded to any other person or organisation, might be forthcoming from another member of the public body.
- 5.6 Before taking any action as a result of being lobbied, you should seek to satisfy yourself about the identity of the person or organisation who is lobbying and the motive for lobbying. You may choose to act in response to a person or organisation lobbying on a fee basis on behalf of clients

but it is important that you know the basis on which you are being lobbied in order to ensure that any action taken in connection with the lobbyist complies with the standards set out in this Code.

- 5.7 You should not accept any paid work to provide services as a strategist, adviser or consultant, for example, advising on how to influence the Forum and its members. This does not prohibit you from being remunerated for activity which may arise because of, or relate to, membership of the Forum, such as journalism or broadcasting, or involvement in representative or presentational work, such as participation in delegations, conferences or other events.
- 5.8 If you have concerns about the approach or methods used by any person or organisation in their contacts with you, you must seek the guidance of the Forum.

Appendix C -- Terms of Reference

WEST LoTHIAN LOCAL ACCESS FORUM - TERMS OF REFERENCE

1.0 Name and Area of Operation

1.1 The group will be known as the West Lothian Local Access Forum (hereinafter referred to as “LAF” or “the Forum”).

2.0 Equal Opportunities

2.1 The Forum will follow the policies adopted by West Lothian Council (“the Council”) in relation to acts relating to non-discriminatory behaviour and equal opportunities.

3.0 Aim

3.1 The aim of the Forum is to advise and assist the Council on a consensual basis in relation to the development, promotion, monitoring and management of responsible public access to the outdoors in the Forum area.

4.0 Advice and Mediation

4.1 To act as the local access forum for West Lothian as required under the Land Reform (Scotland) Act 2003; in particular as a consultee in relation to West Lothian Council’s duties and powers under the Land Reform (Scotland) Act 2003 which include: upholding access rights through the removal of signs and obstructions, dealing with requests to exempt land from access rights, making and reviewing byelaws

4.2 To advise West Lothian Council on strategic access issues throughout the Council area to include advice on West Lothian’s access strategies and the development and review of the Core Path plan.

4.3 To mediate and offer advice to West Lothian Council parties to help resolve access conflicts by a process of seeking consensus.

4.4 To promote responsible access through the Scottish Outdoor Access Code.

4.5 To promote the sharing of knowledge, awareness, and good practice in access.

5.0 Core Paths Planning

5.1 To advise the Council on priorities for implementation, particularly with regard to Core Paths Plan.

6.0 Publicity and Promotion

6.1 To promote the sharing of knowledge, awareness of different viewpoints and good practice in responsible outdoor access in accordance with the Land Reform (Scotland) Act 2003.

6.2 To assist in publicising the Land Reform (Scotland) Act 2003 and interpreting it to the public.

6.3 To promote and help publicise the Scottish Outdoor Access Code.

6.4 To prepare and implement a Communication Strategy for the Forum.

7.0 Structure

7.1 Members will number between 8 and 12 excluding Council Members and officials with a balance of members so far as possible representing each of four interest groups being:

- 7.1.1 Agency & Other Appropriate Bodies;
- 7.1.2 Landowner/Manager;
- 7.1.3 Recreation; and
- 7.1.4 Community.

7.2 Membership of the Forum will include no more than two elected members of West Lothian Council with appropriate interests in access matters.

7.3 The Forum may appoint Working Groups to advise the Forum on topic-based access issues if and when judged necessary. Any Working Group will comprise a fair and representative number of Forum representatives and may include knowledgeable individuals drawn from the wider public. Working Groups will have clear remits, terms of reference and expected life-spans and will report outcomes and recommendations to the Forum for approval and further guidance.

7.4 A wider group of people who wish to be kept in contact with the Forum and have authorised their contact details to be kept will be known as the Forum Contact Group. These individuals and groups will be invited to meetings of the Forum or Working Group (unless or to the extent such meetings are closed to non-members).

8.0 Membership

8.1 Members must live or work within the West Lothian Council Area.

8.2 Members of the Forum will be selected by West Lothian Council.

8.3 Agencies & other appropriate bodies expected to be represented on the Forum are West Lothian Council, NatureScot, Scottish Forestry.

8.4 Members of the Forum will be selected for a 3-year period with an option to be re-selected. One member from each interest group will retire every second year in rotation. Those to stand down before having served for 3 years will be selected by lot.

8.5 Working Groups should so far as possible have balanced representation from the 4 interest groups.

8.6 Members of Working Groups should be drawn from the Forum or co-opted from those with appropriate interests and or qualifications.

8.7 Only members of the Forum are eligible to make decisions relating to the stated aims of the Forum.

8.8 The Forum will elect annually a Convener and Vice Convener from the membership.

8.9 In the event of any member failing to attend 3 consecutive meetings without due cause, the member will be contacted by the Chair to discuss whether the member should stand down.

8.10 In the event of a member behaving in an unsatisfactory manner in relation to Forum business they may be invited to stand down. Any complaint in respect of the behaviour of a member should be sent in writing to the Convener who will invite the member to submit an explanation or statement with regard to the complaint. The Convener will then form a disciplinary subgroup to consider the matter and decide whether the member should be invited to stand down.

9.0 Meetings & Administration

9.1 Forum meetings will be held three times in each year. Additional meetings of the Forum and of Working Groups may be called as required.

9.2 At the first Forum meeting in each calendar year a report of the actions of the Forum for the previous year will be presented.

9.3 The Convener will agree agenda items for each Forum meeting with the nominated Council Officer in time for papers to be sent to members. These will be sent to members at least 1 week in advance of the meeting.

9.4 Individual members of the Forum requesting items to be placed on the agenda must submit these at least 3 weeks in advance of the meeting.

9.5 Forum sub-group meetings will be conducted as appropriate considering the nature of business in accordance with the above principles where possible and practicable.

9.6 The Council will provide rooms and facilities and administration for meetings.

9.7 Action minutes of meetings will be kept by the Council Officer and agreed at each subsequent meeting.

9.8 The Forum may invite Correspondent members of the Forum and/or any other speakers to provide expert advice or observers to meetings as appropriate.

9.9 Openness of meetings:

9.9.1 agendas and minutes of meetings will be made available on the Forum page on the Council website as soon as their content is agreed, and

9.9.2 Only Forum members and associated and invited persons and anyone who has indicated their intention to attend in advance will be able attend meetings other than open meetings.

9.10 Decisions made at meetings should be by consensus. If necessary voting on motions and amendments, duly moved and seconded will be undertaken. Anyone not agreeing with the majority vote can ask to have this recorded in the minutes.

9.11 Members should disclose any personal interests relevant to the business of the meeting at the beginning of each forum or working group meeting stating the nature of the interest. If there is a conflict of interest in a matter to be discussed the member should temporarily leave the meeting while the matter is discussed and will not be permitted to vote on this matter.

9.12 Documentation and training regarding relevant access issues will be made available for members as appropriate.

10.0 Communication Strategy

10.1 All contact with the media should be directed through the Convener.

10.2 The Forum will follow the agreed procedure for the resolution of disputes.

11.0 Alterations to the Terms of Reference

11.1 The Terms of Reference were adopted by the Forum on [] 202[2]. Any amendment of the Terms of Reference must be approved by West Lothian Council.

Appendix D -- Standing Orders

WEST Lothian Local Access Forum Standing Orders Relating to the Conduct of Meetings

A. PRELIMINARIES

1. Commencement and Application

These Standing Orders will apply and have effect on and after [add Date of the 1st meeting of the Local Access Forum]. The provisions of these Standing Orders will apply to the West Lothian Local Access Forum and any working subgroups of the Local Access Forum.

2. Review

The West Lothian Local Access Forum will review these Standing Orders from time to time after consultation with West Lothian Council.

3. Suspension of Standing Orders

To suspend any of the Standing Orders, with the exception of Standing Orders 8, 9, 13, 16 and 32 which cannot be suspended, will require the consent of not less than two-thirds of the members voting and the approval of West Lothian Council.

B. CALLING MEETINGS/ITEMS FOR FUTURE MEETINGS

4. Notice of Meetings

4.1 Generally Notice of the place, date and time of a meeting of the Forum will, be given to every member of the Forum (and, where required, to such Correspondent members of the Forum as have been invited to speak to the Forum at that meeting) not later than one week before the meeting by being delivered, posted, faxed or transmitted by other electronic means to his or her usual place of residence or employment. Meetings may be face-to-face or by video conference/TEAMS meeting.

4.2 Public Notice of a meeting of the Forum will be given by posting a Notice on the Local Access Forum website, at least four clear working days before the meeting, or if the meeting is convened at shorter notice, then at the time it is actually convened. The Notice of Meeting will include: (a) the date, time and place of the meeting, and (b) information on the availability for inspection of the Agenda and accompanying reports.

4.3 Want of service of a Notice of Meeting on any member of the Forum shall not affect the validity of the meeting.

5. Place of Meetings

5.1 Meetings of the West Lothian Local Access Forum and of any working subgroup constituted by the Local Forum will be held either at places within the West Lothian Council area or by video conferencing and at times determined by them respectively after consultation with West Lothian Council's access officer or such other authorised officer nominated for that purpose.

6. Notices of Motion for Submission to Future Meetings

6.1 A Notice of Motion for submission to a future meeting of the Forum will be in writing, signed by the member of the Forum giving Notice, counter-signed by at least one other member and sent to West Lothian Council's access officer or such other authorised officer nominated for that purpose.

6.2 Such a Notice of Motion must be received not later than 3 weeks prior to the meeting of the Forum concerned. In calculating the 3-week notice, the day of the Forum meeting will be excluded. If a Notice of Motion is late, it will be referred to the next available meeting of the Forum, at the request of the members involved.

C. ATTENDANCE AT MEETINGS - BASIC PROVISIONS

7. Chair

7.1 At a meeting of the Forum, the Chair will preside. If the Chair is absent, the Vice Chair will preside. If both the Chair and Vice Chair are absent West Lothian Council's access officer or such other authorised officer nominated for that purpose will preside until the members of the Forum choose one of their number to preside.

8. Quorum

8.1 The Quorum for any meeting shall be one third of the membership.

8.2 If within ten minutes after the time appointed for a meeting of the Forum, a quorum is not present, the Chair will adjourn the meeting to a time he or she may then or afterwards fix.

8.3 Correspondent members of the Forum shall not count towards a quorum.

9. Failure to Attend Meetings

9.1 Members of the Forum unable to attend scheduled meetings of the Forum for any reason should submit their apologies for absence to West Lothian Council's access officer or such other authorised officer nominated for that purpose as soon as possible before the meeting. West Lothian Council's access officer or such other authorised officer nominated for that purpose will intimate the apologies at the meeting and will record the apologies in the minute of the meeting.

9.2 Any member of the Forum who fails to attend three consecutive meetings of the Forum will unless the failure was due to some reason approved by the Forum cease to be a member of the Forum.

10. Members of Press/Public

Members of the Press and public will be entitled to attend public meetings of the Forum. Members of the Press and public will be excluded from meetings of the Forum where items of business concern information relating to the financial, business or personal affairs of any particular person or company (other than the Council).

D. CONDUCT OF BUSINESS/PROCEEDINGS AT MEETINGS

11. Chair - Powers and Duties

11.1 Deference shall at all times be paid to the authority of the Chair and on all points of order,

competency and relevancy, his or her ruling shall be final and not open to discussion. This includes discretion to rule on all questions of procedure where no express provision is made under these Standing Orders. When the Chair speaks, any member of the Forum (or any Correspondent member invited to any meeting) who is addressing the meeting must desist from speaking. It is the duty of the Chair to preserve order and to ensure that members obtain a fair hearing. In the event of disorder, the Chair has absolute discretion to adjourn the meeting, and his or her quitting the Chair will bring the meeting to an end.

11.2 All powers and duties of the Chair shall in the absence of the Chair or in the event of the Chair being unable to act for any reason, be exercised by the member chosen to preside in terms of Standing Order 7 above.

12. Sederunt

West Lothian Council's access officer or such other authorised officer nominated for that purpose shall act as the clerk to any Meeting of the Forum and will record the names of the members present at each meeting, as well as those who have submitted apologies for absence.

13. Urgent Business

13.1 The business to be transacted at a meeting of the Forum will be that specified on the Agenda and any item of business not on the Agenda which is certified by the Chair as urgent. No other business will be transacted at a meeting of the Forum.

13.2 It shall be in the sole discretion of the Chair to decide whether any business not specified on the Agenda for the meeting should, by reason of special circumstances, be considered at the meeting as a matter of urgency, and such special circumstances must be specified in the Minutes of the Meeting.

14. Order of Business/Adjournment

The business of a meeting of the Forum shall be conducted in the order set out on the Agenda for the meeting, provided that any item of business may, with the consent of the meeting, be taken out of its place. The Chair may with the consent of the meeting adjourn the meeting to any other day, time and place.

15. Rescinding of Resolution or Decision

A resolution or decision of the Forum and a resolution or decision of a subgroup on a matter delegated or remitted with will continue to be operative and binding on the Forum for at least six months after the date of the resolution or decision.

16. Declaration of Interest

16.1 It shall be for any member who has any financial interest in any matter and is present at a meeting of the Forum at which such matter is the subject of consideration, to leave the room before the matter is discussed.

16.2 It shall be for any member who has any other interest in any matter and who is present at a meeting of the Forum at which such matter is the subject of consideration, to determine whether or not to leave the room, or to participate in discussion or voting. In making such a decision it is for the member of the Forum to consider whether a member of the public acting reasonably might consider

that the Forum member might be influenced by the interest in his or her role as a Forum member and that it would therefore be wrong to take part in any discussion or decision-making.

17. Obstructive or Offensive Conduct

In the event of any member at a Forum meeting disregarding the authority of the Chair or of being guilty of obstructive or offensive conduct, a motion may be moved and seconded to suspend such member for the remainder of the sitting. Such a motion will be put to the meeting without discussion and if supported by a majority of members of the Forum present and voting will be declared carried. The offending member will then be required by the Chair to leave the meeting.

18. Order of Speeches

A member wishing to speak will attract the Chair's attention by raising his or her hand, and when called upon will address the Chair. The member will direct his or her speech strictly to the matter under discussion or to the Motion or Amendment to be proposed or seconded by himself or herself or to a question of order. The Chair will decide between two or more members wishing to speak by calling on the member whom he or she first observed to raise his or her hand.

19. Participation of Correspondent Members, Members of the Public and Elected Members

Any Correspondent member attending a meeting of the Forum to which the Correspondent member has been invited shall be entitled to speak on any matter under discussion in respect of which the Correspondent member has been invited to attend the meeting and the Chair shall call on the Correspondent member prior to a vote being taken on such matter to address the Forum in relation to such matter. Members of the public who have given West Lothian Council's access officer or such other authorised officer nominated for that purpose a minimum of two working days' notice of their intention to do so will normally be allowed to speak for not more than five minutes at meetings of the Forum on any specified item on the published agenda. The requirement for two days' notice may be relaxed at the discretion of the Chair. The West Lothian Councillor for the area under discussion in any particular item of Forum business, as a democratically elected representative of the community, will be permitted to attend and speak at Local Access Forum meetings. Unless the West Lothian Councillor is already a member of the Forum he will have no entitlement to vote.

20. Consensus

The Forum will have a strong commitment to reaching consensus upon issues on which it is consulted but where there is a divergence of views then motions and amendments will be acceptable.

21. Number and Duration of Speeches

The number of speeches and the point at which Motions and Amendments are to be accepted is at the discretion of the Chair. All speakers in any discussion on an item will not speak for more than five minutes.

22. Motions and Amendments – General

22.1 Every Motion and Amendment arising at a meeting will be moved and seconded, and if requested by a member will be written down and handed to West Lothian Council's access officer or such other authorised officer nominated for the purpose of acting as the clerk of the Forum and will be read out before it is further discussed or put to the meeting.

22.2 If a Motion which is specified on the agenda for the meeting (under Standing Order 6) is not moved by the member who has given the notice and seconded, then it will, unless moved by another member and seconded on the day, or postponed by leave of the Forum, be considered as dropped and cannot be moved again without fresh notice.

22.3 It will not be competent for a member to move or second his or her own election or appointment as Chair or Vice-Chair of the Forum or as an Office-Bearer of any subgroup or as a representative of the Forum on any similar or outside body. This does not prevent a member when such election or appointment is under consideration from indicating his or her interest in being nominated for election or appointment.

22.4 Every Amendment will be relevant to the Motion on which it is moved. The Chair will decide as to relevancy and has the power, with the consent of the meeting, to conjoin Amendments which are not inconsistent with each other.

22.5 Should any Amendment raise a procedural issue, rather than to affect the substantive issue, that procedural issue will be addressed and dealt with, without affecting the substantive Motion or Amendments.

22.6 All additions to, omissions from, or variations upon a Motion will be considered as Amendments to the Motion and will be disposed of accordingly.

22.7 Motions or Amendments which are not seconded will not be discussed.

22.8 A Motion or Amendment once moved and seconded will not be withdrawn without the consent of the mover and seconder, and then only with the sanction of the meeting.

23. Procedural Motions

23.1 A member moving that the Forum do now proceed to the next business or that the debate be now adjourned may speak for not more than five minutes and if the Motion is seconded it will be seconded without a speech. If the Chair is of the opinion that the business which is the subject of the debate has been sufficiently discussed, the procedural motion will be put, without further discussion to the meeting and, if supported by a majority of the Forum present and voting, will be declared carried. This procedural Motion may only be put forward where either a formal Motion or a Motion and any Amendments are not already before the Forum in relation to the Item concerned.

23.2 Where both a Motion and Amendment(s) are before the Forum, any member who has not spoken in the debate may move that "the matter be put to the vote" and he or she may speak for not more than five minutes in support of that procedural Motion, which if seconded, will be seconded without a speech. If the Chair is of the opinion that the business which is the subject of the debate has been sufficiently discussed, a vote on the procedural motion will be taken without further debate. If the procedural Motion is carried the mover of the original Motion will have the right to reply in terms of Standing Order 25 and the question under discussion will then be put to the vote.

24. Point of Order/Explanation

During the discussion, a member may call attention to a point of order, or with the sanction of the Chair, may make an explanation. A member who is addressing the meeting when a question of order is raised will desist from speaking until the question of order has been decided by the Chair.

25. Right of Reply

The mover of an original Motion will have the right to speak in reply and in the reply will confine his or her comments to answering previous speakers and will not introduce a new matter into the debate. The mover may, however, seek a point of clarification. After the mover has been called upon by the Chair to reply no other member can speak to the question except on the point of clarification raised and once the reply has been given the Forum will proceed directly to the vote.

26. Voting - Order of Motions and Amendments

When only one amendment is made upon a Motion, the vote will be taken between the Amendment and the Motion, the vote for the Amendment being taken first. Where there is more than one Amendment, generally the Amendment last proposed will be put against the immediately preceding one, and the Amendment which is carried will be put against the next preceding, and so on until only one Amendment remains and the vote will be taken between that Amendment and the original Motion. However, particularly in relation to composite Motions, the Chair may decide that Amendments be taken individually against the Motion. After the vote between an Amendment and the Motion whichever is carried will be the decision of the Meeting.

27. Voting - Election, Selection or Appointment of Members to any Particular Office or Committee

27.1 In the case of an Election, Selection or Appointment of Members of the Forum to any particular office, subgroup or as a representative of the Forum on an outside body, where the number of candidates nominated exceeds the number of vacancies, the member(s) to be elected, selected or appointed as the case may be, shall be determined by vote. Members voting shall be entitled to cast as many votes as they wish up to the number of vacancies available.

27.2 Where only one vacancy requires to be filled the vote will normally be by ballot but may be by a show of hands and any candidate having an absolute majority of the votes cast shall be declared duly elected, selected or appointed as the case may be. Where more than one vacancy requires to be filled and the number of candidates nominated exceeds the number of vacancies, the vote shall be by ballot, the name of the candidate having least votes being struck out of the list of candidates. Such process of elimination by vote by ballot shall be continued until in a case where only one vacancy exists any candidate has an absolute majority of the votes cast, or in any case until the number of candidates remaining equals the number of vacancies when the candidate or candidates remaining shall be declared duly elected, selected or appointed as the case may be.

27.3. If in any ballot among more than two candidates there is equality in votes among the candidates having least votes, the candidate whose name shall be eliminated shall be determined by an additional vote by ballot and unless there again be equality in votes, the name of the candidate having least votes shall be struck out of the list.

27.4 Where in any vote between two candidates or in such additional vote by ballot there is equality in votes, the candidate to be selected or appointed or eliminated (as the case may be) shall be determined by lot.

28. Method of Voting

28.1 The vote of the Forum will be taken normally by show of hands. If any member objects to the vote being taken by show of hands and a majority of the members of the Forum present and entitled

to vote signify their support of the objection, the vote will be taken by calling the roll or by ballot. Correspondent members of the Forum shall not have a vote.

29. Casting Votes

29.1 Except as otherwise provided in this Standing Order the Chair or the member presiding in his or her absence in accordance with Standing Order 11 shall in the case of an equality of votes give the casting vote.

29.2 In the case of the election, selection or appointment of members to any particular office in any case of equality of votes between candidates the candidate to be elected, selected, appointed or eliminated as the case may be will be determined by lot.

30. Defect in Procedures

The proceedings of the Forum shall not be invalidated by any vacancy among their number or by any defect in the election or qualification of any member or by any member voting or taking part in the consideration or discussion of any question when he or she is not entitled to do so.

31. Recording of Dissent from Decision

A member of the Forum may have his or her dissent recorded to a decision of the Forum provided that he or she has moved a Motion or Amendment and failed to find a seconder or else has taken part in a vote provided that such member asks immediately after the item is disposed of that such dissent be recorded.

32. Code of Conduct

All members of the Forum will be bound by the provisions of the West Lothian Council Code of Conduct for Members of Local Access Forums which is based on the Code of Conduct for Members of Devolved Public Bodies issued under the Ethical Standards in Public Life etc (Scotland) Act 2000.