



THE CUMBRIA LOCAL ACCESS FORUM TERMS OF REFERENCE

1.0 TITLE

1.1 Cumbria Local Access Forum.

2.0 GEOGRAPHICAL COVERAGE

2.1 The area covered is the whole of Cumbria excluding those parts within the Lake District and Yorkshire Dales National Parks.

3.0 ROLE AND RESPONSIBILITIES

3.1 The primary role of the Cumbria Local Access Forum is to provide advice to Cumbria County Council, Natural England, and others, on how to make the countryside more accessible and enjoyable for open-air recreation, in ways which address social, economic and environmental interests. The Forum will encourage and assist access provision.

3.2 The Forum will give advice on four main topics:

- a) the development of integrated recreation and access strategies which cater for a wide range of people;
- b) strategic improvements to the rights of way network and related plans;
- c) the implementation, management and review of the statutory rights of access to the countryside; and
- d) the development and implementation of information and educational strategies.

3.3 In providing advice the Forum will have regard to:

- a) the needs of land management;
- b) the desirability of conserving the natural beauty of the area for which it is established, including flora, fauna and geological and physiographical features of the area;
- c) guidance given from time to time by the Secretary of State.

3.4 The Forum will work to:

- a) develop a constructive and inclusive approach to the improvement of recreational access to the countryside;
- b) respect local circumstances and different interests while operating with regard to national guidance;

- c) provide advice on issues of principle and good practice which is consistent with national guidance;
- d) engage in constructive debate and seek consensus wherever possible; and
- e) where consensus is not possible, make clear the nature of differing views, and suggest how they might be resolved.

4.0 MEMBERSHIP

4.1 Members are appointed to the Forum by Cumbria County Council. They will be appointed for not less than one and not more than three years, and may be re-appointed for one or more further terms.

4.2 The membership:

- a) is balanced to avoid dominance by any single interest group or coalition of like interests; and
- b) includes a cross section of local interests in the countryside.

4.3 Before appointment members will be asked to confirm:

- a) their support of the positive purpose of Local Access Forums;
- b) their commitment to working within the terms of reference and achieving the aims of the Forum through constructive working with other members; and
- c) that they are able to devote the necessary time to attend meetings, training and to network with a wide range of interests outside meetings.

4.4 Members wishing to be reappointed to serve a further term will be invited to discuss with the appointing authority their contribution to, and the work of, the Forum.

4.5 The membership includes:

- a) an independent chair and vice chair; the latter being, ideally, from a different membership category;
- b) a maximum of 22 members, including the chair and vice chair.

4.6 Members in total must bring a wide range of experience, including:

- a) recreational use, for example walking, riding, climbing and cycling;
- b) land management, for example, tenants, landowners and occupiers, and others with an interest in land;
- c) 'other' including tourism, health, business, trade unions, transport, nature conservation and heritage.

4.7 Members not necessarily experienced in the topics at 4.6, or aligned with any particular interest group may also be appointed. Three members will be appointed by the County Council.

4.8 The Forum should contain roughly equal numbers of members ascribed to each of the categories in 4.6 a, b or c. Members who genuinely have experience and credibility in relation to more than one category in 4.6 will be particularly useful.

5.0 THE ROLE OF THE CHAIR & VICE CHAIR

- 5.1 Forum members must elect from amongst their number a chair and may elect a vice-chair, taking such steps as may be necessary to ensure as far as practicable that they are drawn from members representing different categories of interest (note - they may both represent 'other interests' provided they do not represent the same interest). Members and officers of the appointing authority and its contractors should refrain from offering themselves as candidates for these posts.
- 5.2 The positions of chair and vice-chair should not be taken up by any member who may have a prejudicial conflict of interest (i.e. they are in direct employment with an access related organisation or authority).
- 5.3 The length of time to be served by the chair and vice-chair is for the forum to determine, but will be constrained by the maximum term of their appointment as a forum member.
- 5.4 The precise roles of the chair and vice-chair is determined locally by the forum and should not be unduly onerous.
- 5.5 In chairing a meeting the chair and vice-chair should adopt an inclusive approach, actively seeking to ensure that all relevant views are heard, and should steer the forum, as far as possible, towards a clear and agreed line. The chair and vice-chair should not feel constrained from contributing to the discussion by expressing their own views.
- 5.6 It is for the person chairing the meeting to decide whether to allow observers or members of the public to participate in discussions on specific agenda items (see 7.6 and 8.2).

6.0 DECLARATION OF INTERESTS

- 6.1 The relevant Statutory Instrument (Regulation 6(8) of SI 2007 268) requires a forum member who is directly or indirectly interested in any matter brought up for consideration by the forum, to disclose the nature of that interest to the meeting. A direct or indirect interest might reasonably be regarded as one which:
 - might affect a member's well being, financial position, or business (which would be a 'direct' interest, as it impacts on the member directly), or that of a relative or friend (which would be an 'indirect' interest) to a greater extent than that of other council tax payers, ratepayers or other inhabitants of the area.
- 6.2 The Regulations do **not** prohibit a forum member with a direct/indirect interest from participating in the discussion (indeed, they might have a useful contribution to make), but the secretary should record all declared interests in the minutes of the meeting. The appointing authority is entitled to terminate the appointment of any member who fails to disclose a direct or indirect interest in a matter that is before the forum.

6.3 If a member is in doubt as to whether they could be regarded as having a direct or indirect interest in a matter, it is recommended that they should err on the side of caution and disclose the nature of the interest accordingly.

7.0 MEETINGS

7.1 Meetings will be held at least twice a year, and more frequently when necessary.

7.2 Meetings will normally be in public and advance notice will be given.

7.3 Meeting agendas will be agreed between the chair, the vice-chair and the adviser (an officer of Cumbria County Council).

7.4 Agendas, papers, minutes, and draft minutes awaiting approval will be available to the public.

7.5 Observers may be appointed to the Forum.

7.6 Observers will be able to contribute to the proceedings at the discretion of the person chairing the meeting.

8.0 PUBLIC ACCESS TO, AND PARTICIPATION IN, MEETINGS

8.1 Members of the public are welcome at meetings of the Forum, and will normally be able to ask questions, make statements or representations, present petitions or bring a deputation on matters relating to the business of the Forum.
Details of the arrangements for participating in a meeting can be obtained from the Secretary of the Forum.

8.2 Subject to certain exceptions, the relevant Statutory Instrument requires Forum meetings to be open to the public. This means that meetings are held in public, but it does not mean that they are public meetings. A person who is not a Forum member may be allowed to participate in discussions on specific agenda items at the discretion of the person chairing the meeting.

8.3 Members of the public can be excluded from a meeting in order to suppress or prevent disorderly conduct or other misbehaviour.

8.4 A Forum discussion which relates to consultation on a Direction to restrict access on a long term basis will not be open to the public where the relevant authority or the Secretary of State, as the case may be, has decided in the public or defence interest not to publish a notice. These items will be taken in private.

8.5 Other items may also be determined as being not open to the public and taken in private. In such cases, the Chair (or in his/her absence the person responsible for chairing the meeting) must agree in advance clear reasons why the item(s) need to be discussed in private (i.e. with the public excluded), and provide an explanation in public before the Forum goes into private session. Members must agree at the meeting that the item(s) concerned should be taken in private. If the item(s) relate to one or more named individuals, those persons must subsequently be informed of the context by the Secretary of the Forum.