

## Norfolk Local Access Forum Constitution February 2021

Section 94 of the Countryside and Rights of Way Act 2000 (CROW Act) requires local authorities and National Park authorities to establish advisory bodies known as Local Access Forums to advise decision-making organisations about making improvements to public access for outdoor recreation and sustainable travel. Forums operate in accordance with the provisions of the Act and the Local Access Forums (England) Regulations 2007.

This Constitution applies these regulations for the Norfolk Local Access Forum. The Forum enjoys the same level of support from Norfolk County Council as a committee (although it is not a formal NCC committee). Forum members are given technical and administrative support by Norfolk County Council officers to enable them to undertake their advisory role as effectively as possible.

### 1. Terms of Reference

- a) Norfolk Local Access Forum members are volunteers appointed to the Forum by Norfolk County Council (the appointing body) to represent a range of local interests.
- b) The Forum gives advice to Section 94(4) bodies as follows: Norfolk County Council; district and borough councils within Norfolk; Government Departments e.g. Defra and MOD as well as the Planning Inspectorate and the Highways Agency; Natural England; the Forestry Commission; English Heritage; Sport England; the Norfolk Coast AONB Conservation Board; Parish and town councils in Norfolk. These bodies should have regard in carrying out their functions, to any relevant advice given to them by the Forum.
- c) The advice which the Forum gives falls within one or more of the following categories:
  - improvement of public access (whether on foot or by horse, cycle, mechanically propelled vehicle or any other lawful means) to land (including land at the water's edge) in the area for the purposes of open-air recreation and the enjoyment of the area;
  - public access to land (including land at the water's edge) in the area for any other lawful purpose (whether on foot, horse, cycle or by any means other than by mechanically propelled vehicle);
  - public access to land in the area by means of a mechanically propelled vehicle for any other lawful purpose, but only insofar as the access relates to

byways open to all traffic.

- d) The Norfolk Local Access Forum is a statutory consultee for:
- draft maps showing open country and registered common land;
  - byelaws affecting access land;
  - the appointment of access wardens on access land;
  - directions that would restrict or exclude long-term access;
  - rights of way improvement plans;
  - Dog control orders which apply to access land.
- e) The Norfolk Local Access Forum will seek to promote closer liaison and understanding between the various interest bodies and organisations which have an interest in access within its catchment area, including with the Broads and Suffolk LAFs.

## 2. Composition of the Forum

a) The Forum comprises at least ten and not more than 22 representatives appointed by Norfolk County Council in accordance with The Local Access Forums (England) Regulations 2007. Under 3(5) of the Regulations, membership of the Forum is representative of the following groups (applies to **all** members):

- users of local rights of way;
- owners and occupiers of access land or land over which local rights of way subsist; or
- any other interests especially relevant to the authority's area.

b) Under 3(4) of the Regulations, the maximum number of members who may also be members of a district council or Norfolk County Council or the Broads Authority is **three**, as long as the Forum consists of no fewer than 17 members (falling to **two** if the Forum consists of not more than 16 members).

c) Norfolk County Council will organize recruitment and appointment of members (see Section 6 of Guidance on Local Access Forums in England (revised guidance 2007). Terms of appointment for Forum members shall be set by Norfolk County Council.

d) In addition, the Broads and Suffolk LAFs will each be invited to nominate one of their members to participate in all Norfolk LAF business, and who will be treated as if a member in all respects save voting rights.

e) Where an interest group has no representative, whether through no appointment having been made, or the resignation of the last or sole representative of that interest group, Norfolk County Council may support co-option of an appropriate person pending

the next recruitment exercise.

### **3. Number and format of Meetings**

The Forum will meet at least twice in each year but seek to meet quarterly (generally in January, April, July and October). Where exceptional circumstances warrant, meetings can be conducted virtually (online) as long as public participation can be maintained.

### **4. Chairman and Vice-Chairman**

At its first meeting after 1 August in each calendar year (or as agreed), the Forum will appoint a Chairman and Vice Chairman. In making these appointments, the Forum must ensure so far as practicable that they are not at any one time both drawn from the same interests referred to in paragraph 2. The length of time served by the Chairman and Vice-Chairman is for the Forum to determine, but will be constrained by the maximum term of their appointment as a Forum member (see 6(5) of the Regulations).

### **5. Access to Meetings and Documents**

- a) Meetings of the Forum are open to the public, subject to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting;
- b) Copies of the agenda for meetings of the Forum and of any reports for meetings will be published on Norfolk County Council's CMIS (Content Management Interoperability Service) and open to inspection by members of the public at County Hall at least three clear days before the meeting except:
  - Where the meeting is convened at shorter notice, the copies of the agenda and reports must be open to inspection from the time the meeting is convened;
  - Where an item is added to an agenda, copies of the document adding the item to the agenda and the copies of any report for the meeting relating to the item must be open to inspection from the time the item is added to the agenda.
- c) An item of business may not be considered at a meeting of the Forum unless these requirements are complied with or, by reason of special circumstances to be specified in the minutes, the Chairman of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency except as provided in 5)d) below;
- d) Where consultations and issues arise, which require response before the next meeting of the Forum, responses may be formulated and issued as follows:

- The issue and proposed response may be considered by a relevant subgroup if time permits;
  - A draft response will be prepared and circulated by email for comment by all Forum members;
  - Where there is significant divergence of view, a second draft response will be circulated if time permits;
  - The final response will be decided and issued by the Forum Chair (with NCC officer support);
  - A protocol governing this process will be drawn up and agreed by the Forum.
- e) After a meeting of the Forum, the minutes, agenda and reports to the meeting must be open to inspection by members of the public at County Hall for at least two years following the meeting;
- f) In addition, where any report for a meeting of the Forum is open for inspection by members of the public there must also be open for inspection copies of a list of any background papers for the Report together with a copy of the documents included in that list;
- g) Where any document is open to inspection a member of the public may upon payment of a reasonable copying fee, require the person having custody of the document to supply a copy to him or her.

## 6. Declarations of Interest

A member of the Forum who is directly or indirectly interested in any matter brought up for consideration at a meeting of the Forum must disclose the nature of that interest to the meeting. Failure to do so may mean that the County Council will terminate the representative's appointment.

## 7. Location of Meetings

Meetings will be held at such venues as the Forum decides. Generally, meetings shall be held at County Hall in Norwich with one meeting each year in a community setting.

## 8. Secretary

- a) The Forum's Secretary is Norfolk County Council's Head of Democratic Services;
- b) The technical support officer will
- receive correspondence addressed to the Forum within its terms of reference;
  - co-ordinate work on behalf of the Forum and provide advice;

- compile and send correspondence as agreed with the Chair on behalf of the Forum.
- c) The administrative support officer will:
- Issue meeting agendas and write up the minutes.

## 9. Expenses

The County Council will meet:

- a) Any reasonable expenses incurred by Forum members in connection with their attendance at meetings of the Forum and any other activities relating to the discharge of the functions of the Forum, but only in respect of:
- Travel and subsistence costs;
  - Any expenses of arranging for the care of their children or dependents.

## 10. Annual Report

The Forum must produce an annual report on its work, to be published by the County Council. The annual report will:

- a) set out the occasions and issues on which the Forum has provided advice in the preceding year, and indicate to whom advice was given;
- b) include such other information as the Forum thinks fit.

## 11. Proceedings of the Forum

The rules contained in the Appendix govern how the meetings of the Forum are run.

**12. This Constitution will be reviewed as a matter of course every 3 years, and in between where required.**

## APPENDIX

### 1. Quorum

The Quorum for meetings of the Forum is 7 members.

### 2. Voting in Meetings

- a) Voting will be by show of hands.
- b) Every issue will be determined by simple majority of the votes cast at the meeting.
- c) Every member of the Forum has one vote on each issue except for:
  - the Chairman of the meeting, who has a second or casting vote; and
  - any Observing County Councillor, who may not vote (See paragraph 3).

### 3. County Councillor Representation

- a) In the event of a Forum meeting being held when fewer than 17 representatives are appointed, the member from the party with the third most council seats will be an Observing County Councillor for that meeting.
- b) Where 3(a) applies, the observing County Councillor may attend the meeting but not vote and only speak at the meeting on the same terms as a member of the public.

### 4. Substitutes

Members of the Forum cannot appoint substitutes to represent them in their absence from meetings.

### 5. Minutes

The Chairman will sign the minutes of the proceedings at the next suitable meeting.

### 6. Record of Attendances

Each member attending a meeting of the Forum must, with a view to securing the recording of his or her attendance, sign the attendance sheet provided by the Secretary for that purpose. If any member arrives after the attendance sheet has been circulated, he or she must intimate their presence to the Secretary.



## 7. Public Questions

- a) Meetings are open to the public and questions may be raised but they must be submitted in advance of the meeting to be considered by the Chairman.
- b) If the person asking the question is not present at the meeting, the answer as reported at the meeting will be sent by post to the questioner following the meeting.
- c) The number of questions which may be asked by any one person at any one meeting will be limited to one (plus a supplementary) and Public Question Time will be limited to 10 minutes in total. Any questions which remain unanswered within that timescale will receive written notices.

## 8. Chairman's Ruling

The ruling of the Chairman as to the construction or application of these rules or as to any proceedings of the Forum will be final for the purposes of the meeting at which it is given.

## 9. Allocation of Duties

The Chairman (with NCC officer support) will:-

- a) Grant responsibility to individual representatives for maintaining contact with Committees, Local Access Forums, Liaison Groups, etc.;
- b) Grant responsibility to categories of interest to invite speakers and arrange training;
- c) Submit the agenda to the administrative officer at least a month before the date of the next main meeting;
- d) Sign outward correspondence.

## 10. Forum Subgroups

- a) The Forum will create such subgroups as seem to it useful in conducting business, subject to approving their terms of reference, membership and chair, and may review and amend these arrangements as it sees fit;
- b) In addition to Forum members, the subgroups may invite others to attend meetings, either regularly or on specific occasions, as provided in their terms of reference;

- c) Subgroups will not be open to the general public, and therefore will function without a requirement to publish agendas other than to their members.

### **11. Changes to these Rules**

The Forum may change the rules in this Appendix (as long as they still comply with the Regulations) by a simple majority. Similarly, the Forum may add new rules of procedure.

### **REFERENCE DOCUMENTS**

- a) [The Local Access Forums \(England\) Regulations 2007](#)
- b) [Guidance on Local Access Forums in England \(revised guidance 2007\)](#)