

Cornwall Countryside Access Forum

Constitution

Background

In accordance with the Countryside and Rights of Way Act 2000 (CRoW) and subsequent regulations issued by the Department of the Environment Food and Rural Affairs (DEFRA), which deal with the constitution and role of Local Access Forums, Cornwall Council's Executive established a single Local Access Forum for Cornwall on 6 November 2002. These Regulations have been revised and updated. The Local Access Forums (England) Regulations 2007 came into effect on 19 March 2007. Guidance on the new Regulations has been issued by DEFRA and Local Access Forums are required to have regard to this in carrying out their functions.

1. Title

1.1 The Forum shall be known as the Cornwall Countryside Access Forum and will cover the whole of the administrative county of Cornwall.

2. Purpose of the Forum

2.1 The purpose of the Cornwall Countryside Access Forum shall be to provide advice to Cornwall Council and other bodies specified in Section 94(4) of the CRoW Act on matters falling into one (or more) of the following categories;

(a) improvement of public access (whether on foot or by horse, cycle, mechanically propelled vehicle or any other lawful means) to land in the area for the purposes of **open-air recreation and the enjoyment of the area**;

(b) public access to land in the area for **any other lawful purpose** (whether on foot, horse, cycle or by any means **other than by mechanically propelled vehicle**);

(c) public access to land in the area by means of a **mechanically propelled vehicle** for **any other lawful purpose**, but only insofar as the access relates to byways open to all traffic (BOAT).

These bodies include

- Cornwall Council 'the Appointing Authority'
- Any district or borough council within the Cornwall Countryside Access Forum Area
- Parish and Town Councils within the Cornwall Countryside Access Forum Area
- The Secretary of State
- Natural England
- The Forestry Commission
- English Heritage

- Sport England
- The Cornwall Area of Outstanding Natural Beauty

2.2 There may also be occasions when the Forum considers that other individuals or organisations not named in Section 94(4), such as the police, may benefit from receiving advice or information. This is addressed in the DEFRA guidance.

2.3 The advice from the Forum will be independent, constructive, relative, inclusive, incisive and informed.

3. Terms of Reference

3.1 The Terms of Reference are as follows:

(a) To respond to consultations from the Secretary of State on draft maps of open country and registered common land in Cornwall.

(b) To contribute to the development of the Rights of Way Improvement Plan for Cornwall, known as the Cornwall Countryside Access Strategy.

(c) To promote a constructive and inclusive approach to the improvement of recreational access to the countryside which can be implemented through Strategies including, Local Transport Plan, and AONB Management Plans, Structure and Local Plans, Local Development.

(d) To advise upon the management and maintenance of access, balancing the provision of access against the needs of conservation of the natural beauty, wildlife and cultural heritage, and the needs of residents, landowners and land managers.

(e) To identify and respect local circumstances and different interests while operating within national guidance.

(f) To advise on developing additional opportunities for everyone to enjoy the rights of way and access network.

4. Membership

4.1 Forum Members shall represent one or more fields of interest rather than any particular organisation of which they might also be a member.

4.2 A reasonable balance of members is required to represent the differing interests, in particular, members shall be persons whose primary interest, in the Appointing Authority's opinion, represents the interests of:

(a) users of the new right of access introduced by Part I of the Countryside and Rights of Way Act 2000 (principally walkers), and users of local rights of way (for example walkers, horse riders, cyclists, people with limited mobility), and

(b) owners and occupiers of access land or land crossed by local rights of way

(c) additionally, the membership of the Forum shall seek to represent any other interests especially relevant to Cornwall, and these are considered to be:

wildlife conservation, cultural heritage conservation, tourism, sport and recreation, health, outdoor education, the military and local business interests.

4.3 Members shall be appointed by the Appointing Authority in accordance with the agreed Selection Criteria published on the website, to ensure that Members are able to make an informed and constructive contribution to improving local access provision. All appointments shall be notified to the Secretary by the Appointing Authority.

4.4 Members shall be appointed initially for a period of three years but, at the end of this first appointment period, they shall be eligible for reappointment for a further period of three years.

4.5 Before appointment, Members shall confirm:

(a) their commitment to working within the Terms of Reference and achieving the purpose of the Forum through constructive working and sharing and developing experience, knowledge and skills with other members; and

(b) their ability to devote the necessary time to attend Forum meetings, to attend training sessions, and to network with a wide range of interests outside meetings.

4.6 The Forum comprises 20 members, of whom 7 represent users, 7 represent landowners/managers, 3 represent other interests such as tourism, and 3 are Cornwall Councillors. Should a member of the Forum subsequently become a member of Cornwall Council they must inform the Secretary and will be required to step down if the quota of 3 elected Councillors has already been filled.

4.7. The establishment of the Forum allows for reimbursement of reasonable expenses for attendance at approved meetings and events, which may include travel and childcare costs, in accordance with the Local Access Forums (England) Regulations 2007, Regulation 12. Further details are available from the Appointing Authority.

4.8 Members shall disclose the nature of any direct or indirect interest in any matter brought up for consideration at a meeting of the Forum. Members with a direct or indirect interest should not necessarily be excluded from the discussion or voting as long as the nature of the interest is made known to the Forum and recorded in the minutes. It will be for the Chairman to decide, after consultations with the members, if that direct or indirect interest is prejudicial to the Forums discussion on that matter. Failure on the part of a member to declare a direct or indirect interest may lead to the termination of the appointment of that member by the Appointing Authority.

4.9 All members shall comply with the 'General Principles of Public Life' referenced in Cornwall Council's Code of Conduct for Members. This includes the observance of the duty to uphold the law. This includes specifically The Local Access Forums (England) Regulations 2007 which set out the administration and operation of local access forums, the General Data Protection Regulations 2016, the Data Protection Act 2018, the Freedom of Information Act 2000, and the Environment Information Regulations 2004 ("Data Protection Legislation"). Members should ensure that when they process information that it is in accordance with the Data Protection Legislation and seek advice from the Appointing Authority in this respect where necessary.

4.10 The Appointing Authority may terminate the appointment of any member of the Forum who has been absent from all meetings of the Forum for a period of one year without the consent of the Appointing Authority.

4.11 Resignations shall be notified to the Appointing Authority in writing.

5. Chairman and Vice-Chairman

5.1 The Chairman and Vice-Chairman shall be appointed by the Forum at its Annual Meeting and shall hold office for one year.

5.2 On retiring, the Chairman and Vice-Chairman shall be eligible for re-election as Chairman and/or Vice-Chairman subject to their continuing membership of the Forum.

5.3 The serving Vice-Chairman shall at no time be from the same interest group as the serving Chairman.

5.4 A member of the Forum who is also a member of the Appointing Authority may not be appointed to the office of Chairman or Vice-Chairman

5.5 If there is more than one nomination the election for that office will take place by way of a secret ballot.

5.6 Members present at the Annual Meeting will have one vote each and the candidate receiving the most votes will be appointed.

5.7 In the event of a casual vacancy in the office of Chairman or Vice-Chairman, the Forum shall at its next meeting, elect a member to fill that vacancy, and a member so elected shall hold office until the date of the meeting at which the Chairman or Vice-Chairman would have held office had the vacancy not occurred, subject to the provisions of Articles 4.6, 4.8 and 4.9.

6. Secretary

6.1 The Appointing Authority shall provide a Secretary responsible for the Forum who shall be neither a Member of Cornwall Council nor a member of the Forum. Administration in respect of the Forum shall be undertaken by the Secretary and/or Cornwall Officers acting on his behalf and/or his authority. The role of the Secretary is as set out in the Local Access Forums (England) Regulations 2007.

7. Meetings

7.1 The Forum shall hold 4 formal meetings per year but additional meetings shall be arranged when necessary.

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

7.3 Copies of the agenda for a meeting of the Forum and copies of any report for the meeting shall be open to inspection by members of the public on the appointing Authority's Website and at the offices of the Appointing Authority on request at least 5 clear working days before the meeting except where a meeting is convened at shorter notice, in which case the agenda and reports must be open for inspection from the time the meeting is convened and

if an item is added to the agenda, copies of the document adding the item to the agenda (or of the revised agenda) and any associated reports shall be open for inspection from the time the item is added to the agenda.

7.4 The Secretary shall agree the agenda for each meeting with the Chairman.

7.5 Any Member may propose an item for the Agenda of any meeting of the Forum. Proposals for agenda items should be advised to the Secretary no less than 14 clear days before the day of the meeting. Such items will be included unless the Chairman (in consultation with the Secretary or his/her representative) determines that they do not come within the Terms of Reference or, at his/her discretion determines that they are not appropriate to be included.

7.6 The Chairman shall, when appropriate, invite observers to the meeting who shall be able to contribute at the meeting at the discretion of the Chairman.

7.7 The public shall be able to ask questions on the business of the meeting only at the discretion of the Chairman.

7.8 Any matter in relation to the conduct of a meeting which is not otherwise covered by the provisions of the Terms of Reference shall be decided by the Chairman in consultation, where appropriate, with the Secretary.

8. Quorum

8.1 The quorum for meetings of the Forum shall be 7 Members with a minimum of 1 Member from each of the three interest groups; users, landowner/managers and others (for this purpose only "others" will include those members representing Cornwall Council)

8.2 If, during the course of a meeting, the number of members present falls below the quorum, the meeting cannot continue and any outstanding business will be carried forward to the next meeting.

9 Working Groups

9.1 The Forum may appoint Working Groups of at least three members to undertake specific areas of work and regular reports shall be made to the Forum on their activities.

9.2 The membership of each standing Working Group shall be reviewed at each Annual Meeting.

10. Voting

10.1 Matters will be resolved by majority voting.

10.2 Each Member shall have one vote and in the event of a tie, the Chairman shall have a casting vote.

11. Minutes

11.1 The draft Minutes shall be approved by the Chairman and shall be circulated to Members following approval.

11.2 The Minutes shall be formally ratified at the next ordinary meeting of the Forum.

12. Review of Constitution

12.1 The Constitution may be revised at any time, but a formal review shall be undertaken at the Annual Meeting of the Forum in each calendar year.

13. Liaison

13.1 Arrangements shall be made for effective liaison between the Cornwall Countryside Access Forum and any Forums established elsewhere e.g. Devon, Dartmoor, Exmoor, Plymouth and Torbay. Such Forums may also send observers to the Cornwall Forum.

14. Annual Report

14.1 An Annual Report prepared by the Forum on its discharge of functions shall be published by Cornwall Council.

Revised 23 July 2019

Next revision due at annual meeting 2020