

# **THE CUMBRIA & LAKES JOINT LOCAL ACCESS FORUM TERMS OF REFERENCE**

## **1.0 TITLE**

1.1 Cumbria and Lakes Joint Local Access Forum.

## **2.0 GEOGRAPHICAL COVERAGE**

2.1 The county of Cumbria excluding those parts within Yorkshire Dales National Park.

## **3.0 APPOINTING AUTHORITIES**

3.1 Cumbria County Council

3.2 Lake District National Park Authority

## **4.0 ROLE AND RESPONSIBILITIES**

4.1 In accordance with sections 17, 18, 27, 61, 94 and 95 of the Countryside and Rights of Way Act 2000

(<http://www.legislation.gov.uk/ukpga/2000/37/part/V/crossheading/local-access-forums>), The Local Access Forums (England) Regulations 2007

(<http://www.legislation.gov.uk/uksi/2007/268/contents/made>), and the Guidance on Local Access Forums in England issued by the Secretary of State (available on request to <http://webarchive.nationalarchives.gov.uk/20130123184420/http://archive.defra.gov.uk/rural/documents/countryside/crow/laf-guidance.pdf>).

4.2 Further guidance on the operation of Local Access Forums is available at <https://www.gov.uk/guidance/local-access-forums-participate-in-decisions-on-public-access> and at <https://www.gov.uk/guidance/local-access-forums-role-of-the-local-authority>.

## **5.0 MATTERS ON WHICH THE FORUM WILL ADVISE**

5.1 In accordance with Annex A of the Guidance on Local Access Forums in England issued by the Secretary of State.

## **6.0 MEMBERSHIP**

6.1 Members are appointed to the Forum by Cumbria County Council and The Lake District National Park Authority. They will be appointed for not less than one and not more than three years, and may be reappointed for one or more further terms.

6.2 The membership is:

a) 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.

6.3 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.

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

6.5 The membership will include:

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.

c) Two members will be appointed by Cumbria County Council and one member by the Lake District National Park Authority.

6.6 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' such as: tourism, health, business, trade unions, transport, nature conservation and heritage.

6.7 Members not necessarily experienced in the topics at 6.6, or aligned with any particular interest group may also be appointed.

6.8 The Forum should contain roughly equal numbers of members ascribed to each of the categories in 6.6 a, b or c. Members who genuinely have experience and credibility in relation to more than one category in 6.6 will be particularly useful.

### **7.0 THE ROLE OF THE CHAIR, VICE CHAIR, MEMBERS, SECRETARIAT AND OBSERVERS**

The following table identifies the roles of people associated with the Forum.

<b>Chair</b>	<b>Member</b>
<ul style="list-style-type: none"> <li>• Ensuring the Forum fulfils its purpose as defined by the Countryside and Rights of Way Act</li> <li>• Leading the establishment of the role and operation of the Forum</li> <li>• Agreeing business meeting agendas and papers</li> <li>• Chairing business and informal meetings of the Forum</li> <li>• Representing the Forum in meetings with the County Council, National Park Authority and others</li> <li>• Liaison with all Members of the Forum, counselling Member opinions on matters arising between Forum Meetings</li> <li>• Bespoke meetings with key stakeholders to promote understanding of the work of the Forum</li> <li>• When chairing a meeting the chair (or 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</li> <li>• The Chair and Vice-Chair should not feel constrained from contributing to the discussion by expressing their own views</li> <li>• The chair has delegated authority to conduct and manage necessary business between meetings, and will report all such business back to the next Forum meeting (see paras. 9.7 &amp; 9.8 below)</li> </ul>	<ul style="list-style-type: none"> <li>• Participation in formal and informal meetings of the Forum</li> <li>• Offering advice to the Forum both from their experience and the perspective of their appointment category.</li> <li>• Creating links between stakeholders and the Forum. (Including other Forums)</li> <li>• Promoting understanding of the vision, mission and work of the Forum</li> <li>• Proposing issues for future consideration by the Forum</li> <li>• Preparing proposal papers for consideration by the Forum</li> </ul>

<p><b>Vice-Chair</b></p> <ul style="list-style-type: none"> <li>• Deputise for the Chair</li> <li>• Advise and assist the Chair in ensuring that the Forum fulfils its purposes</li> <li>• Develop lead responsibilities for the development of the Forum’s work in areas agreed with the Chair and the Members of the Forum</li> </ul>
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Secretariat	Observers (Advisors)
<ul style="list-style-type: none"> <li>• Advising the Forum of its obligations under the Countryside and Rights of Way Act and relevant Regulations</li> <li>• Presenting issues which the National Park Authority and Cumbria County Council wishes the Forum to advise upon.</li> <li>• Production and circulation of Agendas, papers and minutes for the Forum and other appropriate papers</li> <li>• Advising on the provision of training and development services to the Forum</li> <li>• Bookings of meeting rooms, equipment and external speakers.</li> <li>• Payment of expenses.</li> </ul>	<ul style="list-style-type: none"> <li>• Technical and/or advisors, from statutory bodies such as the Appointing Authorities, Natural England<sup>1</sup>, Forestry Commission, English Heritage, and others.</li> <li>• Provision of bespoke technical and statutory advice.</li> </ul>

### **8.0 DECLARATION OF INTERESTS**

8.1 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.

8.2 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 Secretariat 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.

8.3 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.

### **9.0 MEETINGS**

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

9.2 Meetings will normally be in public and open to the press, and advance notice will be given.

9.3 Meeting agendas will be agreed between the chair, the vice-chair, and the Secretariat.

9.4 Agendas, papers, minutes, and draft minutes awaiting approval will be available to the public on application to the Secretariat.

9.5 Observers may be appointed to the Forum.

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

<sup>1</sup> ex. Countryside Agency; ex. Countryside Commission & Rural Development Commission

9.7 Sub-groups of the LAF may be created to deal with particular topics. The purpose of such groups shall be agreed at a meeting of the Forum. Deliberations at sub-group meetings need not be held in public, but will be reported-back fully to the next Forum meeting.

9.8 There will inevitably be business to conduct between meetings of the Forum and may be anticipated by a forward work programme. The Forum may develop position statements to assist in responding to requests for advice between Forum meetings.

### **10.0 AGENDAS**

10.1 Agendas will be agreed by the Chair and / or the Vice-Chair.

10.2 Forum Members are encouraged to submit proposals for agenda items.

10.3 CCC and LDNPA will submit items upon which it seeks and or is required to seek the Forum's advice.

10.4 The agenda and supportive papers will be circulated at least 10 days before the meeting date. At the same time, they will be made available for public inspection.

10.5 Late additions to the agenda and their supportive papers will be made available for public inspection from the time the agenda item is added.

10.6 Items of business will not be considered unless they are on the agenda and are in accordance with section 7, paragraph 4 of the Regulations, or, in accordance with paragraph 6(b), the Chairman agrees that an item should be considered as a matter of urgency. In such cases, the reason for considering it as a matter of urgency will be recorded in the minutes.

10.7 The agenda and supportive papers will be circulated by e-mail. In addition, Members may request to receive their papers by surface mail.

### **11.0 ABSENCE FROM BUSINESS MEETINGS**

11.1 Members are expected to offer apologies to the Secretariat when they are unable to attend business meetings.

11.2 Members appointed according to 6.2 will not send substitutes. Members representing the Lake District National Park Authority and Cumbria County Council (see 6.5 (c)) may send a substitute to a meeting provided that the substitute is fully informed about the matters to be discussed at the meeting. The substitute for the LDNPA will come from the Rights of Way Committee.

11.3 When unable to attend, Members are encouraged to send comments on the Agenda and papers to the Chairman or Vice Chairman who will present the comments to the Forum.

### **12.0 PUBLIC ACCESS TO, AND PARTICIPATION IN, MEETINGS**

12.1 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. Time available for public participation will be at the Chair's discretion.

*Details of the arrangements for participating in a meeting can be obtained from the Secretariat.*

12.2 Statements and questions addressed to a meeting may be submitted by e-mail or surface mail, and must be received by the LAF Secretariat at least five working days before the date of the meeting.

12.3 Subject to certain exceptions (see 9.7 & 9.8 above) 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 Chair's discretion.

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

12.5 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.

12.6 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 Secretariat.

### **13.0 PROTOCOL TO APPLY WHEN CONSULTATION RESPONSES AND ADVICE ARE SOUGHT BETWEEN FORUM MEETINGS.**

13.1 Forum members' attention is drawn especially to Section 4.8 of DEFRA document Guidance on Local Access Forums<sup>2</sup> in England and Wales.

13.2 If consultation / advice is sought within a time-scale that cannot be accommodated by scheduled meetings of the Forum, on receipt of a consultation document or request for advice:

13.2.1 The Chair decides if one of the four options detailed at para. 4.8.2 of DEFRA Guidance should apply.

13.2.2 If none of the 4.8.2 options apply the Chair will appoint a 'coordinator' of consultation / advice comments.

13.2.3 The LAF Secretariat will circulate papers for comment to all LAF members by e-mail, advising to whom e-mailed comments should be sent and by what date.

13.2.4 The 'coordinator' will prepare a draft consultation / advice response based on comments received from members - which may report conflicting advice and acknowledge relevant minority viewpoints (see paras. 3.4.3 - 3.4.5 of DEFRA Guidance).

13.2.5 The draft response will be sent by e-mail to all members for agreement or comment.

13.2.6 The Chair will decide if the advice is to be submitted.

13.2.7 All consultation / advice responses to be published on the LAF's web-site pages and included on the agenda of the next available public meeting for formal ratification.

13.3 When forum members express opinions in a personal capacity they should avoid giving the misleading impression that the views expressed represent the formal advice of the forum under section 94 of the CROW Act.

### **14.0 CONTACT WITH THE FORUM**

14.1 Contact with the Forum is via the Secretariat: [www.cumbrialaf.org.uk](http://www.cumbrialaf.org.uk); [secretary@cumbrialaf.org.uk](mailto:secretary@cumbrialaf.org.uk).

## **APPENDICES:**

### **Background to the Lake District National Park Local Access Forum**

- The Lake District National Park Authority developed proposals for the establishment of the Forum during 2001 through the 'Interim Local Access Forum,' which made recommendation on the size, composition and recruitment of the Forum. The National Park Authority appointed the Chairman and Members following public advertisement and a competitive selection process. This process was undertaken between November 2001 and March 2002.
- Regulations prescribing the appointment and operation of Local Access Forums came into force on 7 August 2002, superseded in March 2007 by the Local Access Forums (England) Regulations 2007, which revoked the principal earlier regulations relating to local access forums (the Local Access Forums (England) Regulations 2002 (SI 2002 No 1836)).
- On 25 September 2002 the Implementation Committee of the Lake District National Park Authority considered and agreed the steps it needs to take to enable the Forum to conform with the Regulations.
- The first formal meeting of the Forum occurred on 18 November 2002. At this point, it became the statutory Forum and elected its Chairman and Vice Chairman.
- The Forum adopted a vision for access:  
*The Lake District National Park is a place in which visitors and local people can share the exploration, enjoyment and understanding of the diversity of the Park's countryside and heritage. The provision of access will be clear to understand, be respectful of land ownership and management, meet users' particular needs and promote responsible and harmonious behaviour. It will make an increasing and positive contribution to the sustainability of the Lake District's environment, communities and economy.*

### **Background to Cumbria Local Access Forum**

- etc. etc. [Still to be drafted]

### **Cumbria and Lakes Joint Local Access Forum**

Prompted by the extension of both the Lake District and Yorkshire Dales national parks in Cumbria in August 2016, for the commencement of 2017 the Lake District LAF and the Cumbria LAF combined to become the Cumbria and Lakes Joint Local Access Forum.