

West Northamptonshire Local Access Forum – Terms of Reference

The Local Access Forum for the District of West Northamptonshire shall be known as The West Northamptonshire Local Access Forum (WNLAF).

Local Access Forums (LAFs) are advisory bodies established by local highway authorities under s94 and 95 Countryside and Rights of Way Act 2000 (the Act). West Northamptonshire Council is the Appointing Authority for the Forum (herein referred to as 'the Appointing Authority').

In 2007 Defra published the Local Access Forums (England) Regulations 2007 (the Regulations). These came into force on 19th March 2007 with additional Guidance from the Secretary of State. Operation of WNLAF will comply with these regulations and any associated guidance or amendments.

1. Purpose

- 1.1 The primary purpose of WNLAF is to provide advice to a range of organisations specified in the Act and in supplementary regulations and guidance. Specifically, the WNLAF is in place to: 'advise as to the improvement of public access to land in the area for the purposes of open air recreation and the enjoyment of the area, and as to such other matters as may be prescribed'.

2. Role

WNLAF shall:

- 2.1 Comment on the Appointing Authority's access strategies with a view to developing additional opportunities for everyone to enjoy the rights of way network, with particular emphasis on encouraging those who might feel excluded, for example people with disabilities.
- 2.2 Advise the Appointing Authority on the development of the Rights of Way Improvement Plan for the District.
- 2.3 Advise on the promotion of opportunities for the appropriate use and enjoyment of the countryside.
- 2.4 Advise upon the appropriate management and maintenance of access to land in the District to which the public have access for open-air recreation.
- 2.5 Respond to Natural England on the draft maps of open country and registered common land.
- 2.6 Respond to consultations by Government Departments and Agencies on Access land, registered common land and other open country.
- 2.7 WNLAF will set their priorities and forward plan for investigations depending on local issues on an annual basis but will endeavour to respond to consultations and draft

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policy documents. When making recommendations, WNLAF members will consider land use, as well as the need to conserve flora, fauna, geological and physical features.

- 2.8 WNLAF will provide advice to prescribed bodies under Section 94 of the Act:
- The Appointing Authority
 - The Secretary of State (meaning any Government Dept. with Secretary of State)
 - Natural England
 - Forestry Commission
 - English Heritage

Regulation 21 also permits advice to:

- Sport England (English Sports Council)
- Area of Outstanding Natural Beauty (AONB) Conservation Boards
- Parish and Town Councils

- 2.9 Advice to Bodies under Section 94 of the Act will be one or more of the following:
- Improvements to Public Access to land (by foot, cycle, horse or mechanically propelled vehicle that is lawful to the status of the land) for purpose of recreation and enjoyment Public Access to land for lawful purposes
 - Public Access to land by mechanically propelled vehicle for Byways open to Traffic

- 2.10 WNLAF advice to Bodies under Section 94 of the Act will be issued with the following preface: 'This Letter Constitutes formal advice from the West Northamptonshire Local Access Forum. (Insert name of section 94 body) is required in accordance with section 94 (5) of The Countryside and Rights of Way Act 2000, to have regard to the relevant advice from this forum in carrying out its functions.'

3. Responsibilities

- 3.1 In carrying out its function, the WNLAF will have regard to biodiversity, wildlife management, land management and the needs and interests of landowners, land managers, user groups and the public at large.
- 3.2 The WNLAF shall take into account statutory guidance issued by the Secretary of State whilst operating within the Act and regulations made thereafter.
- 3.3 The WNLAF shall respect local circumstances as well as environmental, social, economic and educational interests.

4. Membership of the Forum

- 4.1 The WNLAF shall consist of a minimum of 10 and maximum of 22 members.
- 4.2 The maximum number of members of the WNLAF who may also be members of the Appointing Authority is:-

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- a) In the case of the WNLAf consisting of not more than 16 members, two, and
 - b) In the case of the WNLAf consisting of no fewer than 17 members, three.
- 4.3 The Appointing Authority may appoint a new member or members to the WNLAf at any time, provided that the total number of members does not exceed 22 as a result of the appointment. If the number of members of WNLAf falls below ten at any time, the Appointing Authority must, as soon as reasonably practicable, appoint a new member or members so that the forum consists of at least ten members. Appointments shall be made in accordance with the Regulations.
- 4.4 Appointment to the WNLAf will be for a period of three years but members can be reappointed at the end of their term. Vacancies will be advertised to be filled as soon as possible once they arise. The WNLAf Chair will advise the Appointing Authority of membership vacancies and request recruitment.
- 4.5 A record of Members' appointment terms and interests will be recorded and kept up to date on the WNLAf Webpages.
- 4.6 Individual members will, through consultation, represent a field of interest rather than a particular organisation of which they might also be a member. A reasonable balance of members representing different interests will be maintained.
- 4.7 Members of WNLAf must not use their position to seek or gain an unfair advantage by pursuing their own interests or issues. Members are there to represent their wider group, i.e. Land management representatives must think beyond their own land holdings and seek to express the views of the land management community.
- 4.8 Members are expected to take active steps to stay in touch with the community they represent so that they can convey its views to the WNLAf.
- 4.9 WNLAf can request the Appointing Authority to terminate a member's appointment if they:
- Without consent fail to attend meetings for a year;
 - Fail to reflect wider community views;
 - Act against the interests of the WNLAf; or
 - Are rude or abusive to other WNLAf Members or Officers of the Appointing Authority.
- 4.10 Members of the Appointing Authority can be appointed to serve on the Forum, but these members must be clear if they are represent 'public agency' interests or 'community' interests in their responses.
- 5. Chair and Vice Chair**
- 5.1 The Chair and Vice Chair will be drawn from Forum members and be elected by whichever method the WNLAf decides appropriate. The Chair and Vice Chair will

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represent different categories of interest. Members of the Appointing Authority will not be eligible for either position.

- 5.2 The appointment to these posts will be renewed on an annual basis. In the event that either post becomes vacant during the period of appointment, the WNLAf may decide that both posts should be filled afresh. The total period during which a member may be Chair or Vice Chair will not exceed the period of their appointment as a member.
- 5.3 Where neither the Chair nor Vice Chair are able to attend a meeting, the WNLAf may elect a Chair on a casual basis (i.e. for the duration of that meeting only).
- 5.4 The Chair, in consultation with the WNLAf and the secretary will draft the agenda for WNLAf meetings.

6. Meetings of the Forum

- 6.1 Meetings are to be held at least twice every year. The WNLAf may meet more frequently but shall meet no more than four times every year.
- 6.2 Meetings shall be deemed to be quorate when not less than third of the current membership is present.
- 6.3 Members who have a personal interest, whether direct or indirect, in a matter to be discussed by the WNLAf should disclose that interest at the meeting. A personal interest is defined as one which might affect a member's wellbeing, financial position or business, or that of a relative or friend, to a greater extent than that of other council tax payers, rate payers or other inhabitants of the area. Personal interests will be recorded in the minutes but will not prohibit that member from taking part in the discussion of that item.
- 6.4 The agenda will be made available to the public no less than three working days prior to a meeting being held.
- 6.5 Copies of the agenda for each meeting, along with the papers and minutes will be made available for on the Appointing Authority's website for a period of two years after the meeting.
- 6.6 The timing of meetings and the venue should take account of the needs and preferences of WNLAf members and others who may attend the meetings. Where appropriate the WNLAf will vary the location and timing of meetings to enable a larger number and range of people to attend.
- 6.7 Matters can be put to the vote but this should be seen as a last resort.

7. Public Access to Meetings

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- 7.1 The meetings will be open to the public but people may be excluded if necessary to prevent disorderly conduct or misbehaviour.
- 7.2 Members of the public may submit questions to the WNLAf. The questions asked by members of the public must be on a subject pertinent to the Terms of Reference of WNLAf. The questions must be submitted to the secretariat at least one working day prior to the WNLAf meeting.
- 7.3 Members of the public who wish to speak on a particular subject may do so for a maximum of 3 minutes.
- 7.4 Observers cannot vote on or take part in the decision-making.
- 7.5 A representative of the Rights of Way section, West Northamptonshire Council, shall attend all meetings as an observer.

8. Secretary

- 8.1 The Appointing Authority will nominate an officer to act as the interface with the WNLAf and fulfil the responsibilities of a secretary.
- 8.2 The Secretary will, in conjunction with the Chair, be responsible for the overall administration of the WNLAf including organising the meetings, drafting the minutes, producing the draft annual report and liaising with neighbouring forums and the appointing authority.
- 8.3 Secretary Roles and Expectations
 - 8.3.1 Acting as the point of contact for anyone wishing to contact the WNLAf, and forwarding information on to the chairman and/or members as appropriate.
 - 8.3.2 Receiving, prioritising and processing consultations and requests for advice.
 - 8.3.3 Assisting the chairman and members in conducting meetings to comply with statutory requirements.
 - 8.3.4 Assisting with production of the forward work programme and annual report.
 - 8.3.5 Ascertaining the appropriate named individual or team to which WNLAf advice should be sent and sending that advice.
 - 8.3.6 The secretary will request feedback at the time of submitting advice to a body to which section 94(4) of the Act applies, and then follow up the request if necessary, so that the results can be reported to the WNLAf.

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- 8.3.7 Liaising with the Appointing Authority regarding financial management of the WNLAf and processing of members expenses.

9. Annual Report

- 9.1 The WNLAf shall prepare an annual report on its work which the Appointing Authority will make available online.

10. Expenses

- 10.1 Reasonable expenses associated with the normal work of the WNLAf may be reimbursed; but only in respect of:
- travel and subsistence costs; and
 - any expenses of arranging for the care of their children or dependants
- 10.2 Expenses will be paid at the rates payable to members of the Appointing Authority as set out in the Scheme of Allowances. Mileage claims will be managed by the Secretary.

11. Complaints

- 11.1 Although WNLAf is an independent advisory body, the Appointing Authority should ensure that WNLAf conducts its business within its statutory remit having regard to the Regulations and Statutory Guidance issued by Government.
- 11.2 Any complaints about the conduct of the WNLAf or a WNLAf member should be dealt with through the Appointing Authority's normal complaints procedures.