

Essex Local Access Forum Constitution

1. Name

The Forum shall be called The Essex Local Access Forum but shall be hereinafter referred to as the Forum. The Forum has been established by Essex County Council (the Appointing Authority) in accordance with the Countryside and Rights of Way Act 2000 and The Local Access Forums (England) Regulations 2007.

2. Status of the Forum

2.1 The Forum is a statutory advisory body and as such has no decision making powers.

2.2 The Forum is independent and does not form part of local government.

3. The Function of the Forum

3.1 The function of the Forum is to advise- the Appointing Authority, or- anybody exercising functions under Part 1 of the Countryside and Rights of Way Act 2000, or- any other body as may be prescribed as to the improvement of public access to land in that area for the purposes of open-air recreation and the enjoyment of the area, and as to such other matters as may be prescribed.

3.2 In carrying out its functions the Forum shall have regard to- the needs of land management, the desirability of conserving the natural beauty of the area for which it is established, including the flora, fauna and geological and physiographical features of the area, and guidance given from time to time by the Secretary of State.

4. Size of Membership

4.1 The Forum shall consist of no fewer than 10 and not more than 22 Members.

4.2 For the avoidance of doubt the Appointing Authority shall decide upon the precise number of members at any given time.

5. Terms of Membership

- 5.1** Members of the Forum shall be appointed by the Appointing Authority in accordance with the Countryside and Rights of Way Act 2000.
- 5.2** A Member of the Forum shall be appointed for not less than one and not more than three years.
- 5.3** Members of the Forum shall be persons who appear to the Appointing Authority to be representative of:-
- 5.3.1** Users of local rights of way or rights of the public in relation to access land.
 - 5.3.2** Owners and occupiers of access land or land over which local rights of way subsist, or
 - 5.3.3** Any other interests especially relevant to the authority's area.
- 5.4** Where the Forum consist of not more than 16 Members not more than two Members of the Forum may also be Members of a district or County Council or National Park authority for any part of the area of the Forum.
- 5.5** Where the Forum consists of no fewer than 17 Members not more than three Members of the Forum may also be Members of a district or County Council or National Park authority for any part of the area of the Forum.
- 5.6** A Member of the Forum may resign by notice in writing to the Appointing Authority.
- 5.7** There is no limit on the number of times a member may be reappointed to a forum subject to the requirement as to advertisement of the vacancy.

6. Termination of Membership of the Forum

- 6.1** The Appointing Authority shall terminate the appointment of a Member of the Forum if they are satisfied that he has become a Member of a district or county council or National Park authority and as a result paragraphs 5.4 and 5.5 of this Constitution have not been complied with.
- 6.2** The Appointing Authority may terminate the appointment of a Member of the Forum if:-

- 6.2.1 without the consent of the Appointing Authority he has been absent from all meetings of the Forum during a period of one year, or
- 6.2.2 he has failed to comply with paragraph 8.2 of this constitution

7. Appointment of Chairman and Vice-Chairman

- 7.1 The Forum shall have a Chairman and a Vice-Chairman who shall be appointed by election from amongst the Members of the Forum.
- 7.3 The period of appointment of the Chairman and Vice-Chairman shall be determined by the Forum, but in each case it may not exceed the period of appointment as a Member of the Forum.
- 7.4 The Forum should attempt to maintain a reasonable balance between the interests which are represented by the Chairman and Vice-Chairman as set out in paragraph 5.3 of this Constitution.
In order to achieve this the Forum shall take such steps with regard to the selection of candidates for election as Chairman and Vice-Chairman to ensure that so far as practicable the Chairman or Vice-Chairman each represent a different category of interest as set out in paragraphs 5.3.1 to 5.3.3. However, where each was appointed to the Forum on the basis of an interest under paragraph 5.3.3 the Forum should ensure that the Chairman and Vice Chairman do not in any way represent the same interest.

8. Meetings

- 8.1 The Forum shall hold no fewer than two meetings every year.
- 8.2 A Member who is directly or indirectly interested in any matter brought up for consideration at a meeting shall disclose the nature of his interest to the meeting.
- 8.3 For a meeting to be considered quorate at least 50% of the members plus one member must be present for any decision of the meeting to be binding.
- 8.4 Where a consensus view cannot be reached matters shall be determined by a show of hands by a majority of members present. Any Forum member may request a recorded vote. If the result of any vote is equal the Chairman shall have a (second) casting vote.
- 8.5 If any member dissents on a decision of the Forum they may request that their dissent is recorded in the minutes.
- 8.6 The Chairman shall control the conduct of meetings and the ruling of the Chairman on any point of order shall be final and shall not be questioned during the meeting. In ruling on such matters the Chairman shall have regard to any advice given by the Secretary.

9. Access to Meetings and Documents of the Forum

- 9.1** A meeting of the Forum shall be open to the public. A person who is not a forum member may be allowed to participate in discussions on specific agenda items at the discretion of the Chairman of the meeting.
- 9.2** 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 at the offices of the Appointing Authority namely County Hall, Chelmsford, Essex during normal opening hours and shall be made available on the website of the Forum.
- 9.3** Any document which is required by sub-paragraph 9.2 above to be open to inspection shall be so open at least three clear days before the meeting except that;
- 9.3.1** where a meeting is convened at shorter notice, the copies of the agenda and reports shall be open to inspection from the time the meeting is convened and;
- 9.3.2** 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 shall be open to inspection from the time the item is added to the agenda.
- 9.4** For the avoidance of doubt nothing in this paragraph requires copies of any agenda, document or report to be open to inspection by the public until copies are available to Members of the Forum.
- 9.5** An item of business may not be considered at a meeting of the Forum unless either,
- 9.5.1** Sub-paragraph 9.3 above has been complied with, or
- 9.5.2** By reason of special circumstances, which shall be specified in the minutes the Chairman is of the opinion that the item should be considered at the meeting as a matter of urgency.

- 9.6** The Forum shall prepare an annual report on the discharge of its functions which shall be published by the Appointing Authority and sent to Natural England.
- 9.7** Provided always that it is conducted in full accordance with the Act and the Regulations and the relevant requirements of this Constitution such as for a quorum, named members of the Forum shall form topic groups as designated and for specified purpose or for a specified time as agreed at a full Forum meeting.
- 9.8** Site visits can provide a useful way for forum members to consider and discuss access and recreational issues. A Forum meeting can take the form of a site visit provided that all the requirements for a Forum meeting can be satisfied. The guidance contained in section 9.7 also applies to site visits. Before a site visit the Forum secretary should obtain advice, as appropriate, from the appointing authority in respect of health and safety, and obtain permissions from land owners. Forum members attending a Forum meeting taking the form of a site visit are entitled to claim expenses as set out in paragraph 12.

10. Secretary to the Forum

- 10.1** The Secretary to the Forum shall be employed by the Appointing Authority and shall be responsible for the administration of the Forum.
- 10.2** For the avoidance of doubt the Secretary may not be a member of the Forum or an elected member of the Appointing Authority.

11. Alteration of the Constitution

- 11.1** No alteration or addition shall be made to this Constitution other than by the Appointing Authority as required.

12. Members Expenses

- 12.1** Forum members are volunteers. The Appointing Authority shall meet the reasonable expenses of the Forum and its Members.
- 12.2** For the avoidance of doubt reasonable expenses incurred by Members of the Forum shall be limited to expenses incurred by them in connection with their attendance at meetings of the Forum and any activities relating to the discharge of the function of the forum, but only in respect of
- 12.2.1** travel and subsistence costs, and
- 12.2.2** any expenses of arranging the care of their children or dependents that has been agreed in advance with the Appointing Authority.

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