

Agenda Item No. 6

DUDLEY BOROUGH LOCAL ACCESS FORUM

TERMS OF REFERENCE

1. Introduction

- 1.1. Section 94 of the Countryside and Rights of Way Act (2000) places a duty on local highway authorities to establish Local Access Forums.
- 1.2. The Local Access Forum for Dudley Borough shall operate in accordance with the Local Access Forums (England) Regulations (2002), which set out requirements for its establishment, operation and membership.

2. Function

- 2.1. To provide advice to Dudley Metropolitan Borough Council, the Countryside Agency and such other bodies as may be prescribed by the Secretary of State, as to the improvement of public access to land in Dudley Borough for the purpose of open-air recreation and the enjoyment of the area, and as to such other matters as may be prescribed.

3. Role

- 3.1. Provide advice to the Dudley MBC on the improvement of public access to land within Dudley Borough for the purpose of open-air recreation and enjoyment of the area.
- 3.2. Respond to the Countryside Agency on the draft maps showing open country and registered common land.
- 3.3. Contribute towards the development of Rights of Way Improvement Plans for Dudley Borough.
- 3.4. Comment on any proposed byelaws prepared by Dudley MBC affecting access land.
- 3.5. Comment on any proposals for the appointment of access wardens on land where new rights of access apply.
- 3.6. Contribute towards and comment on access and recreation strategies being developed by Dudley MBC.
- 3.7. Advise on the promotion of opportunities for the appropriate use and enjoyment of the countryside.
- 3.8. Advise upon the appropriate management and maintenance of public access to land in Dudley Borough for the purpose of open-air recreation.

- 3.9. Liaise with neighbouring Local Access Forums on matters of shared interest, and with other groups or agencies with an interest in Dudley Borough's countryside.
- 3.10. Comment on directions proposed to be given by relevant authorities (including the Countryside Agency and Forestry Commission) which would restrict or exclude long-term access from access land, and the review of such directions.
- 3.11. The Forum may establish appropriate sub-committees in order to deal with any of the above.

4. Responsibilities

- 4.1. To have regard to:
- a) The needs of land management;
 - b) The desirability of conserving the natural beauty of Dudley Borough, including the flora, fauna and geological and physiographical features of the area; and
 - c) Guidance given from time to time by the Secretary of State.

5. Membership

- 5.1. The Forum shall consist of between 10 and 22 members. For a Forum consisting of not more than 16 members, not more than two may also be Elected Members of Dudley MBC, and for a Forum consisting of no fewer than 17 members, not more than three may also be Elected Members of Dudley MBC.
- 5.2. The membership of the Forum shall be appointed so that they shall represent local people within the following groups:
- a) Users of local rights of way or the right conferred through the CROW Act in relation to access land.
 - b) Owners and occupiers of access land or land over which local rights or way exist; and
 - c) Other interests especially relevant to Dudley Borough.

A reasonable balance must be ensured between members appointed under a) and b) above.

- 5.3. Dudley MBC (Director of the Urban Environment) shall appoint members to the Forum.
- 5.4. Preference will be given to applicants who live within Dudley Borough.
- 5.5. Preference will be given to applicants who are not members of other Local Access Forums.
- 5.6. Members must act in a non-partisan manner, representing fields of interest rather than particular organisations of which they might also be a member
- 5.7. Members will be appointed for a period of three years. In the event of a post becoming vacant during that period, it will be re-advertised and a new member appointed for the remainder of the original period of appointment.
- 5.8. A member may resign by notice in writing to Dudley MBC (Strategic Director Place).
- 5.9. Dudley MBC shall terminate the appointment of a member if it is satisfied that s/he has become an Elected Member of Dudley MBC.
- 5.10. Dudley MBC may terminate the appointment of a member if:
 - a) without the consent of Dudley MBC, s/he has been absent from all meetings of the Forum during a period of one year.
 - b) s/he has failed disclose a direct or indirect interest in a matter brought up for consideration at a meeting.

6. Chair and Vice Chair

- 6.1. At its first meeting, the Forum shall appoint a Chair and Vice-Chair by election. The period of appointment to these posts will be decided by the Forum, but cannot exceed their term of appointment to the Forum.
- 6.2. With a view to maintaining a reasonable balance, the Chair and Vice-Chair shall have been appointed to the Forum on the basis of being representative of different interests.
- 6.3. In the event of either position becoming vacant during the period of appointment, the Forum may decide to fill the position afresh.

7. Meetings of the Forum

- 7.1. The Forum must hold at least two meetings each year (at six-monthly intervals), with any additional meetings arranged by agreement of the Forum.
- 7.2. A meeting shall be deemed to be quorate when three members are present.
- 7.3. Members who have a direct or indirect interest in any matter brought up for consideration at a meeting of the Forum shall disclose the nature of that interest at the meeting. Such an interest will be recorded in the minutes, but will not necessarily prohibit that member from taking part in the discussion of that item.
- 7.4. In the event of a tie in any vote to determine a decision of the Forum, the Chair (or, in his/her absence, the Vice Chair) shall have a casting vote.

8. Public Access to Meetings

- 8.1. Meetings shall be open to members of the public, but not without prejudice to any power of exclusion to prevent/suppress disorderly conduct or misbehaviour.
- 8.2. A period of time may be made available for representations from members of the public at each meeting. This will be a matter for the Forum to decide.
- 8.3. Observers may (at the discretion of the Chair) attend and take part in any discussion, but cannot vote on or take part in any decision-making.
- 8.4. Copies of agenda, reports and background papers shall be open to inspection by members of the public at certain Dudley MBC offices and on Dudley MBC's website at least five clear days before the meeting. If the meeting is called sooner or any items are subsequently added to the agenda, these shall be open to inspection by members of the public from the time the meeting is convened or such items are added. In any event, copies must be made available to members of the Forum first. The Forum must not consider an item unless the above has been complied with, unless the Chair believes that it should be considered as a matter of urgency – the reason being recorded in the minutes.
- 8.5. After a meeting of the Forum, copies of the minutes, agenda, reports and background papers shall be open to inspection by members of the public at Dudley MBC offices for two years from the date of the meeting.

8.6. A document that is to be open for inspection before or after a meeting, shall be open at all reasonable hours.

8.7. A person inspecting an open document may have copies or extracts of the document upon payment to Dudley MBC of a reasonable fee to cover expenses incurred, so long as such an act does not infringe copyright.

9. Secretary

9.1. Dudley MBC shall appoint a secretary, who shall be responsible for the administration of the Forum but may not be a member of the Forum or an Elected Member of Dudley MBC.

9.2. The Secretary will be responsible for the overall administration of the Forum; including organising the meetings, drafting the minutes, producing the draft annual report and liaising with neighbouring Forums and Dudley MBC.

10. Finance

10.1. Dudley MBC shall meet reasonable expenses incurred by the Forum or its members, the latter being in connection with their attendance at meetings and any other relevant activities and covering travel and subsistence costs and any expenses of arranging care for their children/dependants.

10.2. Dudley MBC shall support and fund appropriate training or development programmes for members as identified by the Forum.

11. Annual Report

11.1. The Forum shall prepare an annual report on its functions, which shall be published by Dudley MBC.

12. Amendments to the Terms of Reference

12.1. The Forum may alter or amend the Terms of Reference if required, provided that they shall at all times comply with the Local Access Forums (England) Regulations (2007) or any subsequent Regulations.