

CABINET

15th September 2020

RUTLAND COUNTRYSIDE ACCESS FORUM

Report of the Director for Places

Strategic Aim:	Vibrant Communities	
Key Decision: Yes	Forward Plan Reference: FP/140820	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mrs L Stephenson, Portfolio Holder for Culture & Leisure, Highways & Transportation	
Contact Officer(s):	Penny Sharp, Deputy Director of Places	psharp@rutland.gov.uk
	Moaz Khan, Head of Highways and Transport	mkhan@rutland.gov.uk
Ward Councillors	All wards	

DECISION RECOMMENDATIONS

That Cabinet:

1. Approves the Changes to the Terms of Reference and area of the Local Access Forum (LAF) for Rutland, to be known as the Rutland Countryside Access Forum (RCAF), in accordance with the requirements of section 94 of the Countryside and Rights of Way Act 2000
2. Approves the area for the Local Access Forum being the Administrative Area of Rutland County Council.

1 PURPOSE OF THE REPORT

- 1.1 To approve changes to the terms of reference and area of the Local Access Forum (LAF) for Rutland following the departure of Lincolnshire from the previous joint forum arrangements

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 The Local Access Forums (England) Regulations 2002 (revoked in 2007) required that all local highway authorities establish local access forums for their areas by the 8th August 2003.
- 2.2 After discussions with surrounding authorities Rutland decided to partner with

Lincolnshire County Council and establish a joint forum (under regulation 12) with South Lincolnshire, known as the South Lincolnshire and Rutland Local Access Forum (SLRLAF). Lincolnshire had made the decision to establish three separate forums, believing that this could help minimise the amount of travelling undertaken by members in attending meetings.

- 2.3 It was agreed between the appointing authorities that Rutland would contribute 25% of the costs of the running the forum and would be entitled to appoint at least the same proportion of the membership from within the County.
- 2.4 The arrangements with Lincolnshire continued until July 2019 when Lincolnshire gave notice that it was leaving the SLRLAF and extending the geographical area covered by the Mid-Lincolnshire Access Forum to include South Lincolnshire.
- 2.5 In attempting to reduce operating costs across the authority Lincolnshire felt that that they could no longer justify the cost of operating three separate forums.
- 2.6 However, the final decision to terminate the joint forum arrangements was voted for, and approved, by the members of the South Lincolnshire and Rutland local access forum.
- 2.7 As Lincolnshire left the forum it is now necessary to amend and update both the terms of reference and the area that is covered by the forum. It is also necessary to consider the way in which the forum will work.
- 2.8 The suggested revised Terms of Reference are set out in Appendix A with the Terms of Reference for the Forum as presently constituted at Appendix B. It should be noted that the Council is only able to appoint 2 Councillors where the forum size is below 16 and 3 where it is 17 or above. The proposals as set out in Appendix A provide that the Council can nominate 1 representative.
- 2.9 Regulations require that the Forum elect a Chair and Vice Chair from among their number annually and recommend that Councillors from the Local Authority avoid putting themselves forward for this role. Consequently, the Terms of Reference include provision for an Independent Chair.
- 2.10 Previously, administration of this Forum has rested with Lincolnshire County Council and their Governance Team. This will now be dealt with by the Governance Team at Rutland.

3 FINANCIAL IMPLICATIONS

- 3.1 Regulation 12 of the Local Access Forums (England) Regulations 2007 requires that the appointing authority shall meet any reasonable expenses incurred by any local access forum within their area or by the members of that forum.
- 3.2 Reasonable expenses are defined as such expenses as may be incurred by members in connection with their attendance at meetings and any other activities relating to the discharge of the functions of the forum, but only in respect of a) travel and subsistence costs, and b) child care arrangements.

4 LEGAL AND GOVERNANCE CONSIDERATIONS

- 4.1 The Council, in its role as appointing authority, has a duty under section 94 of the

Countryside and Rights of Way Act 2000 to establish an advisory body, known as a local access forum, for its area.

4.2 Regulations relating to forum membership, conduct of meetings and the keeping of records (minute of the forums meetings) are set out in The Local Access Forums (England) Regulations 2007.

4.3 Forum member are also legally obliged to have regard to the statutory guidance (Guidance on Local Access Forums in England Issued by the Secretary of State) in carrying out their functions.

5 DATA PROTECTION IMPLICATIONS

5.1 A Data Protection Impact Assessments (DPIA) has not been completed because the scale and the nature of personal data (members contact details) collected, and the risk associated with the data, doesn't warrant an assessment.

6 EQUALITY IMPACT ASSESSMENT

6.1 An Equality Impact Assessment screening has not been undertaken but it should be noted that statutory guidance makes it clear that forums have an important role to play in advising on the management of the public rights of way network, including issues such as accessibility by different types of user and by people with impaired mobility.

7 COMMUNITY SAFETY IMPLICATIONS

7.1 None

8 HEALTH AND WELLBEING IMPLICATIONS

8.1 Research has established that recreation and access to the natural environment is a central and cost effective part of public health; the role that the forum can play in promoting access to the countryside should recognised for its contribution to health and wellbeing therefore.

9 SUMMARY OF REASONS FOR THE RECOMMENDATIONS

9.1 Local access forums support the delivery, and advocate for the improvement of countryside access. Establishing a forum is a statutory requirement.

10 APPENDICES

Appendix A – Draft terms for reference for the Rutland Countryside Access Forum

Appendix B – Terms of Reference for the South Lincolnshire and Rutland Access Forum

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.

Rutland Countryside Access Forum

Terms of Reference

Role and Responsibilities

1. Section 94 of the Countryside And Rights of Way (CROW) Act 2000 places a statutory duty on highway authorities to establish advisory bodies to be known as Local Access Forums. The primary purpose of the Rutland Countryside Access Forum is to provide advice to the authorities and to Natural England on how to make the countryside more accessible and enjoyable for open-air recreation, in ways which address social, economic and environmental interests. The Forum will encourage and assist access provision, giving advice on issues of particular local relevance.
2. The Rutland Countryside Access Forum will give advice on three main topics:
 - a) Development of recreation and access strategies which cater for a wide range of people;
 - b) Improving the rights of way network; and
 - c) Implementation, management and review of the statutory right of access to the countryside.
3. Those bodies obliged to have regard to advice received from the Forum should give serious consideration to excluding Forum members from paid work initiated by those bodies, where such work could be directly and specifically attributed to the advice received from the Forum.
4. The Rutland Countryside Access Forum will work to:
 - a) Develop a constructive and inclusive approach to the improvement of recreational access to the countryside;
 - b) Respect local circumstances and different interests while operating within national guidance;
 - c) Provide advice on issues of principle and good practice which is consistent with national guidance;
 - d) Engage in constructive debate and seek consensus wherever possible; and
 - e) Where consensus is not possible, make clear the nature of differing views, and suggest how they might be resolved.

In carrying out these 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;
- Guidance given from time to time by the Secretary of State; and
- Proper liaison with neighbouring authorities

Membership

5. The membership will:
 - a) Be balanced to avoid dominance by any single interest group or coalition of like interested; and
 - b) Include a cross-section of local interests in the countryside.
6. The membership will include:
 - a) An independent Chair;
 - b) An optimum number of twelve with a maximum of fourteen members, and;
 - c) One representative from Rutland County Council.
7. Members in total must bring a wide range of experience, including:
 - a) Recreational use, for example, walking, riding and cycling;
 - b) Land management, for example, tenants, landowners and occupiers, and others with an interest in the land; and
 - c) Nature conservation, heritage, tourism, health, business, disability and transport.
8. The Chair and Vice Chair will be elected on an annual basis.
9. Each Forum should contain roughly equal number of members ascribed to each of the categories in 7a and 7b. Members who genuinely have experience and credibility in relation to more than one category in 7 will be particularly useful.
10. Members will be appointed by the authority according to selection criteria which assess if candidates have sufficient experience of access to the countryside in the local area to be able to make an informed and constructive contribution to improving access provision.
11. Members will be appointed for a period not less than 1 year and not more than 3 years.
12. Advertisement for new members would be done through local networks, Parish Council Forum, and the local press.
13. Before appointment, members will be asked to confirm:
 - a) Their support of the positive purpose of Local Forums;
 - b) Commitment to working within the terms of reference and achieving the aims of the Local 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.

14. Any member of the Forum who has a personal interest, whether direct or indirect, in a matter to be discussed by the Forum, to disclose the nature of that interest at the meeting.
15. A member of the Forum may resign at any time by giving written notice to the authority that appointed him or her.

Attendance

16. Members are expected to be able to devote the necessary time to attend meetings. Where a member misses all meetings in a year, the Forum shall review his/her position.

Subject to a review and it being agreed by the Forum that a member be replaced, the replacement member should ideally be from the same interest group and the appointment shall be subject to the usual selection procedure (organised by the appointing authority)

17. The quorum for the Forum meeting is 5. Where the Chair feels that the meeting is unbalanced because of low attendance the Chair has the discretion to postpone the meeting.

Administration

18. Meetings will be held at least twice a year, and more frequently when necessary. One of these meetings will be the Annual General Meeting at which the Chair and Vice Chair shall be selected.
19. The appointing authority will provide access to meeting rooms, provide a secretary and reimburse reasonable child care and travelling costs.
20. Meeting agendas will be agreed between the Chair, the Officers of the appointing authority and the secretary to the Forum.
21. Members of the Forum will be entitled to submit agenda items to the Secretary 14 days prior to the meeting.
22. Meetings will be advertised in advance and held in public.
23. Agendas, papers and minutes of meetings will be available to the public.
24. The Chair will invite observers to the meeting when appropriate.
25. Observers will be able to contribute to the proceedings at the discretion of the Chair.

26. The public will be able to ask questions on the business of the meetings at the discretion of the Chair, subject to a time limit of 3 minutes per person.

27. The appointing authority will have the right to review the membership of the Local Forum on an annual basis, if necessary.

Reporting Lines

28. The Secretary shall prepare regular progress reports of the Forum's business to the appointing authority.

South Lincolnshire and Rutland Local (Countryside) Access Forum

Terms of Reference

Role and Responsibilities

- 1) Section 94 of the Countryside and Rights of Way Act 2000 places a statutory duty on highway authorities to establish advisory bodies to be known as Local Access Forums. The primary purpose of the South Lincolnshire and Rutland Local Access Forum is to provide advice to the authorities and to the Countryside Agency on how to make the countryside more accessible and enjoyable for open-air recreation, in ways which address social, economic and environmental interests. The Forum will encourage and assist access provision, giving advice on issues of particular local relevance.

- 2) The South Lincolnshire and Rutland Local Access Forum will give advice on three main topics:
 - a) development of recreation and access strategies which cater for a wide range of people;
 - b) improving the rights of way network; and
 - c) implementation, management and review of the statutory right of access to the countryside.

- 3) Those bodies obliged to have regard to advice received from the Forum should give serious consideration to excluding Forum members from paid work initiated by those bodies, where such work could be directly and specifically attributed to the advice received from the Forum.

- 4) The South Lincolnshire and Rutland Local Access Forum will work to:
 - a) develop a constructive and inclusive approach to the improvement of recreational access to the countryside;
 - b) respect local circumstances and different interests while operating within national guidance;
 - c) provide advice on issues of principle and good practice which is consistent with national guidance;
 - d) engage in constructive debate and seek consensus wherever possible;and
 - e) where consensus is not possible, make clear the nature of differing views, and suggest how they might be resolved. In carrying out these 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;

guidance given from time to time by the Secretary of State; and proper liaison with neighbouring authorities.

Membership

5) The membership will:

- a) be balanced to avoid dominance by any single interest group or coalition of like interests; and
- b) include a cross-section of local interests in the countryside.

6) The membership will include:

- a) an independent Chairman, and;
- b) an optimum number of 16-18 with a maximum of 20 members.

7) Members in total must bring a wide range of experience, including:

- a) recreational use, for example, walking, riding and cycling;
- b) land management, for example, tenants, landowners and occupiers, and others with an interest in the land; and
- c) nature conservation, heritage, tourism, health, business, disability and transport.

8) The Chairman and Vice-Chairman will be elected on an annual basis

9) Each Forum should contain roughly equal number of members ascribed to each of the categories in 7a and 7b. Members who genuinely have experience in credibility in relation to more than one category in 7 will be particularly useful.

10) Members will be appointed by the authority according to selection criteria which assess if candidates have sufficient experience of access to the countryside in the local area to be able to make an informed and constructive contribution to improving access provision.

11) Members will be appointed for a period not less than 1 year, and not more than 3 years but can be considered for re-appointment.

12) Before appointment, members will be asked to confirm:

- a) their support of the positive purpose of Local Forums;
- b) commitment to working within the terms of reference and achieving the aims of the Local 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.

13) Any member of the Local Access Forum who has a personal interest, whether direct or indirect, in a matter to be discussed by the Forum, shall disclose the nature of that interest at the meeting.

A member of the Local Access Forum may resign from the Forum at any time by giving written notice to the authority that appointed him or her.

Attendance

14) Members are expected to be able to devote the necessary time to attend meetings. Where a member misses all meetings in a year, the Forum shall review his/her position.

15) Subject to a review and it is agreed by the Forum that a member be replaced, the replacement member should ideally be from the same interest group and the appointment shall be subject to the usual selection procedure (organised by the lead authority).

16) The quorum for the Forum meeting is 6. Where the Chairman feels that the meeting is unbalanced because of low attendance the Chairman has the discretion to postpone the meeting.

Administration

17) Meetings will be held at least twice a year, and more frequently when necessary. One of these meetings will be the Annual General Meeting at which the Chairman and Vice-Chairman shall be selected.

18) The lead authority will provide access to meeting rooms, provide a secretary and reimburse reasonable child care and travelling costs.

19) Meeting agenda will be agreed between the Chairman, the Officers of the Access Authorities and the Secretary to the Forum.

20) Members of the Forum will be entitled to submit agenda items to the

21) Secretary 14 days prior to the meeting. 21 Meetings will be advertised in advance and held in public.

22) Agenda, papers and minutes of meetings will be available to the public.

23) The Chairman will invite observers to the meeting when appropriate.

24) Observers will be able to contribute to the proceedings at the discretion of the Chairman.

25) The public will be able to ask questions on the business of the meetings at the discretion of the Chairman.

26) The lead authority will have the right to review the membership of the Local Forum on an annual basis, if necessary.

Reporting Lines

27) Both sponsoring authorities will be informed on a regular basis of the Forum's progress. Representatives from each authority will be invited to attend every meeting of the Forum.