

# **DERBY AND DERBYSHIRE LOCAL ACCESS FORUM**

## **CONSTITUTION**

### **1. Title**

- 1.1 The Forum shall be known as the Derby and Derbyshire Local Access Forum (DADLAF).**

### **2. Forum Area**

- 2.1 The area covered is the whole of the area within Derby City's boundaries together with part of the County of Derbyshire as shown on the plan at Annex A.**

### **3. Role and Responsibilities**

- 3.1 The DADLAF will be a statutory advisory forum established jointly by Derby City Council and Derbyshire County Council ("the Councils") as highway authorities under the Countryside and Rights of Way Act 2000.**

- 3.2 The purpose of the DADLAF is to provide advice and guidance to Natural England and to the Councils on securing improved access to the countryside for open-air recreation and enjoyment in ways which address social, economic and environmental interests. In order to fulfil this role its responsibilities will include:**

- responding to consultations from Natural England on draft maps of open country and registered common land in the DADLAF area**
- responding to consultations from the Councils on the making of bye-laws affecting access land in the DADLAF area**
- responding to consultations from the Councils on the development and implementation of Rights of Way Improvement Plans for the DADLAF area**
- responding to consultations from the Councils on the appointment of access wardens on land where the new right of access applies in the DADLAF area**
- responding to consultations from the Councils on proposals to restrict or exclude long-term access from access land within the DADLAF area**

- 3.3 In providing advice and guidance the DADLAF will have regard to the needs of land management and the desirability of conserving the natural beauty of the DADLAF area and will respect local circumstances and environmental, social, economic and educational interests. It will demonstrate a commitment and an inclusive approach to the improvement of recreational**

access to the countryside in the DADLAF area and will engage in constructive debate and seek consensus from its members wherever possible.

3.4 The DADLAF will have regard to guidance given by the Secretary of State.

4. **Membership**

4.1 The DADLAF shall consist of up to 22 members of which 2 shall be elected members of the Councils (1 from each Council).

4.2 The remaining members shall be selected to achieve a reasonable balance between the interests set out below from persons who appear to the Councils to be representative of :-

(a) users of the new right of access introduced by Part I of the Countryside and Rights of Way Act 2000 (principally walkers) and users of local rights of way (for example, walkers, horse riders, cyclists and carriage drivers).

(b) owners and occupiers of access land or land crossed by local rights of way; or

(c) any other interests especially relevant to the Councils` areas (for example, tourism, sport, nature conservation, education, heritage, health, transport operators and local business interests).

4.3 Appointments to the DADLAF shall be for terms of 3 years.

4.4 A member may resign his/her seat by the giving of notice in writing to the Councils which notice shall be served on the Secretary to the DADLAF.

4.5 The Councils shall terminate the appointment of a member of the DADLAF if they are satisfied that she/he has become an elected member of one of the Councils and that as a result the number of elected members in the DADLAF exceeds 2.

4.6 The Councils may terminate the appointment of a member of the DADLAF if:

(a) without the consent of the Councils she/he has been absent from all meetings of the DADLAF during any twelve month period, or

(b) she/he has failed to comply with Clause 4.9 below.

4.7 The Councils shall in making any appointment to the DADLAF ensure that a reasonable balance is maintained between the number of members representing each of the categories of interest specified at paragraph 4.2.

**4.8 The Councils shall advertise any seat, which has become or is shortly to become vacant and will consider applications by existing or retiring members.**

**4.9 A member who has a personal interest, whether direct or indirect, in a matter to be discussed by the Forum should disclose that interest at the meeting. A personal interest is defined as one which might affect a member's well being, financial position or business or that of a relative or friend, to a greater extent than that of other council tax payers, ratepayers or other inhabitants of the area. The member concerned may still participate in the discussion and would not be precluded from voting.**

**4.10 Before appointment members shall confirm that they will:**

- **seek to implement the provisions of the Countryside and Rights of Way Act 2000**
- **seek to achieve consensus in formulating advice from the DADLAF**
- **represent themselves rather than any organisation and**
- **attend DADLAF meetings**

## **5. Chairman and Vice-Chairman**

**5.1 The chairman and vice-chairman of the DADLAF shall be elected annually by DADLAF members and shall be eligible to stand for re-election.**

**5.2 The chairman shall chair the meetings of the DADLAF and shall agree the agenda of the meetings with the secretary. The vice-chairman shall deputise for the chair in respect of these responsibilities in the absence of the chairman.**

**5.3 The method of appointment of the chairman and vice-chairman of the DADLAF shall be as follows:-**

- **Voting shall be by secret ballot unless there is only one nomination for the Chair/Vice Chair. In these circumstances, voting shall be by way of a show of hands.**
- **Election for the post of chairman shall take place first, with all members of the DADLAF (including those standing for the position concerned) being entitled to vote. A member may vote for him/herself.**
- **The secretary will announce the result of the election of the post of chairman.**
- **When a secret ballot has been held the Secretary will announce the result of the ballot and will indicate which candidate has received the most votes. However, the Secretary will not make an announcement on the number of votes made for each candidate.**

- In the event of a tie on the first round of voting for the post of chairman, one of the candidates may withdraw. Where no candidate withdraws a second round of voting will be held in which the only candidates standing will be those whose scores were tied. Again, all members may vote including those standing. In the event of a tie on the second round of voting, where neither candidate withdraws, lots will be drawn.
  - Election for the post of vice-chairman will then take place and the only candidates eligible to stand for the position would be those drawn from a different category or type of interest (set out in paragraphs 4.2 and 5.4) to that of the newly elected chairman.
  - The secretary will announce the result of the election to the post of vice-chairman.
  - In the event of a tie on the first round of voting for the post of vice-chairman, a second round will be held in the same manner as that of the chairman's election, with the same provisions applying for withdrawal and the drawing of lots.
- 5.4 The DADLAF shall seek to elect the chairman and vice-chairman from different categories of interest as set out in paragraph 4.2 with a view to maintaining a reasonable balance between the interests represented within the DADLAF. Such election will seek to ensure that the chairman and vice chairman are drawn either from different categories of interest as between (a) (b) and (c) in paragraph 4.2 or, where they are both drawn from (c), that they are representative of different types of interest within that category.
- 5.5 Elected members of the Councils will not be eligible for appointment to either position but shall be entitled to vote in elections.
- 5.6 In the event that the post of chairman falls vacant the DADLAF shall re-elect a chairman and a vice-chairman. In the event that the post of vice chairman falls vacant the DADLAF shall re-elect a vice-chairman only.
- 5.7 The current holders of the positions of chairman and vice chairman shall determine their preferred style of address which shall continue during their respective terms of office.
6. **Meetings of the DADLAF**
- 6.1 The Councils shall provide a secretary responsible for the administration of the DADLAF who shall be neither an elected member of either of the Councils nor a member of the DADLAF.
- 6.2 The secretary's responsibilities will include:-

- Organising and advertising meetings
  - Preparing and circulating the agenda, and commissioning and distributing papers in advance of meetings
  - Preparing an outline work programme for the DADLAF
  - Assisting the chairman in conducting the meetings so as to comply with statutory requirements and guidance
  - Writing the draft minutes of meetings
  - Publicising the proceedings of meetings and related papers
  - Producing draft annual reports on the work of the DADLAF
  - Liaising between the DADLAF and the Councils, including any responsibilities agreed with the Councils for the management of the financial expenditure of the DADLAF
  - Facilitating liaison between the DADLAF and neighbouring forums
  - Communicating the DADLAF's advice to the Councils and other bodies to which the DADLAF may give advice, and reporting back to the DADLAF any response from, or action taken by, the recipient.
- 6.3 The DADLAF shall normally meet not less than twice per year but additional meetings may be arranged by agreement between the chairman and the secretary as necessary.
- 6.4 The venue and timing of meetings shall be determined by members of the DADLAF by agreement with the secretary.
- 6.5 Meeting agendas shall be agreed between the Chairman and the Secretary
- 6.6 The number of members required for a meeting of the DADLAF to be deemed quorate shall be the number which is equivalent to sixty per cent of the total number of members appointed at that time and decisions shall be carried by a simple majority of those voting.
- 6.7 Details of meetings shall be available for inspection at the offices of both the Councils and shall be put on the Councils' respective websites.
- 6.8 Agendas, reports and minutes of the meetings shall be available for inspection at the offices of both of the Councils and shall be put on the Councils' respective websites.
- 6.9 Meetings will be open to the public but the chairman may at his/her discretion where he/she deems it necessary to suppress or prevent disorderly conduct or other misbehaviour exclude any person from the meeting.
- 6.10 The chairman shall, when appropriate, invite observers to the meeting who shall be able to speak at the meeting at the discretion of the forum.
- 6.11 The public shall be able to ask questions on the business of the meeting only at the discretion of the forum.

**6.12 The agenda, reports and minutes for each meeting shall be available for inspection at the offices of both Councils for two years after such meeting.**

**7 Allowances**

**7.1 Members may claim travel and subsistence allowances for attendance at meetings at rates in line with those for Derbyshire County Council members and may claim any expenses of arranging for the care of their children or dependants during such meetings.**

**8. Equal Opportunities Considerations**

**8.1 In discharging their responsibilities under this Constitution members shall seek to ensure that the enhanced access opportunities to be afforded to the public pursuant to the Countryside and Rights of Way Act 2000 are available to all sections of society.**

**9 Annual Review**

**9.1 The DADLAF shall review the operation of this Constitution annually and shall make any changes which appear necessary.**

**9.2 All changes to the Constitution shall be carried by a vote of not less than 75% of the total number of members of the forum then appointed**

**Constitution Amended on 29 September 2006 – Minute 22/06**