

Broads Local Access Forum

04 December 2019

Agenda item number 6

Consultation on BLAF Constitution

Report by Director of Strategic Services

Summary

A consultation on the Broads Local Access Forum (BLAF) Constitution is required before it can be amended.

Recommendation

To approve the proposed period for the consultation.

1. Introduction

- 1.1. At the September 2019 BLAF meeting, BLAF agreed that the Forum's constitution needed to be refreshed to include up-to-date information.

2. About BLAF Constitution

- 2.1. The Constitution explains the aims and responsibilities of the Forum. It is publicly available on the [Broads Local Access Forum webpage](#). The Constitution was last reviewed in November 2009 and some elements are out-of-date.
- 2.2. Section 7 states: "Any amendments to the Terms of Reference, Principles and Membership of the Forum, to reflect changing circumstances or legislation, must be agreed by the Broads Authority following consultation with the Forum."

3. Consultation

- 3.1. We propose to consult on the BLAF Constitution for a period of 8 weeks, likely to be from 11 December 2019 to 5 February 2020. An email will be sent to all BLAF Members and relevant Broads Authority officers on the first day of the consultation.
- 3.2. All representations should be in writing and sent to blaf@broads-authority.gov.uk before the last day of the consultation.

4. Next steps

- 4.1. We will log all representations on the Constitution. Any proposed changes to the Constitution will also be recorded. It is intended that the representations, together

with the proposed amended Constitution, will be presented at a future BLAF meeting for endorsement, and subsequently to the Broads Authority for adoption.

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Date of report: 15 November 2019

Appendix 1 – [BLAF Constitution](#)

Appendix 1 – BLAF Constitution



Broads Authority

Broads Local Access Forum

Constitution

This Constitution brings together the requirements of the Local Access Forums (England) Regulations 2002 and decisions made by the Broads Authority under these regulations.

1 Purpose of the Forum

- 1.1 Local Access Forums (LAFs) are statutory advisors to the appointing authorities (local highway authorities, national park authorities and the Broads Authority) on the improvement of public access to land within their area for open-air recreation and the enjoyment of the area (not just relating to rights of way issues).
- 1.2 A LAF is expected to advise on strategic and planning issues (e.g. local and structure plans) but not on individual cases.
- 1.3 In the first instance, the LAF will consider draft maps of open countryside, access land and registered common land due to be published by the Countryside Agency for the east of England in September 2003. It will also advise on issues to be considered in a rights of way improvement plan to be established by the highways authorities (Norfolk County Council and Suffolk County Council) by 2005.

2 Terms of Reference

- 2.1 The Broads Local Access Forum will have the following terms of reference:
 - (i) To be a statutory advisory body to provide guidance and advice to relevant authorities on the improvement of public access to the countryside of the Broads Executive Area and to contribute to opportunities for the enjoyment of the area.
 - (ii) To comment on draft maps of open countryside and registered common land for the Broads as will be produced by the Countryside Agency.

- (iii) To provide a consultative forum for and advising on issues relating to access land, exclusions, restrictions and the appointment of access wardens on land where new rights of access exist.
- (iv) To contribute (in an advisory capacity) to the development of Rights of Way Improvement Plans which cover any part of the Broads Executive Area, together with any other strategies or plans relating to rights of way and open access.
- (v) To advise on all other aspects of improvement of public access to land in the Broads for the purposes of open air-recreation.
- (vi) To advise on issues relating to public access to water.
- (vii) To advise on the promotion and appropriate use of opportunities for all types of user to enjoy access to the countryside.
- (viii) To promote closer liaison and understanding between the various interest bodies and organisations which have an interest in access to the Broads and its wider catchment area.

2.2 In providing advice, the Forum will have regard to:

- (i) the needs of land management;
- (ii) the conservation of the natural beauty of the area;
- (iii) the management and maintenance of recreational access whilst balancing this against the needs of nature conservation, agriculture, the interests of landowners and managers, navigation and countryside management projects within the Broads;
- (iv) the general duty of the Authority to manage the Broads for the purposes of:
 - (a) conserving and enhancing the natural beauty, wildlife and cultural heritage of the Broads;
 - (b) promoting opportunities for the understanding and enjoyment of the special qualities of the Broads by the public; and
 - (c) protecting the interests of navigation.

2.3 In providing such advice and comment the Forum shall also bear in mind the Authority's requirement to have regard to:

- (i) the national importance of the Broads as an area of natural beauty and one which affords opportunities for open-air recreation;
- (ii) the desirability of protecting the natural resources of the Broads from damage; and
- (iii) the needs of agriculture and forestry and the economic and social interest of those who live or work in the Broads.

3 Principles

- 3.1 The Forum will consider strategic/significant issues only and will not be asked to consider detailed operational matters such as individual planning applications and individual rights of way matters such as diversions except where they may have significant strategic importance or implications for Broads Authority policy.
- 3.2 Members of the Forum may propose items for discussion at future meetings.
- 3.3 The Forum will produce an annual report to the Broads Authority. The annual report will:
 - (i) set out the occasions and issues on which the Forum has provided guidance in the preceding year, and indicate to whom advice was given.
 - (ii) include such information as the Forum thinks fit.
- 3.4 In addition the advice or comments of the Forum will be reported to and taken into account by the appropriate committee(s) of the Authority in the decision making process.
- 3.5 The Forum will meet at least twice a year.

4 Membership

- 4.1 The Forum will comprise between 17 and 22 members appointed by the Broads Authority drawn from the following:
 - (i) recreational users of the countryside (RoW and access land);
 - (ii) landowners, occupiers and land managers working in the countryside and making economic gain from it; and
 - (iii) other interest groups relevant to the area and with access to it.

4.2 Roles and Responsibilities of Members

Members of the Broads Local Access Forum should:

- (i) be representative of access land and public rights of way users or other interests relevant to the Broads;
- (ii) provide an independent view rather than reflect the views of any particular organisation;
- (iii) support and pursue opportunities to publicise the work of the LAF, obtain feedback from their own organisations and the general public; and
- (iv) be willing to serve for an initial period of between one and three years.

4.3 **Declarations of Interest**

A member of the Forum who is directly or indirectly interested in any matter brought up for consideration at a meeting of the Forum must disclose the nature of that interest to the Forum. Failure to do so may mean that the Broads Authority will terminate the member's appointment.

- 4.4 The appointment of a member of the Forum shall be determined by the Broads Authority and notified to him/her in writing.
- 4.5 Members of the Forum shall be appointed for not less than one and not more than three years.
- 4.6 A member of the Forum may resign by giving notice in writing.
- 4.7 The Broads Authority shall terminate the appointment of a member of the Local Access Forum in the following circumstances:
 - (i) if the Authority is satisfied that he or she has become a member of a District or County Council or national park authority and, as a result, regulation 4(2) of the Local Access Forums (England) Regulations 2002 is not complied with;
 - (ii) if, without the consent of the Broads Authority, he or she has been absent from all meetings of the forum during a period of one year; or
 - (iii) if the member has failed to comply with regulation 6(6) of Statutory Instruments 2002 No 1836 – The Local Access Forums (England) regulations 2002 or has failed to disclose an interest under paragraph 4.3.
- 4.8 The Broads Authority may re-appoint a person who ceases to be a member of the Local Access Forum.
- 4.9 The Chair will be a person appointed by the Forum who is able to command the respect of other members of the Broads Local Access Forum.
- 4.10 The Chair and Vice Chair will be appointed for a term of one year, at the first Forum meeting in each calendar year. In making these appointments, the

Forum must ensure so far as practical that they are not at any one time both drawn from the same interests referred to in paragraph 4.1.

- 4.11 The Chief Executive, together with other officers of the Authority as appropriate will, if available, attend meetings of the Forum to present reports and answer questions.
- 4.12 The Forum may, in respect of any particular matter or more generally, invite other persons or representatives of other organisations to attend meetings of the Forum and participate in discussions, but not to vote.

5 Access to Meetings and Documents

- 5.1 Meetings of the Forum are open to the public subject to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.
- 5.2 Copies of the agenda and any reports for meetings must be open to inspection by members of the public at the Broads Authority offices Head Office at least three days before the meeting except:
 - (i) where the meeting is convened at shorter notice, the copies of the agenda and reports must be open to inspection from the time the meeting is convened; or
 - (ii) where an item is added to an agenda, copies of the document adding the item and the copies of any report for the meeting relating to the item, must be open to inspection from the time the item is added to the agenda.
- 5.3 An item of business may not be considered at a meeting unless these requirements are complied with, or by reason of special circumstances to be specified in the minutes, the Chair of the meeting is of the opinion that the item should be considered as a matter of urgency.
- 5.4 After the meeting of the Forum, the minutes, agenda and reports must be open to public inspection at the Broads Authority offices for at least two years after the meeting. There must also be available for inspection copies of a list of any background papers for the report, together with a copy of any documents included on that list.

6 The Role of the Broads Authority

- 6.1 The Broads Authority will support the Local Access Forum by providing secretarial support.
- 6.2 The secretariat will have the following functions:
 - (i) arranging a venue for Forum meetings;

- (ii) organising and advertising meetings;
- (iii) preparing the agenda and commissioning and distributing papers;
- (iv) assisting the Chair in conducting meetings;
- (v) producing draft minutes of meetings;
- (vi) reimbursing members expenses for travel, subsistence and care of dependents where appropriate; and
- (vii) organising and providing training for members if deemed appropriate.

6.3 The Broads Authority will also support the Forum by:

- (i) preparing an outline work programme for the Forum;
- (ii) liaising between the Forum and the appointing authority and neighbouring Local Access Forums;
- (iii) communicating the Forum's advice to relevant authorities and bodies;
- (iv) providing on-going support and advice to the Forum and its members;
- (v) ensuring that the Forum's advice is made available to the relevant committees, Broads Authority members and officers; and
- (vi) promoting the Forum's work through press releases and on its website.

7 Amendments

7.1 Any amendments to the Terms of Reference, Principles and Membership of the Forum, to reflect changing circumstances or legislation, must be agreed by the Broads Authority following consultation with the Forum.