

# **Advisory Group for the Fal & Helford Special Area of Conservation**

## **Terms of Reference**

(updated May 2010)

### **Background**

The 1992 EU Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora, commonly known as the 'Habitats Directive' required the establishment and management of a network of Special Areas of Conservation (SAC) to maintain or restore natural habitats and species of European interest. The Directive has been translated into UK legislation under the new Conservation of Habitats and Species Regulations 2010 (SI 2010/490) (which replaced the Conservation (Natural Habitats &c.) Regulations, 1994). The Fal and Helford complex was confirmed as a Special Area of Conservation in 2005. The Regulations identify the Relevant and Competent Authorities, upon whom is conferred a duty to ensure the implementation of the Directive in the UK.

Government policy for England and Wales recommends the establishment of "management groups" and "advisory groups" in the development and implementation of management schemes for SACs. The Fal & Helford SAC Advisory Group provides a forum for organisations and individuals to discuss matters of interest in respect of the SAC, thereby enabling the Relevant and Competent Authorities, who have statutory obligations in respect of the SAC, to be informed of wider stakeholder views.

### **Code of Practice**

Members of the Advisory Group are expected to adhere to the following Code of Practice:

- follow the Seven Principles of Public Life as set out by the Committee on Standards in Public Life (see Appendix 1)
- observe the highest standards of propriety involving impartiality, integrity and objectivity in relation to the stewardship of public funds and the exercise of their functions
- act in good faith and be accountable to the public for the standard of advice and guidance that they give

The Advisory Group may take action against any individual who acts against the spirit of the Code in an inappropriate manner.

### **Openness**

The Advisory Group will conduct all their dealings in an open and responsible way. They will fully comply with the requirements of the Freedom of Information Act 2000, Data Protection Act 1998 and the Environmental Information Regulations 2004 (See Appendix 2)

### **Terms and conditions of appointment**

Members of the Advisory Group are subject to the following terms upon appointment:

- When engaging in political activities, members should be conscious of their public role and exercise proper discretion, particularly in regard to the work of the Advisory Group
- Members should not accept or offer a gift, hospitality or some other benefit as a reward, either for doing, or not doing, something in their capacity as a member of the Advisory Group, or for showing advantage to someone or to an organisation
- Members should list on a Register (to be held by the Secretary to the Advisory Group) any direct or indirect pecuniary interest which may be perceived, by a reasonable member of the public, to influence his or her judgement when acting as a member of the Advisory Group
- Members should declare any such interest, which may be perceived as conflicting with their responsibilities as a member of the Advisory Group, in the minutes of the relevant meeting of the Advisory Group
- The integrity and objectivity of members and observers should never be in doubt and at all times they are expected to act in good faith and in the best interests of the aims of the Advisory Group

## **Terms of Reference**

The Terms of Reference for the Group are as follows:

- to improve information exchange and coordination between users with different interests in the SAC and its wider catchment
- to act as a forum for general discussion of issues relevant to the management of the SAC
- to represent the collective interests of the users of the SAC and wider catchment within the continuing development of the management scheme
- to ensure that points of view on issues and suggested solutions of all relevant users are noted before advising the Management Forum
- to advise the Management Forum as necessary regarding the Advisory Group's views and opinions on issues relating to and impacting upon the SAC

## **Membership**

Members shall represent one or more fields of interest rather than any particular organisation of which they might also be a member.

The membership of the Group shall be selected to achieve a reasonable balance between the numbers of members representing each of the following interests:

- Wildlife, landscape and cultural heritage conservation (conservation)
- sport and recreation, health, outdoor education (recreation)
- landowning and business interests (business)
- research and scientific interests that have a bearing on the management of the SAC (science)
- local community interests (community)

Members shall be appointed initially for period of one year but, at the end of this first appointment period, they shall be eligible for reappointment for a further period or periods of three years.

Before appointment, members shall confirm:

- their commitment to working within the Terms of Reference and achieving the purposes of the Advisory Group through constructive working with other members; and
- their ability to devote the necessary time to attend Advisory Group meetings, to attend training sessions where appropriate, and to network with a wide range of interests outside meetings.
- Their acceptance of the terms and conditions of appointment

Resignations shall be notified to the Secretary in writing.

### **Chair and Vice-Chair**

The Chair and Vice-Chair shall be appointed by the Group at the first meeting in the calendar year and shall hold office for one year.

On retiring, the Chair and Vice-Chair shall be eligible for re-election as Chair and/or Vice-Chair subject to their continuing membership of the Group.

The Chair and/or Vice-Chair shall be invited to and able to participate in the meetings of the SAC Management Forum, but shall have no voting rights at the meeting.

The serving Vice-Chair shall at no time be from the same interest sector as the serving Chairman.

### **Secretary**

Administration of the Advisory Group shall be undertaken by the Secretary (as appointed by the Group) and/or Cornwall Council Officers acting on the Advisory Group's behalf and/or authority.

### **Meetings**

The Advisory Group shall normally meet four times a year but additional meetings shall be arranged when necessary.

Meetings shall be advertised in advance.

Once they have been formally approved as correct, agendas, papers and minutes of the meeting shall be available to the public.

The Secretary shall agree the Agenda for each meeting with the Chair.

Any Member may propose an item for the Agenda of any meeting of the Advisory Group. Proposals for agenda items should be advised to the Secretary no less than 14 clear days before the day of the meeting. Such items will be included unless the Chair (in consultation with the Secretary or his/her representative) determines that they do

not come within the Terms of Reference or, at his/her discretion determines that they are not appropriate to be included.

The Chair shall, when appropriate, invite observers to the meeting who shall be able to contribute to the meeting at the discretion of the Chairman. Observers shall be able to ask questions on the business of the meeting only at the discretion of the Chairman.

In addition to the Chair/Vice-Chair, an elected spokesperson from the Advisory Group shall be invited to participate in meetings of the SAC Management Forum, but shall have no voting rights at the meeting

The Chair of the SAC Management Forum shall be invited to participate in meetings of the SAC Advisory Group, but shall have no voting rights at the meeting.

Any matter in relation to the conduct of a meeting which is not otherwise covered by the provisions of the Terms of Reference shall be decided by the Chair in consultation with the Secretary, where appropriate,

### **Quorum**

The quorum for meetings of the Advisory Group shall be 7 Members with a minimum of 1 Member from each of the five sectors identified above.

### **Voting**

Matters will be resolved by majority voting.

Each Member shall have one vote. In the event of a tie the Chair shall have a casting vote.

### **Minutes**

The draft Minutes shall be circulated to the SAC Management Forum as draft minutes for information only, and should not be regarded as a true record of the meeting until formally approved.

The draft Minutes shall be approved by the Advisory Group at the next ordinary meeting of the Group and shall be circulated to all interested parties following this approval.

### **Press and media**

Promotion and publicity of the Advisory Group's aims and activities is an essential and integral function of the Group. Only the Chair and Vice-Chair are authorised to communicate with the media on behalf of the Advisory Group. Members are encouraged to make appropriate contact with relevant media. However such contact is as an individual or as an authorised representative of other appropriate grouping, not as a member of the Advisory Group.

## **Review**

This document may be revised at any time, but a formal review shall be undertaken at the first meeting of the Advisory Group in each calendar year.

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## **Appendix 1: Seven Principles of Public Life**

### **Selflessness**

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.

### **Integrity**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

### **Objectivity**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

### **Accountability**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

### **Openness**

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

### **Honesty**

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

### **Leadership**

Holders of public office should promote and support these principles by leadership and example.

## **Appendix 2: Freedom of Information Act 2000, Data Protection Act 1998 and the Environmental Information Regulations 2004**

The members of the Advisory Group shall not disclose any information discussed by the group except as agreed by the members of the group in accordance with these terms of reference or as required by law.

The members of the Advisory Group acknowledge that the lead body and other member bodies are subject to the requirements of the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004 and therefore any request for information received by the advisory group may have to be considered under this legislation.

Where a request for information is received by a member of the Advisory Group who is also a member of a public authority, the advisory group should be notified of the request and the request should be dealt with under the procedures laid down by that public authority. In the event that the group as a whole or a member of the group who is not part of a public authority receives a request, then the members of the group shall decide which is the most appropriate local authority or authorities to deal with the particular request.

For further information and assistance with this issue, please refer to [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

## **Appendix 3: Register of Interests**

The following are the kinds of interest that Advisory Group members are expected to declare in writing to the Secretary of the Group.

- 1 Companies, partnerships, trusts or other bodies of which the member is a paid employee
- 2 Companies and organisations in which the member or their family or close associates
  - Has/have a controlling interest, or
  - Is/are a director or Partner, Trustee or member of a controlling body or
  - Has/have shares or securities with a nominal values of £25,000 or 1/100<sup>th</sup> of the total issued share capital, and
  - Could be involved in the supply of goods or services to, or have business dealings including the receipt of grant with, the Advisory Group
- 3 Membership of local authorities, health authorities and trusts, Magistrates Bench, and relevant public or voluntary sector bodies