

NORTH YORKSHIRE LOCAL ACCESS FORUM

11 NOVEMBER 2004

PROPOSAL FOR SUB-GROUP ON RESTRICTIONS TO ACCESS LAND

1.0 PURPOSE OF THE REPORT

- 1.1 For the Forum to give further consideration to the proposals for the establishment of a Sub-Group to deal with applications for long term restrictions on access to open access land.

2.0 BACKGROUND

- 2.1 At the meeting on 5 August 2004, Members resolved to establish a Sub-Group comprised of 6 Members of the Forum to advise the Countryside Agency of the Forum's views on applications for restrictions on access to open access land of greater than six months' duration.
- 2.2 Notes of the first meeting of the Sub-Group held on 12 August 2004 are attached at Appendix A of the report. Members will note the recommendation of the Sub-Group that, following its consideration of applications for restriction, it should report its recommendations direct to the Countryside Agency in circumstances where there was not a scheduled meeting of the full Local Access Forum before a response to the Agency was required.
- 2.3 I have given further consideration to the proposals for the Sub-Group, having regard to its recommendation, noted in the preceding paragraph, and having regard more generally to the requirement of the Local Access Forum (England) Regulations 2002.

3.0 REVIEW OF THE REGULATIONS

- 3.1 Any Sub-Group considering and reporting directly to the Countryside Agency on applications for long-term restrictions would be discharging functions of the Local Access Forum. The regulations make a number of provisions in relation to the Constitution and proceedings of a Local Access Forum including:-
- The Forum is to consist of no fewer than 10 and not more than 22 Members.
 - Membership is to be made up of persons representative of Rights of Way User Groups, owners and occupiers, and other relevant interests.
 - Meetings are to be open to the public.
 - Copies of the agenda and reports are to be open to inspection by members of the public, generally at least 3 clear days before the date of the meeting.
 - A secretary must be appointed who is to be responsible for the administration of the Forum (in practice it will require attendance or representation at the meetings).
- 3.2 As reported to the last meeting of the Forum on 5 August 2004, the regulations neither make any explicit provision allowing the establishment of Sub-Groups, nor explicitly state

that the establishment of Sub-Groups would be unlawful. In the light of this, I advised in my report that any risk associated with establishing a Sub-Group would seem to be limited, so long as the role envisaged for the Sub-Group was to be advisory. However, any proposal for the Sub-Group to make recommendations direct to the Countryside Agency without further referring them to the full Local Access Forum, would take the role of the Sub-Group beyond the advisory. The Sub-Group would thereby be directly discharging the functions of the Local Access Forum, and I would have to advise that in doing so, the Sub-Group could only operate lawfully if all of the requirements of the regulations, as noted above, were met.

3.3 In the circumstances, I would advise that the Local Access Forum has two alternatives in considering a continuing role for the Sub-Group:-

- Abandon proposals for a Sub-Group to deal with restriction applications, and have all such applications dealt with by the full Local Access Forum.
- Retain the Sub-Group, but note that this may only operate in a purely advisory role and may not make recommendations to the Countryside Agency. The consequences of this would be that any application considered by the Sub-Group, for which a response was needed before the next scheduled meeting of the Local Access Forum, would necessitate the calling of a Special Local Access Forum meeting.

4.0 RECOMMENDATIONS

Members' instructions are sought.

STEPHEN KNIGHT
Secretary to the North Yorkshire Local Access Forum

County Hall
NORTHALLERTON

2 November, 2004