

NORTH YORKSHIRE

LOCAL ACCESS FORUM

18 May 2006

APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN

1. The appointment of a Chairman is the first item of business on the Agenda.
2. A copy of the Local Access Forums (England) Regulations 2002 are attached. Regulation 6 (3) to 6(6) refers to the appointment of the Chairman.
3. Regulation 6 (5) says that the period of appointment of the Chairman or Vice Chairman should be determined by the Forum, but should not exceed the period of appointment as a member of the Forum. Previous appointments of Chairman and Vice Chairman have been only for a period of one year. This is allowed maximum flexibility in the operation of the Forum.
4. Attached to the Agenda is a list of the Members of the Local Access Forum. This list indicates which interest group Members of the Forum have been allocated to. In some instances the allocations are, I believe, quite clear. In other cases, however, I recognise that allocations have been made based on an officers' assessment of the relative balance of interests of Members of the Forum. This particularly applies to those Members stated to represent "other interests" – see Regulation 4 (3) of the Regulations.
5. Regulation 6 (6) makes clear that the Forum should not appoint as Vice Chairman a Member of the Forum who is considered to be representative of the same interest group identified in Regulation 4(3) as the Chairman – except in the case where the Chairman represents interests in sub-Regulation (c) and the candidate for appointment as Vice-Chairman represents some different interest under that sub-regulation.
6. The Forum is, therefore, free to appoint a representative of any of the interest groups as Chairman, but the Chairman should then rule as inadmissible any nomination for Vice Chairman of a Member who represents the same interest group as him/her, unless the Chairman represents "other" interests and the nominee for the Vice Chairmanship can be shown to represent **different** "other" interests.
7. In considering which Member of the Forum should be appointed as Chairman and Vice Chairman, the Members of the Forum may wish to give thought to – and may wish to express a view on – what the role of the Chairman should be and the extent of the Chairman's powers. I believe that the basic duties of a Chairman might be summarised as:-
 - To preserve order;
 - To ensure that the proceedings of the meeting are properly conducted, according to law and according to any Standing Orders or rules of the body concerned;
 - To ensure that all shades of opinion are given a firm and fair hearing as so far as is practicable; and
 - To ensure that the sense of the meeting is accurately ascertained and recorded.
8. In carrying out those basic duties the Chairman might be expected to:-
 - Seek to bring a meeting, or members of the public attending a meeting, to order and, if that cannot be achieved, decide to adjourn the meeting to a future time and, if necessary, date;
 - To ensure the meeting starts and finishes on time and to manage the conduct of business accordingly;

- To ensure that any rules about length of speeches are followed;
- The speeches are addressed to the Chair and receive a fair hearing;
- That speeches are relevant to the matter before the meeting and that speakers are not offensive;
- To rule on questions relating to procedure.
- To remain impartial.

9. Outside the meeting I would expect the Chairman of the Forum to have limited powers, but these might include:-

- Being consulted on dates, times, venues for future meetings;
- Being consulted on items for the agenda, the order of the agenda and guide timings for agenda items, if a Forum wishes to adopt such an approach.
- Agreeing the terms of any decision record coming from a meeting of the Forum which needs to be submitted to the County Council, as part of the Forum's advisory function, before the minutes have been confirmed by the Forum itself.

While the Chairman might be consulted on the items on the agenda, I do not believe that the Chairman should be able to control the agenda (recognising the need to maintain a reasonable balance between interests represented on the Forum).

JANE WILKINSON
Secretary to the North Yorkshire Local Access Forum
Head of Committee Services

County Hall
NORTHALLERTON

10 May 2006
JW/ALJ

Background Documents: None

2002 No. 1836

COUNTRYSIDE, ENGLAND

The Local Access Forums (England) Regulations 2002

Made - - - - - 15th July 2002
Laid before Parliament 16th July 2002
Coming into force - - - 7th August 2002

The Secretary of State for Environment, Food and Rural Affairs, in exercise of the powers conferred upon her by sections 94(1) and (3) and 95(1), (2) and (5) of the Countryside and Rights of Way Act 2000(a), and of all other powers enabling her in that behalf, having regard to the desirability of maintaining a reasonable balance between the number of members of any local access forum appointed in accordance with paragraph (a) and in accordance with paragraph (b) of section 95(2) of that Act, hereby makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Local Access Forums (England) Regulations 2002 and shall come into force on 7th August 2002.

(2) These Regulations extend to England only(b).

Interpretation

2. In these Regulations references to sections are references to sections of the Countryside and Rights of Way Act 2000.

Establishment of a local access forum

3.—(1) Subject to regulation 13, where an appointing authority(c) is required, by section 94(1), to establish a local access forum, that authority shall establish the forum by appointing the members of the forum before 8th August 2003.

(2) Before establishing any local access forum an appointing authority which is a local highway authority shall consult—

- (a) any district council in their area, and
- (b) such other persons as they consider appropriate,

as to the area for which the forum is to be established.

(3) Before establishing any local access forum an appointing authority which is a National Park authority shall consult—

- (a) any district or county council for any part of the area of the National Park for which the National Park authority is the appointing authority, and
- (b) such other persons as they consider appropriate,

as to the area for which the forum is to be established.

(a) 2000 c. 37.

(b) Regulations made by the Secretary of State may be made only as respects England: see section 94(10) for the meaning of "regulations".

(c) See section 94(2) for the meaning of "appointing authority".

Membership of a local access forum

4.—(1) A local access forum shall consist of no fewer than 10 and not more than 22 members.

(2) In the case of a local access forum—

- (a) consisting of not more than 16 members, not more than two members of such forum may also be members of a district or county council or National Park authority for any part of the area of the forum,
- (b) consisting of no fewer than 17 members, not more than three members of such forum may also be members of a district or county council or National Park authority for any part of the area of the forum.

(3) The members shall be persons who appear to the appointing authority to be representative of—

- (a) users of local rights of way or the right conferred by section 2(1) (rights of public in relation to access land),
- (b) owners and occupiers of access land or land over which local rights of way subsist, or
- (c) any other interests especially relevant to the authority's area.

(4) The appointing authority shall ensure a reasonable balance is maintained between the number of members appointed in accordance with sub-paragraph (a) and in accordance with sub-paragraph (b) of paragraph (3).

(5) Subject to paragraph (6), before appointing any member the appointing authority shall—

- (a) advertise the vacancy—
 - (i) in such local or regional newspapers circulating in the authority's area as they consider appropriate, and
 - (ii) if they maintain a website on the internet, on such a website, and
- (b) consult such persons as they consider appropriate.

(6) The requirements in paragraph (5) to advertise and consult shall not apply to the appointment to a local access forum of any person who is a member of a district or county council or National Park authority for any part of the area of the forum.

Terms of membership

5.—(1) Subject to the following paragraphs of this regulation, the terms of appointment of a member of a local access forum shall be determined by the appointing authority and notified to him in writing.

(2) A member of a local access forum shall be appointed for not less than one and not more than three years.

(3) A member of a local access forum may resign by notice in writing to the appointing authority which appointed him.

(4) An appointing authority—

- (a) shall terminate the appointment of a member of a local access forum if they are satisfied that he has become a member of a district or county council or National Park authority and, as a result, regulation 4(2) is not complied with, and
- (b) may terminate the appointment of a member of a forum if—
 - (i) without the consent of the appointing authority, he has been absent from all meetings of the forum during a period of one year, or
 - (ii) he has failed to comply with regulation 6(7).

(5) An appointing authority may re-appoint a person who ceases to be a member of a local access forum.

Proceedings of a local access forum

6.—(1) Subject to the following paragraphs of this regulation and to regulations 7, 8 and 9, the proceedings (including the quorum) relating to the meetings of a local access forum shall be such as it may determine.

(2) A local access forum shall hold no fewer than two meetings every year.

(3) A local access forum shall have a chairman and a vice-chairman, who shall be appointed by election from amongst the members of the forum.

(4) The first chairman and vice-chairman of a local access forum shall be appointed at the first meeting of the forum.

(5) The period of appointment of the chairman and vice-chairman shall be determined by the local access forum, but in each case it may not exceed the period of appointment as a member of the forum.

(6) With a view to maintaining a reasonable balance between the interests of which the chairman and vice-chairman are respectively representative, a local access forum shall take such steps (as regards the selection of candidates for election as chairman and vice-chairman, determining the order in which they are appointed or the duration of their appointments as such, any combination of these or otherwise) as may be necessary to ensure that so far as practicable the chairman or the vice-chairman or each of them is a person who on his appointment as a member of the forum was eligible to be so appointed—

(a) on any basis mentioned in regulation 4(3) other than any on which the other was eligible to be so appointed, or

(b) (where each was appointed in accordance with regulation 4(3)(c)) on the basis of an interest other than any which was the basis on which the other was eligible to be so appointed.

(7) A member of a local access forum who is directly or indirectly interested in any matter brought up for consideration at a meeting of the forum shall disclose the nature of his interest to the meeting.

Access to meetings and documents of a local access forum

7.—(1) A meeting of a local access forum shall be open to the public.

(2) The right of admission of the public conferred by paragraph (1) is without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.

(3) Copies of the agenda for a meeting of a local access forum and copies of any report for the meeting shall be open to inspection by members of the public at the offices of the appointing authority in accordance with paragraph (4).

(4) Any document which is required by paragraph (3) to be open to inspection shall be so open at least three clear days before the meeting, except that—

(a) where the meeting is convened at shorter notice, the copies of the agenda and reports shall be open to inspection from the time the meeting is convened, and

(b) where an item is added to an agenda, copies of the document adding the item to the agenda (or of the revised agenda), and the copies of any report for the meeting relating to the item, shall be open to inspection from the time the item is added to the agenda,

but nothing in this paragraph requires copies of any agenda, document or report to be open to inspection by the public until copies are available to members of the local access forum.

(5) An item of business may not be considered at a meeting of a local access forum unless either—

(a) paragraph (4) has been complied with, or

(b) by reason of special circumstances, which shall be specified in the minutes, the chairman of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

Inspection of minutes and other documents after meetings of a local access forum

8.—(1) After a meeting of a local access forum the following documents shall be open to inspection by members of the public at the offices of the appointing authority until the expiration of the period of two years beginning with the date of the meeting, namely—

- (a) the minutes, or a copy of the minutes, of the meeting,
- (b) a copy of the agenda for the meeting, and
- (c) a copy of any report for the meeting.

(2) If and so long as copies of a report for a meeting of a local access forum are required by paragraph (3) of regulation 7 or paragraph (1) of this regulation to be open to inspection by members of the public—

- (a) copies of a list, compiled by the secretary to the forum, of any background papers for the report, and

- (b) at least one copy of each of the documents included in that list,

shall also be open to their inspection at the offices of the appointing authority.

(3) Any document required by paragraph (1) or (2) to be open to inspection by members of the public shall be taken to be so open if arrangements exist for its production to members of the public as soon as is reasonably practicable after the making of a request to inspect it.

(4) For the purposes of paragraph (2) the background papers for a report are those documents relating to the subject matter of the report which—

- (a) disclose any facts or matters on which, in the opinion of the secretary to the local access forum, the report or an important part of the report is based, and

- (b) have, in his opinion, been relied on to a material extent in preparing the report, but do not include any published works.

Supplemental provisions about access to documents of a local access forum

9.—(1) A document required by regulation 7 or 8 to be open to inspection shall be so open at all reasonable hours.

(2) Where a document is open to inspection by a person under regulation 7 or 8, the person may, subject to paragraph (3)—

- (a) make copies of or extracts from the document, or
- (b) require the person having custody of the document to supply to him a copy of or extracts from the document,

upon payment to the appointing authority providing the facility of such reasonable fee as may be required in respect of any expenses thereby incurred.

(3) Paragraph (2) does not require or authorise the doing of any act which infringes the copyright in any work.

Secretary to a local access forum

10.—(1) The appointing authority shall employ a secretary for each local access forum which they establish.

(2) The secretary shall be responsible for the administration of the local access forum.

(3) The secretary may not be—

- (a) a member of the local access forum in relation to which he is employed as secretary, or
- (b) a member of the appointing authority in question.

Financial provisions

11.—(1) Subject to paragraph (2), an appointing authority shall meet any reasonable expenses incurred by a local access forum which they establish or by the members of that forum.

(2) For the purposes of paragraph (1), reasonable expenses incurred by the members of a local access forum are such expenses as are incurred by them in connection with their attendance at meetings of the forum 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) any expenses of arranging for the care of their children or dependants.

Annual report

12.—(1) A local access forum shall prepare an annual report on the discharge of its functions.

- (2) The report shall be published by the local access forum's appointing authority.

Joint local access forums

13.—(1) Two or more appointing authorities may establish a joint local access forum for their areas or for any parts of their areas by appointing the members of the forum before 8th August 2003, and where they propose to establish such a forum, references in regulation 3(2) and (3) to a local access forum shall be construed as references to a joint local access forum.

(2) Paragraph (1) shall not apply in relation to any appointing authority which has established a local access forum under regulation 3(1).

(3) Where a joint local access forum is established these Regulations shall have effect in relation to that forum with the following modifications—

- (a) any reference in these Regulations to a local access forum shall, unless a contrary intention appears, have effect as if for the words "local access forum" there were substituted the words "joint local access forum",
- (b) regulation 4 (membership of a local access forum) has effect as if—
- (i) in paragraph (3), for the words "appointing authority" there were substituted the words "the appointing authorities", and for the words "the authority's area" there were substituted the words "the authorities' areas",
 - (ii) in paragraph (4), for the words "The appointing authority" there were substituted the words "The appointing authorities", and
 - (iii) in paragraph (5), for the words "the appointing authority" there were substituted the words "the appointing authorities", for the words "the authority's area" there were substituted the words "their respective areas", and for the words "such a website" there were substituted the words "their respective websites",
- (c) regulation 5 (terms of membership) has effect as if—
- (i) in paragraph (1), for the words "the appointing authority" there were substituted the words "the appointing authorities",
 - (ii) in paragraph (3), for the words "the appointing authority" there were substituted the words "one of the appointing authorities",
 - (iii) in paragraph (4), for the words "An appointing authority" there were substituted the words "Appointing authorities", and in sub-paragraph (b)(i) of that paragraph, for the words "the appointing authority" there were substituted the words "one of the appointing authorities", and
 - (iv) in paragraph (5), for the words "An appointing authority" there were substituted the words "Appointing authorities",
- (d) regulation 7 (access to meetings and documents of a local access forum) has effect as if, in paragraph (3), for the words "the appointing authority" there were substituted the words "the appointing authorities",
- (e) regulation 8 (inspection of minutes and other documents after meetings of a local access forum) has effect as if, in paragraphs (1) and (2), for the words "the appointing authority" there were substituted the words "the appointing authorities",
- (f) regulation 10 (secretary to a local access forum) has effect as if—
- (i) in paragraph (1), for the words "The appointing authority" there were substituted the words "One of the appointing authorities", and
 - (ii) in paragraph (3), for the words "the appointing authority" there were substituted the words "any of the appointing authorities",
- (g) regulation 11 (financial provisions) has effect as if, in paragraph (1), for the words "an appointing authority" there were substituted the words "appointing authorities", and at the end of that paragraph there were inserted the words "in such shares as may be agreed or failing agreement, equally", and

- (h) regulation 12 (annual report) has effect as if, in paragraph (2), for the words “by the local access forum’s appointing authority” there were substituted the words “jointly by the local access forum’s appointing authorities”.

Application of these Regulations to London borough councils

14.—(1) Where a council of a London borough resolve(a) that section 94(1) applies to the council or to any part of their area, these Regulations shall, subject to the following paragraphs of this regulation, apply to the council of a London borough or to the part of their area to which the resolution relates.

(2) Regulations 3 (establishment of a local access forum) and 13 (joint local access forums) shall apply as if for the date mentioned in regulations 3(1) and 13(1) there were substituted a date one year after the date of the resolution.

(3) Regulation 4 (membership of a local access forum) shall have effect as if, in paragraphs (2)(a) and (b) and (6), for the words “district or county council” there were substituted the words “district, county or London borough council”.

(4) Regulation 5 (terms of membership) shall have effect as if, in paragraph (4)(a), for the words “district or county council” there were substituted the words “district, county or London borough council”.

15th July 2002

Alun Michael
Minister of State
Department for Environment, Food and Rural Affairs

(a) See section 94(7) which enables a council of a London borough council to resolve that section 94(1) shall apply to the council or to any part of their area.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 94 of the Countryside and Rights of Way Act 2000 requires local highway authorities and National Park authorities to establish advisory bodies to be known as local access forums. The forums are required to advise about improvement of public access to land in their area for open-air recreational purposes. These Regulations, which extend to England only, make provision for the establishment and conduct of local access forums.

Regulation 3 requires local access forums to be established before 8th August 2003 and includes consultation requirements. Regulations 4 and 5 make provision about the membership of forums and the terms of such membership. Regulation 6 provides for the conduct of the proceedings of forums, and regulations 7 to 9 provide for public access to the meetings and documents of such forums.

Regulations 10, 11 and 12 provide respectively for the employment of a secretary for each local access forum, for the reasonable expenses of the forum and its members to be met by the authority which establishes the forum, and for the preparation of an annual report on the discharge of the functions of the forum.

Regulation 13 enables joint local access forums to be established, and regulation 14 makes provision where a council of a London borough resolve to establish a local access forum.