

2007 No. 268

COUNTRYSIDE, ENGLAND

The Local Access Forums (England) Regulations 2007

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The Secretary of State for Environment, Food and Rural Affairs has had regard to the desirability of maintaining a reasonable balance between the number of members of any local access forum appointed in accordance with paragraphs (a) and (b) of section 95(2) of the Countryside and Rights of Way Act 2000(a).

In exercise of the powers conferred upon him by sections 94(1), (3) and (4), and 95(1), (2) and (5) of that Act, he makes the following Regulations:

PART 1
Introduction

Citation, commencement and application

1.—(1) These Regulations may be cited as the Local Access Forums (England) Regulations 2007.

(2) These Regulations come into force on 19th March 2007.

(3) These Regulations apply in relation to England only(b).

Interpretation

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

(2) In these Regulations—

(a) “joint local access forum” means a local access forum established for an area which includes the areas or parts of the areas of two or more appointing authorities;

(b) “the relevant appointing authorities” means, in relation to a local access forum, the appointing authorities for whose areas the forum is established; and

(c) except where otherwise indicated—

(i) any reference to a local access forum includes a joint local access forum; and

(ii) in relation to a joint local access forum, any reference to an appointing authority or the appointing authority is to be interpreted as a reference to the relevant appointing authorities.

(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” and “prescribed”.

PART 2

Membership, proceedings and administration

Membership of a local access forum

3.—(1) A local access forum shall consist of at least ten and not more than 22 members.

(2) The appointing authority may appoint a new member or members to a local access forum at any time, provided that the total number of members does not exceed 22 as a result of the appointment.

(3) If the number of members of a local access forum falls below ten at any time, the appointing authority must, as soon as reasonably practicable, appoint a new member or members so that the forum consists of at least ten members.

(4) The maximum number of members of a local access forum who may also be members of a district or county council or National Park authority for any part of the area of the forum is—

- (a) in the case of a local access forum consisting of not more than 16 members, two, and
- (b) in the case of a local access forum consisting of no fewer than 17 members, three.

(5) 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 (or to any of the authorities' areas, in the case of a joint local access forum).

(6) The appointing authority must ensure a reasonable balance is maintained between the number of members appointed in accordance with sub-paragraph (a) and the number appointed in accordance with sub-paragraph (b) of paragraph (5).

(7) Before appointing any member the appointing authority must—

- (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.

(8) The requirements set out in paragraph (7) do not apply to the appointment of any person who—

- (a) is a member of a district or county council or National Park authority for any part of the area of the forum; or
- (b) is appointed to a forum in the circumstances described in regulation 5(2) or (3).

Terms of membership

4.—(1) Save as provided in 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) Subject to regulation 5(4), 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 for the area of the forum at the time of the member's resignation.

(4) An appointing authority—

- (a) must 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 3(4) is not complied with;
- (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(8); and
- (c) may—
 - (i) where they change the area for which a local access forum is established,
 - (ii) where they merge two or more forums, or
 - (iii) having received notice under regulation 18(2), on expiry of the 21-day notice period, terminate the appointment of any member of the forum or forums where they consider such termination appropriate as a consequence.

Re-appointment

5.—(1) An appointing authority may re-appoint a person who ceases to be a member of a local access forum on the expiry of his term.

(2) An appointing authority which terminates the appointment of a member of a local access forum (other than a joint local access forum) under regulation 4(4)(c) may appoint that person to another local access forum in their area.

(3) Where the appointing authorities for the area of a joint local access forum terminate the appointment of a member under regulation 4(4)(c), any of the authorities may appoint that person to another local access forum in their area.

(4) A member who—

- (a) has his appointment to one forum (“Forum 1”) terminated under regulation 4(4)(c), and
- (b) is appointed to another forum (“Forum 2”) under paragraph (2) or (3),

shall be appointed to Forum 2 for a maximum term calculated by applying the formula $A - B$, where—

A is three years; and

B is the period the member served on Forum 1 during his most recent term of appointment.

Proceedings of a local access forum

6.—(1) Save as provided in this regulation and subject to regulations 7, 8 and 10, the proceedings (including the quorum) relating to the meetings of a local access forum shall be such as the forum may determine.

(2) A local access forum must hold at least two meetings every year.

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

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

(5) The period of appointment of the chairman and vice-chairman must 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 matters mentioned in paragraph (7) as may be necessary to ensure that so far as

practicable the chairman and vice-chairman are persons who are each, on appointment as a member of the forum, eligible to be so appointed—

- (a) on any basis mentioned in regulation 3(5) other than any on which the other was eligible to be so appointed; or
- (b) (where each was appointed in accordance with regulation 3(5)(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) The matters referred to in paragraph (6) are 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, or any combination of these.

(8) 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 must disclose the nature of his interest to the meeting.

Access to meetings and documents of a local access forum

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

(2) A person exercising the right of admission conferred by paragraph (1) may be excluded from a meeting in order to suppress or prevent disorderly conduct or other misbehaviour at the 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 such document must be open to inspection 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 must 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 copies of the revised agenda), 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) Nothing in paragraph (4) 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.

(6) 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 must 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.

(7) Where, pursuant to any provision specified in regulation 9(2), a relevant authority or the Secretary of State (as the case may be) has decided not to publish a notice of a kind mentioned in that provision on the grounds that it is not in the public or defence interest that the information contained in it should be disclosed, any part of a meeting of a local access forum that relates to such information shall not be open to the public.

(8) In paragraph (7) and in regulation 9(1) “relevant authority” has the meaning given by section 21(5) and (6).

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 must 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 regulation 7(3) or paragraph (1) 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,

must 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, in the opinion of the secretary to the local access forum—

(a) disclose any facts or matters on which the report or an important part of the report is based, and

(b) have been relied on to a material extent in preparing the report,

but do not include any published works.

Restriction on access to documents of a local access forum

9.—(1) Where, pursuant to any provision specified in paragraph (2), a relevant authority or the Secretary of State (as the case may be) has decided not to publish a notice of a kind mentioned in that provision on the grounds that it is not in the public or defence interest that the information contained in it should be disclosed, any part of the documents mentioned in regulations 7(3) and 8(1) and (2) that relates to such information shall not be open to inspection by members of the public.

(2) The provisions mentioned in paragraph (1) are—

(a) regulation 9(4) of the Access to the Countryside (Exclusions and Restrictions) (England) Regulations 2003^(a) (consultation on proposals for long-term exclusions or restrictions);

(b) regulation 15(2) of those Regulations (consultation on reviews by relevant authorities of directions excluding or restricting access on a long-term basis); and

(c) regulation 16(2) of those Regulations (consultation on reviews by the Secretary of State of directions excluding or restricting access on a long-term basis).

Supplemental provisions about access to documents of a local access forum

10.—(1) A document required by regulation 7 or 8 to be open to inspection must 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 a reasonable fee.

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

(a) S.I. 2003/2713, to which there are amendments not relevant to these Regulations.

Secretary to a local access forum

11.—(1) Subject to paragraph (2), an appointing authority must employ a secretary for each local access forum within their area.

(2) The appointing authorities for the area of a joint local access forum must jointly select a person to be employed as a secretary for the forum, and one of the authorities must so employ that person.

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

(4) 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 (or of any of the appointing authorities in question, in the case of a joint local access forum).

Financial provisions

12.—(1) An appointing authority shall meet any reasonable expenses incurred by any local access forum within their area 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

13.—(1) Each local access forum must prepare an annual report on the discharge of its functions.

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

PART 3

Changes to local access forum arrangements

Changes to local access forum arrangements

14.—(1) In this regulation, “relevant area” means an area in respect of which an appointing authority has a duty to establish a local access forum under section 94(1).

(2) If no local access forum exists for a relevant area, the appointing authority for that area must, as soon as reasonably practicable—

- (a) establish a local access forum for the relevant area in accordance with regulation 15(1)(a) or (b); or
- (b) change the area for which an existing local access forum is established, in accordance with regulation 16, so that the area in respect of which the forum has functions includes the relevant area or any part of that area.

(3) Where a local access forum exists for a relevant area, the appointing authority for that area may—

- (a) change the area for which it is established, in accordance with regulation 16; or
- (b) merge it with another local access forum, in accordance with regulation 17.

(4) Where a joint local access forum exists for a relevant area, any of the appointing authorities concerned may terminate the functions of the joint local access forum in respect of their area, in accordance with regulation 18.

Establishment of a local access forum

15.—(1) An appointing authority may—

- (a) establish a local access forum for their area, or for any part of their area; or
- (b) together with any other appointing authority establish a joint local access forum for their areas or for any parts of their areas.

(2) The local access forum referred to in paragraph (1)(a) or (b) shall be established by appointing the members of the forum in accordance with regulations 3 to 5.

(3) Before establishing any local access forum, an appointing authority which is a local highway authority must 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.

(4) Before establishing any local access forum an appointing authority which is a National Park authority must 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.

(5) An appointing authority must not establish a local access forum for any area in respect of which another forum already has functions.

Changes to the area for which a local access forum is established

16.—(1) An appointing authority may, by giving 21 days' notice in writing to a local access forum, and the relevant appointing authorities may, by giving 21 days' joint notice in writing to the joint local access forum, change the area for which the forum is established—

- (a) so that the forum thereafter exercises its functions in respect of an additional area; or
- (b) so that the forum thereafter exercises its functions in respect of a reduced area.

(2) If an appointing authority makes a change under paragraph (1)(b), they must, as soon as reasonably practicable after making such change—

- (a) establish a new local access forum for the area in respect of which the original forum ceases to have functions; or
- (b) change the area for which another existing local access forum is established, being a forum for which the authority is the appointing authority, so that such other forum exercises its functions in respect of that area.

(3) Before giving notice under paragraph (1), an appointing authority must consult any appointing authority or local access forum which they consider will be affected by the change.

Merging local access forums

17.—(1) For the purposes of paragraphs (2) and (3), references to local access forums do not include joint local access forums.

(2) An appointing authority may merge any two or more local access forums in their area by giving such forums 21 days' notice in writing.

(3) An appointing authority may agree to merge any one or more local access forums in their area with any one or more local access forums in another authority's area to form a joint local

access forum, and such merger shall be effected by the appointing authorities, acting jointly, giving each forum that is to be merged 21 days' notice in writing.

(4) The relevant appointing authorities may agree to merge a joint local access forum with any other local access forum with the agreement of—

- (a) each appointing authority whose local access forum is to be merged; and
- (b) each appointing authority whose joint local access forum is to be merged;

and the merger shall be effected by the appointing authorities whose forums are to be merged giving each such forum 21 days' joint notice in writing.

(5) The forum formed by a merger shall be treated as a separate forum established by the appointing authorities of the forums so merged, and the forums so merged shall cease to exist.

(6) Before giving notice under paragraph (2), (3) or (4), an appointing authority or authorities whose forums are to be merged must consult any other appointing authority or local access forum which they consider, or, in a case within paragraph (4), which they jointly consider, will be affected by the merger.

(7) Except where one or more of the merging forums is a joint local access forum, the secretary of each merging forum must deliver its minutes, documents, and annual reports to the secretary of the forum formed by the merger on the expiry of the 21-day period mentioned in paragraph (2) or (3) (as the case may be) or as soon as practicable thereafter.

(8) Where the merger involves one or more joint local access forums, the appointing authorities whose forums have been merged shall agree the arrangements in respect of each such forum's minutes, documents, secretary, annual reports, and such other matters as the authorities consider appropriate, as soon as practicable after the expiry of the 21-day period mentioned in paragraph (4).

Withdrawal from a joint local access forum

18.—(1) This regulation applies where a joint local access forum has been established for the areas, or parts of the areas, of two or more appointing authorities.

(2) Any of the appointing authorities concerned may, by giving 21 days' notice in writing to the joint local access forum and to the other appointing authority or authorities, terminate the functions of the joint local access forum in respect of their area.

(3) Where the effect of notice given under paragraph (2) is that a joint local access forum no longer has any functions, the joint local access forum shall cease to exist.

(4) Where the effect of notice given under paragraph (2) is that a joint local access forum only has functions in respect of the area of one appointing authority, the joint local access forum shall be reconstituted as a local access forum.

(5) Before terminating the functions of a joint local access forum in respect of any area, the relevant appointing authorities must agree the arrangements that are to apply in respect of the forum's minutes, documents, secretary, annual reports, and such other matters as the authorities consider appropriate.

(6) Before giving notice under paragraph (2), an appointing authority must consult any appointing authority or local access forum which they consider will be affected by the termination.

PART 4

Miscellaneous provisions

Duty of appointing authority to provide information to Natural England

19.—(1) In respect of each local access forum which they establish, the appointing authority must notify Natural England in writing within 21 days of—

- (a) establishing the forum under regulation 15;

- (b) in the case of making any change under regulation 16 to the area in respect of which the forum has functions, the expiry of the notice period mentioned in regulation 16(1);
- (c) in the case of a merger of two or more forums under regulation 17, the expiry of the notice period mentioned in regulation 17(2), (3) or (4) (as the case may be); or
- (d) in the case of a termination under regulation 18 of the functions of a joint local access forum in respect of an area, the expiry of the notice period mentioned in regulation 18(2).

(2) The notification in paragraph (1)(a) must include the forum's name, postal address, telephone number and e-mail address (where applicable, in each case), and such other information as the appointing authority considers appropriate, or as Natural England reasonably requests.

(3) The notification in paragraph (1)(b) must include—

- (a) a description of the changes that have been made,
- (b) a map detailing the area in respect of which each forum affected by the changes has functions, and
- (c) such other information as the appointing authority considers appropriate, or as Natural England reasonably requests.

(4) The notification in paragraph (1)(c) must include the name of the forum formed by the merger, its postal address, telephone number and e-mail address (where applicable, in each case), and such other information as the appointing authorities, acting jointly, consider appropriate, or as Natural England reasonably requests.

(5) The notification in paragraph (1)(d) must include—

- (a) details of the action taken by the appointing authority under regulation 14(2) relating to the land in the authority's area in respect of which the joint local access forum formerly had functions;
- (b) details of the arrangements agreed by the relevant appointing authorities under regulation 18(5); and
- (c) such other information as the appointing authority considers appropriate, or as Natural England reasonably requests.

(6) In respect of each local access forum and joint local access forum which they establish, the appointing authority (or appointing authorities, in the case of a joint local access forum) must notify Natural England in writing within 21 days of—

- (a) employing a secretary for the forum, or
- (b) the appointing authority (or authorities) becoming aware that any of the contact details of the forum's secretary have changed,

as the case may be.

(7) The notification under paragraph (6) must include the secretary's name, postal address, telephone number and e-mail address (where applicable), and such other information as the appointing authority considers (or the appointing authorities jointly consider) appropriate, or as Natural England reasonably requests.

(8) In respect of each forum which they establish, the appointing authority must send a copy of the forum's annual report to Natural England within 21 days of the report being published.

Application of these Regulations to London borough councils

20.—(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.

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

(2) Regulation 3 (membership of a local access forum) shall have effect as if, in paragraphs (4) and (8), for the words “district or county council” there were substituted the words “district, county or London borough council”.

(3) Regulation 4 (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”.

Bodies to whom advice is to be provided

21. The following bodies are prescribed for the purposes of section 94(4)(d)—

- (a) any conservation board established by the Secretary of State under section 86;
- (b) any parish or town council for any part of the area in respect of which a local access forum is established; and
- (c) the English Sports Council(a).

Matter as to which advice is to be provided

22.—(1) In this regulation—

- (a) access to land by a person or persons will be for a “lawful” purpose on any occasion if he or they may access the land on that occasion without committing an offence or trespassing on the land; and
- (b) “byway open to all traffic” has the meaning given by section 66(1) of the Wildlife and Countryside Act 1981(b).

(2) Subject to paragraph (3), the following is prescribed as an additional matter in respect of which it is the function of local access forums to advise—

“public access to land in the area for which a forum is established for any lawful purpose other than the purposes mentioned in section 94(4)”(c).

(3) The function conferred by paragraph (2) is exercisable in relation to access by mechanically propelled vehicles only insofar as the access relates to byways open to all traffic.

Revocation of the Local Access Forums (England) Regulations 2002

23. The Local Access Forums (England) Regulations 2002(d) are revoked.

Barry Gardiner
Parliamentary Under-Secretary of State
Department for Environment, Food and Rural Affairs

2nd February 2007

(a) Established by Royal Charter on 19th September 1996; it operates under the name “Sport England”.

(b) 1981 c.69.

(c) The purposes mentioned in section 94(4) are the improvement of public access to land in the area for which the forum is established for the purposes of open-air recreation and the enjoyment of the area.

(d) S.I. 2002/1836.

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 known as local access forums. The forums are required to advise certain bodies about certain public access issues.

These Regulations, which apply in relation to England only, revoke and re-enact with modifications the Local Access Forum (England) Regulations 2002. In addition to minor and drafting amendments, they make the following changes of substance.

Regulations 14 and 16 to 18 provide for: (i) changes to local access forum arrangements; (ii) changes to the area for which a forum is established; (iii) the merger of forums; and (iv) the withdrawal of one or more appointing authorities from a joint local access forum. Regulation 4(4)(c) provides for an appointing authority to terminate the appointment of any member of a forum or forums in the circumstances described in (ii), (iii) and (iv). Regulation 5 provides for re-appointment in such circumstances (as well as generally), and regulation 3(8) disapplies advertising and consultation requirements on such re-appointment.

Regulation 7(7) provides for meetings of local access forums to be closed to the public in certain circumstances. Regulation 19 requires appointing authorities to provide certain information to Natural England. Regulation 21 prescribes additional bodies for local access forums to advise. Regulation 22 prescribes an additional matter in respect of which it is the function of local access forums to advise. Regulation 23 revokes the Local Access Forums (England) Regulations 2002.

A full regulatory impact assessment has not been prepared for this instrument as no impact on the private or voluntary sectors is foreseen.

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