

**ENVIRONMENT, PLANNING AND TRANSPORT COMMITTEE**

<b>Date:</b>	Wednesday 11 July
<b>Time:</b>	2 to 5 pm
<b>Venue:</b>	Theatr Brycheiniog, Brecon

**COUNTRYSIDE AND RIGHTS OF WAY ACT 2000 – DRAFT CONSULTATION PAPER ON LOCAL ACCESS FORUM ARRANGEMENTS**

1. The attached draft consultation paper seeks views from interests in Wales on the proposed content of regulations on the establishment of local access forums, as required under Section 94 of the CROW Act. The forums will be advisory bodies, with a specific remit to advise the local authority or National Park on the improvement of public access for open-air recreation ; and to advise on the implementation of the new right of access under the CROW Act.
2. Subject to the Committee's views on the content of the paper, the aim is to issue it for consultation in mid July, with 10 weeks being allowed for comments to be made (taking account of the summer holiday period). A report on the outcome on the consultation will be made to the Committee as soon as possible in the autumn.

July 2001

Countryside Division

**DRAFT CONSULTATION PAPER - LOCAL ACCESS FORUMS**

## **Introduction**

1. Under section 94 of the Countryside and Rights of Way Act 2000 (CROW), local highway authorities and National Parks are required to establish local access forums for their areas, in line with regulations approved by the National Assembly. The forums will be advisory bodies - with a specific remit to advise local authority or National Park on the improvement of public access to land for open-air recreation. The forums will also have a specific role to play in advising on the implementation of the new right of access under the CROW Act.

2. The Act requires membership of forums to be balanced between representatives of user groups and land management interests. A number of informal local access forums and other similar bodies are already established in Wales. The Countryside Council for Wales has also established a National Access Forum to help guide implementation of the CROW Act in Wales. The National Assembly is keen to build on these arrangements wherever possible to help maximise benefit from their experience and expertise.

3. This paper seeks views on the main issues which it is intended should be covered by the regulations. To assist in meeting the varying needs of different parts of Wales, it is intended that the regulatory framework governing the establishment of local access forums should be reasonably light, allowing room for local flexibility. The proposals in this paper seek to reflect this approach.

## **Key Issues for Consultation**

### **Establishment and Coverage of Local Access Forums**

4. Section 94(1) requires each local highway authority and National Park to establish a local forum for its area. This does not preclude joint arrangements being made by relevant authorities, however, where this is considered appropriate. For example a National Park and the local authority in that area may consider that one statutory local access forum would be adequate, rather than two. Joint arrangements may also assist relevant interests in providing appropriate representation. For these reasons **it is proposed** that each local authority and National Park should be required to establish single or joint local access forums to cover their areas. To assist forums in undertaking their work, **it is also proposed** that they should be able to set up sub committees on certain issues if they wish. To ensure that forums are established within a reasonable timeframe, **it is also proposed** that they should be set up within one year of the regulations being approved by the Assembly.

5. Also relevant here is the issue of cross border forums – ie joint forums covering an area straddling the England/Wales border. Complex legal issues arise here. As there would be nothing to prevent two forums on either side of the border working together on specific issues, the Assembly's initial view is that informal arrangements might be better rather than seeking a statutory solution for this.

## **Advisory Functions**

6. The main functions of the forums are set out in the Act ie to advise the local authority and other relevant bodies under the Act on the improvement of public access in their area for the purposes of open-air recreation and the enjoyment of the area. Specifically this includes being consulted on the draft maps of open countryside and advising on the development of rights of way improvement plans, the making of bye-laws, the appointment of wardens, proposed long term closures and other restrictions on access. These functions are important and well defined. While local access forums may become involved in, and be consulted on other matters related to countryside issues, it is not proposed that any additional functions should be specified in the regulations.

## **'Prescribed organisations'**

7. The Act lists specific organisations which are required to have regard to the advice of local forums. These include the local authority, the relevant National Park, the CCW and Forestry Commission and any other organisations prescribed in the regulations. At this stage the National Assembly **does not propose** to prescribe any additional bodies as it will be open to other organisations - for example the Sports Council for Wales - to seek advice from the local forum and there would be nothing to prevent a forum giving its views if it wished to.

## **Membership Arrangements**

8. The Act requires that the membership of forums should be balanced between representatives of user and land management interests. Practical experience of existing informal forums in Wales suggests that smaller groups - of no more than 25 - are likely to be more effective than larger ones. It is clearly desirable that as well as members having a good knowledge of and being drawn from across the area covered by the forum, that they should reflect the gender balance and the age and ethnic make-up of the area, so far as possible. Since access is for everyone, it will also be important to secure members, where possible, who can advise on the needs of those with disabilities or who are socially or economically disadvantaged.

9. It will also be important for the local authority/National Park to keep the membership of the forum under review, particularly to ensure that the balance between users and land owners/managers is maintained. Moreover, it would seem sensible to prescribe in the regulations a maximum period of appointment for the chair and members of the forum. It is also for consideration if the regulations should specify particular organisations which should always be represented on the Forum. The Assembly's initial view is that this is best left for local determination, except in the case of the local authority/National Park (see para. 11 below). It would clearly also be helpful for the Countryside Council for Wales and the National Assembly to have observer status on each of the forums given their key responsibilities under the Act.

## **The following proposals are therefore made:-**

i. that local access forums should comprise a minimum of 10 but generally no more than 25 members (precise number to be determined by the local authority/National Park).

- ii. that the chair would be collectively chosen/elected by the members of the forum at its first meeting.
- iii. that the standard period of appointment for the chair and members should be for a period of up to three years, with the option of renewal in each case.
- iv. that no specific organisations should be specified in the regulations for formal representation on the local forums, except the local authority/National Park. CCW and the National Assembly would be able to attend as observers.

10. Appointment method - It is for consideration how members might best be appointed - by nomination, or open advertisement, or by some other method. Existing countryside access forums have generally been established by the nomination method – ie organisations representing user and land-owning interests have been invited by the relevant authority to offer nominations for possible membership. As this process seems to have worked reasonably well to date in Wales, it may be sensible to continue with it. It may also be desirable, however, to have some members appointed following open advertisement and/or for certain groups to be co-opted onto the forum to help address specific tasks or issues. For example, local business interests and conservation groups will have an interest in the work of the forums and a contribution to make to their agenda. We do **not propose** to specify any requirements on this in the regulations – and instead to allow the local authority/National Park to make such arrangements if they so wish.

11. Elected member representation. Having representation from the local authority/ National Park on the local access forum would be helpful for a number of reasons: to provide a direct link between the work of the authority/Park and that of the forum; to assist democratic accountability; etc. **It is proposed** therefore that each local authority/National Park should be able to appoint one member to the local forum to represent its interests (and where joint arrangements apply, each authority would be able to nominate one member or to act jointly in this if they so choose).

12. Balance of membership. Section 95 (4) requires the Assembly to have regard to the desirability of maintaining a reasonable balance between the number of forum members representing user interests compared with land management. It is considered that achieving this balance is best determined by the local authority/National Park as part of their responsibility to receive and consider nominations and to secure other representation reflecting local circumstances. Section 95 (2) c also provides for the local authority/National Park to secure representation by other interests ‘relevant to the authority’s area’. Again it is not proposed to specify any particular interests here but to leave this to local determination.

## **Public access to meetings**

13. The National Assembly considers it important local access forums conduct their business as openly as possible. **It is therefore proposed** that the regulations should provide for forums to be treated as committees/sub committees for the purposes of Part V (A) of the Local Government Act 1972. This would mean that, unless there was a risk of confidential/exempted information being disclosed, forum meetings would normally be open to the public; would be advertised in advance; copies of the agenda and reports of meetings would be open to inspection by the public; and the local authority/National Park would maintain a register of members which would be available to the public.

### **Forum costs/administration**

14. The local authority/National Park would be responsible for the costs of establishing the local forum for their area and in providing administrative support to it. The Assembly has made provision for these costs in the Local Government Settlement and National Park Grant allocations for 2001/2 and beyond. **It is proposed** that members should not receive direct remuneration for attendance at meetings; but they should be able to claim reasonable travelling expenses, including reasonable child-care costs, for attendance at meetings and directly associated training events/ field visits. To help in the administration of the forum, it is also proposed that each local authority/National Park should appoint a secretary. This person would not be a member of the forum but would be responsible for ensuring that meetings were properly arranged, for collation of material for the annual report, etc.

### **Accountability**

15. As part of the process of ensuring democratic accountability and openness on the work of the forums, **it is proposed** that scrutiny committees of local authorities /National Parks should examine the work of local access forums from time to time. In addition **it is proposed** that the regulations should include provision for each of the forums to publish an annual report on its activities (produced jointly where joint arrangements exist).

### **Draft regulations**

16. A first draft of the regulations is attached. The draft assumes that all of the proposals in this paper will be accepted, though clearly this will depend on the outcome of this consultation exercise. It is hoped that sight of the draft regulations will assist the consultation process ; and we would welcome views on the form and content of the draft regulations as well as on the proposals made in this paper.

### **Consultation responses**

17. Views on the key issues raise in this consultation paper should be sent to Angharad Huws in Countryside Division, National Assembly for Wales, Cathays Park, Cardiff CF 10 3NQ by ..... September 2001. If you would like to discuss any matter in this paper before submitting views please contact Gerry Quarrell or Angharad Huws in the National Assembly on 02920 823557 and 02920 825168.

July 2001

Countryside Division  
National Assembly for Wales