
Halesowen Area Committee – 14 January 2010

Report of the Director of the Urban Environment

Dudley Borough Local Access Forum

Purpose of Report

1. To inform committee of the work of the Dudley Borough Local Access Forum and invite applications from members of the public to join the Forum.

Background

2. Membership of the Dudley Borough Local Access Forum is recommended for anyone with an interest in outdoor recreation. Applicants could be landowners, perhaps with Rights of Way crossing their land, representatives of groups who regularly use green spaces (such as walkers, horse riders or cyclists) or people interested in the conservation of the wildlife, geology or heritage of the Borough. In short- anyone with a passionate interest in the outdoors and the drive to preserve public access to the Borough's green spaces, would have a great deal to offer the Forum.
3. The Dudley Borough Local Access Forum has been operating since September 2003 and has amassed a great deal of experience in access issues. Therefore it is important that this wealth of experience and expertise is retained within the group whilst at the same time refreshing the membership and giving new members a chance to contribute to its activities.
4. The Forum should consist of between 10 and 22 members who will be appointed for a period of not less than one year and not more than three years. The Appointing Authority (The Council) must at all times ensure there is a reasonable balance of Forum members from the following membership categories:
 - access users,
 - land owners
 - other relevant interested parties.
5. Local Access Forums are independent advisory bodies, they are autonomous of the appointing Authority, setting their own agendas and producing an annual report on the discharge of their function. The Council is however responsible for giving administrative support to the Forum by providing a Secretary and there is a budget to meet the reasonable expenses incurred by members attending their meetings. In addition, the Appointing Authority may nominate two elected members to join the Forum, where its membership is up to 16, or three elected members where the Forum has a membership of 17 or more.
6. Local Access Forums came about as a result of the Countryside and Rights of Way Act 2000 (CROW Act 2000), which places a duty on local highway authorities to establish such groups as advisory bodies. They have a statutory

function to advise on public access to land for any lawful purpose, the improvement of public access for the purposes of open air recreation and the enjoyment of the area, and other such matters as may be prescribed. The Forum therefore has a wide remit in advising access authorities including local highway authorities and other bodies (such as Government departments, Natural England, the Forestry Commission, English Heritage or Sport England).

7. There is a specific statutory requirement to consult forums in the following circumstances:-
 - rights of way improvement plan
 - byelaws in respect of access to land
 - appointing wardens for access land
 - long term direction to exclude or restrict access to access land for a period in excess of six months
 - long term direction to exclude or restrict access to access land on the grounds of defence or national security
 - making, amending or revoking a dog control order
 - proposed changes to forum arrangements
8. There is a statutory requirement to notify or provide forums with information in the following circumstances:
 - Highways Act 1980 (Gating Orders)(England) Regulations 2006, require a council to give a notice to any forum(s) through whose the relevant highway passes before making, varying or revoking a gating order (regulation 4 and 10)
 - The Access to the Countryside (Provisional and Conclusive Maps)(England) Regulations 2002
 - Changes to the Forum arrangements (regulations 16,17 and 18)
9. Forums may also advise local planning authorities on the recreation and access implications of individual planning applications, however the Forum is not a statutory consultee to a local planning authority
10. The number of active members of the Dudley Borough Local Access Forum has reduced in recent years and of these a number will shortly be due for re-appointment. Therefore the Council is currently advertising for new applicants. In addition to reporting to all five area committees, vacancies will be advertised in appropriate regional and local newspapers and appropriate local interest groups will be contacted.
11. Applications should be made in writing on the standard forms to the Directorate of the Urban Environment and should be received no later than 14th February 2010.
12. In appointing members to the Forum, the Council will have regard to achieving a balance between the membership categories detailed in Para 4 above and also as far as possible attaining a proportionate geographical spread of membership covering the Borough.

Finance

13. The local authority meets reasonable expenses incurred by the forum or its members, in connection with their attendance at meetings and any other relevant activities. This includes covering travel and subsistence costs and any expenses

of arranging care for their children/dependents. This expenditure is met from existing resources held within the DUE revenue budgets.

Law

14. Section 94 of the Countryside and Rights of Way Act 2000 places a duty on the Council to establish for the area, or for each part of it, an advisory body to be known as a local access forum.
15. The Local Access Forums (England) Regulations of 2007 contains the statutory requirements for establishing and maintaining a local access forum
16. Defra Guidance on Local Access Forums in England published 2007 provides advice on how the Secretary of State expects forums to contribute better informed public access to land, open air recreation and use of the public rights of way network.
17. Section 111 of the Local Government Act 1972, authorises the Council to do anything which is calculated to facilitate, or is conducive to, or incidental to the discharge of its functions

Equality Impact

18. Membership of the Dudley Borough Local Access Forum is open to all members of the community and the primary objective of the Forum is to improve and promote access to the countryside for all members of the public which includes children and young people.
19. The Directorate of the Urban Environment promotes walking and physical activity through a range of organised programmes, in order to improve health and reduce childhood obesity.

Recommendation

20. It is recommended that Area Committee note the contents of the report and that members of the public be invited to apply for membership of the Local Access Forum by the closing date of 14th February 2010.



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List of Background Papers: Guidance on Local Access Forums in England (Defra)