

DUDLEY METROPOLITAN BOROUGH COUNCIL

CENTRAL DUDLEY AREA COMMITTEE – 27TH OCTOBER 2003

REPORT OF THE DIRECTOR OF THE URBAN ENVIRONMENT

DUDLEY BOROUGH LOCAL ACCESS FORUM

1. PURPOSE

- 1.1. To welcome and support the establishment of the Dudley Borough Local Access Forum.

2. BACKGROUND

- 2.1. The Countryside and Rights of Way Act 2000 (the CROW Act) places a duty on local highway authorities to establish advisory bodies known as Local Access Forums. Requirements for their establishment, operation and membership are set out in the Local Access Forums (England) Regulations 2002.
- 2.2. At its meeting of 9th July 2003, the Executive resolved:
- a) That a Local Access Forum be established for the Dudley Borough area.
 - b) That vacancies for membership of such a Local Access Forum be advertised and such persons as considered appropriate be consulted.
 - c) That the Director of the Urban Environment be authorised to receive applications for membership to the forum and to appoint members to the forum.
 - d) That the Lead Member for Leisure nominates the Council's representation on the forum.
 - e) That reports outlining the establishment of a Local Access Forum be presented to the Area Committees.
- 2.3. A total of 18 applications for membership were received, from representatives of users of rights of way, owners/occupiers of land over which rights or way exist or other interests relevant to the area. Councillors Charles Fraser-Macnamara, Tim Crumpton and Dave Tyler were nominated to represent the Council. All 21 have duly been appointed as members of the Forum.
- 2.4. The Dudley Borough Local Access Forum held its inaugural meeting on 17th September 2003. Mick Freer (representative of users of rights of way) was elected as Chair and Robert Withers (representative of owners and occupiers of land over which rights or way exist) as Vice Chair. The Forum agreed that the periods of appointment for these posts are one year. The Forum also agreed a quorum of eleven members.

2.5. The Forum will have a wide role in advising upon strategic access and recreation issues. It will act as a statutory advisor to Dudley Council and to other bodies on the improvement of public access to land in the Borough for the purpose of open-air recreation and the enjoyment of the area. Such bodies must have regard to any relevant advice given by the Forum.

2.6. The Forum is required to be consulted on:

- a) Draft maps, prepared by the Countryside Agency, showing open country and registered common land;
- b) Any byelaws to be made by the local highway authority affecting access land;
- c) The appointment of access wardens on land where the new right of access applies;
- d) Directions proposed to be given by relevant authorities (including the Countryside Agency and Forestry Commission) which would restrict or exclude long-term access from access land, and the review of such directions; and
- e) Rights of way improvement plans prepared by the local highway authority under Part II of the CROW Act.

2.7. The Forum is required to have regard to:

- a) The needs of land management;
- b) The desirability of conserving the natural beauty of the area for which it is established, including the flora, fauna and geological and physiographical features of the area; and
- c) Guidance given by the Secretary of State.

2.8. In addition, the legislation provides detailed guidance on the conduct and organisation of the Forum including:

- Period of membership of the Forum
- Periods of appointment to the positions of Chair and Vice-Chair
- Termination of individual membership
- Distribution and public inspection of agendas, reports and minutes
- Public attendance at meetings
- Local authority provision of a Secretariat for the forum
- Payment of reasonable expenses of forum members
- Production of annual reports

3. **PROPOSALS**

3.1. That the establishment of Dudley Borough Local Access Forum be welcomed and supported.

4. FINANCE

- 4.1. It is envisaged that, including advertising, expenses and secretarial provisions, the costs of a Local Access Forum will be up to £5,000 per annum, but these would be kept to a minimum.
- 4.2. The RSG settlement for 2003/04 includes £1,000 for Local Access Forums, which has been made available to the Directorate of the Urban Environment. Any additional funding requirements would be met through existing budgets of the Directorate of the Urban Environment.

5. LAW

- 5.1. Section 94 of Countryside and Rights of Way Act 2000 places a duty on the Council to establish for that area, or for each part of it, an advisory body to be known as a local access forum.
- 5.2. Section 11 of the Countryside Act, 1968, requires that the Council in the exercise of its functions relating to land under any enactment must have regard to the desirability of conserving the natural beauty and amenity of the countryside; it extends to both urban and rural areas.
- 5.3. 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 any of its functions.

6. EQUAL OPPORTUNITIES

- 6.1. This report takes into account the Council's policy on Equal Opportunities.
- 6.2. The Local Access Forum will have, in its remit, to consider equal opportunities issues in relation to access to the rights of way network and to access land.

7. RECOMMENDATION

- 7.1. That the proposal set out in paragraph 3.1 of this report be approved.

Signature.....

J. MILLAR DIRECTOR OF THE URBAN ENVIRONMENT

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