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The Sponsorship, Landscape & Recreation Division  
Department for Environment, Food and Rural Affairs  
Zone 1/02  
2 The Square  
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BS1 6EB

29 November 2005

Dear Sir/Madam

**Consultation relating to the amendment of the Local Access Forums  
(England) Regulations 2002**

Devon Local Access Forum members have considered the above consultation and wish to make the following comments.

**Proposal 1**

“We invite views on whether the Regulations should be amended so that the deadline in those Regulations is removed, thereby ensuring that there is a continuing duty on appointing authorities to have a forum (or forums) which cover their area”.

**The Devon LAF would support this proposal, particularly as some LAFs have not yet been established. It suggests a revised deadline should be set to encourage those authorities who have not yet set up a LAF to do so.**

## **Proposal 2**

“We invite views on whether the Regulations should be amended to give appointing authorities the power to extend or reduce the area covered by a forum, combine forums with other forums; establish new forums; abolish forums; and/or enter into or withdraw from joint arrangements”

**It would be sensible to allow more flexibility to accommodate local circumstances. However, changes should not be made purely for expediency or to achieve financial savings.**

## **Proposal 3**

“We invite views on whether an appointing authority, before making any of the changes referred to in Proposal 2, should be required to consult any other appointing authorities that the authority considers would be affected by the proposal. Similarly, we invite views on whether the authority should be required to consult any existing forums that the authority considers would be affected.”

**It would be sensible and common courtesy for appointing authorities to consult with each other AND with existing forums before carrying out any of the proposals addressed by Proposal 2.**

## **Proposal 4**

“We invite views on whether the Regulations should be amended to give an appointing authority the power, when establishing a forum or entering into joint arrangements, to appoint members from amongst the membership of any forum(s) previously established by that authority without a requirement for vacancies to be advertised or for the appointing authority to consult.

**It would be logical for existing members to be considered automatically but in the event of an amalgamation of LAFs there may be insufficient places for everyone. In that instance it would be more equitable for posts on the new LAF to be advertised but existing members, who wish to stand again, should be considered for appointment. Equally, there may be reasons why members of the public did not stand for earlier appointments and would wish to apply for places on a new forum. The appointing authority needs to be seen to act with fairness and transparency.**

**Proposal 5:** “We invite views on whether the Regulations should require appointing authorities to notify the Countryside Agency whenever (a) a new forum secretary is appointed or their contact details change or (b) whenever they make the type of change referred to in Proposal 2.”

**The LAF would support this.**

**Proposal 6:** “We invite views on whether the Regulations should require an appointing authority to submit a copy of its forum’s annual report to the Countryside Agency.

**The LAF would support this. It would be useful to have feedback on the contents.**

**Proposal 7:** “ We invite views on whether the Regulations should be amended to reduce the minimum number of forum members from 10 to 8.”

**.The general consensus is that a forum with eight members is too small unless the appointing authority can prove it has made strenuous and unsuccessful attempts to advertise and recruit members. The balance between different interests should still be maintained. With as few as eight members, and allowing for absences, decisions could be taken by a small unrepresentative group.**

**The Regulations make no mention of residency status and urban LAFs might be able to recruit landowners from adjoining areas as members. Access areas adjacent to urban areas are vitally important for recreation.**

***Bodies which a local access forum should advise.***

- A.** It would be useful for the regulations to include the Environment Agency, Sport England, the AONBs and regional organisations such as the appropriate Regional Development Agency and Government Office. However, the issues on which these bodies should consult LAFs should be clearly identified to avoid overload. Reference to strategies and policies regarding use of rights of way, open land and water would be pertinent.

***Matters on which a local access forum should provide advice.***

- B.** Mention has been made of including outdoor sport and water access amongst the areas on which the LAF should provide advice. Some members are uncertain or dubious about the inclusion of sport because it encompasses such a range of very different activities in both natural and man-made environments. If sport is seen as falling within the LAFs remit, the extent of LAF involvement should be clearly identified and clarified in the regulations and supporting guidance.

***Other Amendments to the Regulations***

***C. Interests***

The Regulations should clarify that those members with a particular interest in an agenda item can continue to participate in discussions, having declared that interest. The exception would be where a member has a financial interest. The current Regulations (6.7) state that a member shall disclose the nature of his interest but makes no comment on the continuing participation of that member.

The Devon LAF has experienced a situation where the right of a member to participate has been challenged, even though there is no financial benefit. The Devon LAF believes that the views of all members are important and necessary to achieve the balance of opinion, so central to the concept and focus of local access forums. The current Regulations do not provide

positive support for this. The role of the forum as an advisory and non-executive body should be mentioned in this context.

### ***Working Groups and Sub-Groups***

It would be useful for the Regulations to state that Working Groups and Sub-Groups may be formed to deal with specific issues. These meetings often provide an opportunity for members to deal with issues in detail and are used very effectively by many forums. The University of Gloucestershire Review of Local Access Forums identifies these as part of good practice. The Regulations should state clearly, for the benefit of the public, how such meetings will be held and how outcomes will be brought to public LAF meetings.

### **Guidance to forums and appointing authorities**

#### **D. Areas for inclusion within the revised guidance could usefully cover:-**

- *The expectation that LAFs will develop their own agenda independently of local authorities.*
- *The need for local authorities to provide feedback to a local access forum on advice it has provided.*
- *To what extent, and how, local access forums should involve themselves in specific local issues.*
- *Flexibility to recruit additional members to reflect changing circumstances or areas of work.*
- *Information which should be included in the Annual Report.*
- *How the local authority should support Working Groups and Sub-Groups.*
- *The need for a LAF budget to allow flexibility and accountability.*

#### **E. Examples of good practice**

- *Work Programmes*
- *Field visits and training days*

We trust these comments will be taken into account in developing revised Regulations and Guidance. It would be useful for LAFs to have the opportunity to comment on the draft Regulations and Guidance.

Yours faithfully



Hilary Winter  
Secretary