

Peak District Local Access Forum

Date: 13th June 2013

Item: 4

Title: Governance arrangements for sub-group work

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Purpose of the Report

To set out and clarify and approve governance arrangements for the Peak District Local Access Forum sub-groups.

Statutory basis for LAF sub-groups

The Local Access Forum (England) Regulations 2007 do not contain provisions for sub-groups. However, paragraph 4.6 of the Defra Guidance for LAF's acknowledges that "a meeting involving a smaller group of forum members who are interested in a particular issue can be a useful way to manage the forums work and make best use of members' time and expertise."

Paragraph 4.6.2 of the Guidance sets out the requirements for LAF sub-groups as follows:

- a. The purpose (and status) of a sub-group meeting should be agreed beforehand;
- b. If it is intended that the sub-group will submit advice directly to a section 94(4) body without first reporting back to a LAF meeting then the sub-group should essentially act as a bona fide LAF in accordance with Regulations:
 - i. Agenda, minutes, reports and background papers should be available for public inspection at least 3 clear days before the meeting;
 - ii. Meetings should be advertised and open to the public;
 - iii. Meetings should comply with any local LAF quorum requirements.

Where a sub-group meeting does not comply with the requirements set out above, it cannot give advice directly to a section 94(4) body and its deliberations should be reported back and discussed at the next LAF meeting.

A section 94(4) body is a body which the Forum has a statutory function to advise and includes: the National Park Authority, Derbyshire County Council, relevant highways authorities, any parish, district or borough councils in the area, Secretary of State, Natural England, Forestry Commission, English Heritage, Sports England and any relevant AONB Conservation Boards.

Operation of PDLAF Sub-groups

The PDLAF currently operates two sub-groups, the Green Lanes Sub-group and the Access Sub-group. These sub-groups operate on the following basis:

1. Terms of reference – The agreed terms of reference have been reviewed for the purpose of this report and are attached in the appendices.

2. Delegated Authority - The Green Lanes Sub-group has delegated authority to respond on behalf of the LAF to consultations on Traffic Regulations Orders. The Access Sub-group has delegated authority in respect of consultations on long-term directions and on disposals and dedications of public property.
3. Procedure for direct submission of advice - Where either sub-group directly responds to a section 94(4) body pursuant to its delegated authority or advises such a body in any other respect, then the meeting operates in accordance with the Regulations:
 - i. Agenda, minutes, reports and background papers are available for public inspection at www.peakdistrict.gov.uk/lafmeetings and at PDNPA offices at least 3 clear days before the meeting;
 - ii. Meetings of such sub-groups or extraordinary LAF meetings are advertised and open to the public;
 - iii. Meetings comply with any local LAF quorum requirements.
4. Procedure for reporting back to LAF - Where sub-groups are not submitting advice directly to a section 94(4) body, the following procedure is used:
 - i. Notes of sub-group meetings and advice are reported to LAF meetings (which themselves are held in accordance with the Regulations) and are published as agenda items.
 - ii. Consultation responses drafted by the sub-group are circulated to all LAF members for comment before approval by the LAF.
 - iii. All LAF members can attend the sub-groups and may make representations to be considered at the meeting.
 - iv. There are opportunities at the LAF meetings for members to comment on the outcome of sub-group meetings and for the public to register to speak.

Summary

Where a sub-group intends to submit advice (including consultation responses) directly to a section 94(4) body, it will be constituted and operate as a LAF meeting in accordance with the Regulations.

Where a sub-group does not advise directly to a section 94(4) body, it will report to the LAF on such matters. Any response or advice will be made directly by the LAF to the section 94(4) body. In such circumstances, as there is a reporting procedure for sub-groups to full LAF meetings at which there is the opportunity for members and the general public to provide comment, sub-group meetings are not required to be conducted in accordance with the Regulations as set out in point 3 above.

Recommendation

1. That the report be approved

Appendix 1

Peak District Local Access Forum Access Sub-group Terms of Reference

Context

The Peak District Local Access Forum is a statutory body, appointed jointly by the Peak District National Park Authority (PDNPA) and Derbyshire County Council (DCC), as the advisory body on access and recreation matters in the Peak District. From time to time the Forum may establish sub-groups to consider and report back on (or act on if delegated) matters referred to them by the Forum.

Purpose

The Access Sub-group (formerly known as the Restrictions Review Sub-group) provides the Local Access Forum, the PDNPA, and DCC with specific and detailed advice on matters relating to open access land. This includes:

- Consultations on long-term directions including reassessments and statutory reviews with delegated authority to respond on behalf of the Forum.
- Consultations on disposals and dedications of public property where they have implications and/or opportunities for public access with delegated authority to respond on behalf of the Forum.
- Mapping and display of access land
- Accessibility of access land

Submission of advice

Where advice is to be provided directly to a body which the Forum has a statutory function to advise, the meeting will be constituted and operate as a Forum meeting in accordance with the Regulations.

Membership

Chair: Local Access Forum Chair or Vice Chair

Up to 8 Forum members, including the Chair, representing a balance of:

- Landowners/managers
- Recreation
- Conservation
- Local Interest

PDNPA Access Officer and other PDNPA and DCC officers as required.

Membership may change over time according to need and focus of actions.

Frequency of meetings

As and when required, to deal with matters referred by the Forum.

Appendix 2

Peak District Local Access Forum Green Lanes Sub-Group Terms of Reference

Context

The Peak District Local Access Forum is a statutory body, appointed jointly by the Peak District National Park Authority (PDNPA) and Derbyshire County Council (DCC), as the advisory body on access and recreation matters in the Peak District. From time to time the Forum may establish Sub-groups to consider and report back on (or act on if delegated) matters referred to them by the Forum.

Purpose

The Green Lanes Sub-group (formerly known as the Recreational Vehicles sub-group) provides the Local Access Forum, the PDNPA, DCC and other relevant Highway Authorities with specific and detailed advice on matters relating to the management of green lanes in the Peak District. This includes:

- Advising on strategy, policy and procedures for the management of recreational motor vehicles and green lanes
- Recommendations for actions on priority routes
- Responding to consultations on Traffic Regulation Orders with delegated authority to respond on behalf of the LAF
- Monitoring and review of actions
- Any other matters where there are implications and/or opportunities for public access on green lanes

Submission of advice

Where advice is to be provided directly to a body which the Forum has a statutory function to advise, the meeting will be constituted and operate as a Forum meeting in accordance with the Regulations.

Membership

Chair: Local Access Forum Chair or Vice Chair

Up to 8 Forum members including the Chair/Vice Chair representing a balance of:

- Landowners/managers
- Vehicle users and other recreation user groups
- Conservation
- Local interest

PDNPA Rights of Way Officers and other PDNPA and Highway Authorities' officers as required

Membership may change over time according to need and focus of actions.

Frequency of meeting

As and when required, to deal with matters referred by the Forum.