

CYNGOR SIR POWYS COUNTY COUNCIL

PLANNING, TAXI LICENSING AND RIGHTS OF WAY COMMITTEE
15 December, 2017

REPORT BY: Portfolio Holder Housing and Countryside and Head of Leisure and Recreation

SUBJECT: Local Access Forum [LAF] – appointment of a Council representative

REPORT FOR: Decision

1. Background

The functions of the Local Access Forum is to advise the Council, the Natural Resources Wales, the Welsh Government and other bodies exercising functions under Part I of the Countryside & Rights of Way Act 2000 [CROW Act], as to the improvement of public access to land in the area for the purposes of open-air recreation and the enjoyment of the area. These bodies must, by law, have regard to relevant advice given by the Forum.

Powys County Council is currently seeking the appointment of a Council representative (outside of the Brecon Beacons National Park), as required by s.94 and s.95 of the CROW Act.

The Council seeks to convene the Forum meetings at least three times a year, but not to exceed four meetings a year (including a site visit), at a time and place to be agreed by the Forum members. It is anticipated that site visits will take place where it is considered to be relevant and beneficial.

2. Areas of Work

The LAFs will advise upon aspects of open-air recreation in the area, including public rights of way, the right of access to open country, WG woodland estate, registered common land, parks and amenity areas. The Forum will consider areas of work put forward as business by the Council and Natural Resources Wales and by the LAF itself.

The LAF also recommends permissive access arrangements for the Glastir agri-environment scheme upon a submitted application.

A work programme will be provided to provide advice on specific projects, for which a big aspect will be to advise on the review of the Rights of Way Improvement Plan which is currently taking place. Specific advice that Countryside Services wishes advice on from the

LAF may also be required. The LAF's Terms of Reference are given in Appendix A.

3. Selection Process

It has been agreed that the selection of a Council representative should be nominated from the Planning, Rights of Way and Licencing Committee. It is not considered suitable for the portfolio holder to be specifically selected to represent and the Council on the Local Access Forum, in the interests of transparency and ensure there is no conflict of interest between advice received and any forthcoming decisions based on that advice. County Councillor M Barnes was appointed as the Council representative in June, 2017. As he has now resigned from the Planning, Rights of Way and Licencing Committee, a new appointment is now required.

4. Criteria for Selection for LAF members

The following is a list of criteria against which applications have been judged. However, applicants will not necessarily have to comply with all of the criteria to be successful.

Essential criteria

It is essential that a LAF member who will be appointed for three years will:

- a) be committed to the function of the Forum:
- b) be willing and able to play a full part in all aspects of a LAFs work - persons who are only willing or able to represent a narrow specific interest may not be suitable members;

Desirable criteria

It is desirable that a LAF member who will be appointed for three years will:

- a) have a wide range of experience of access and open-air recreation issues in the area;
- b) have experience of working on, and contributing to, similar Forums in the past;
- c) reside in, be particularly familiar with, or have any other interests especially relevant to, the area of the Forum;
- d) be able to network with a wide range of organisations and individuals, with an aim to disseminating the LAFs work

- e) be able to attend all meetings of the Forum (deputies will not be permitted).
- f) These are unpaid positions but Forum members will be able to claim reasonable expenses.

| Recommendation | Reason for recommendation |
|---|---|
| To appoint a member of the Planning, Taxi Licensing and Rights of Way Committee to the Local Access Forum for a period of three years. | To ensure that the Council is represented on the Local Access Forum. |

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| Relevant Policy (ies): | | | |
| Within Policy: | Y | Within Budget: | Y |

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| Relevant Local Member(s): | N/A |
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| Person(s) To Implement Decision: | Mark Stafford-Tolley |
| Date By When Decision To Be Implemented: | 15 December, 2017 |

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| Contact Officer: Mark Stafford-Tolley Tel: 01597 827677 Email: mark.stafford-tolley@powys.gov.uk |
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Terms of Reference

Title

1. The Local Access Forum shall be known as the Powys Local Access Forum (PLAF). The area of the Powys Local Access Forum is the land and water designated as Powys County Council (excluding the Brecon Beacons National Park Authority).

Roles and Responsibilities

2. The primary purpose of the PLAF is to provide statutory advice to Powys County Council (PCC), Natural Resources Wales (NRW), Welsh Government and others as appropriate as to the improvement of public access to land and water for the purposes of open-air recreation and the local public rights of way. Advice given should take account of land management, social, economic, environmental and educational interests.
3. The PLAF will fulfil this role by advising on issues of particular local relevance, including:
 - a. supporting the implementation of the right of access to open countryside;
 - b. maintaining and improving the public rights of way network; and
 - c. developing recreation and access strategies that cater for everyone.
4. The PLAF will work to:
 - a. develop a constructive and inclusive approach to the improvement of recreational access to the countryside;
 - b. respect local circumstances and different interests whilst operating within national guidance;
 - c. provide advice on issues of principle and good practice;
 - d. engage in constructive debate and seek consensus wherever possible; and
 - e. where consensus is not possible, make clear the nature of differing views, and suggest how they might be resolved.

Membership

5. The PLAF members will be appointed by PCC (the Appointing Authority) in accordance with the Countryside Access (Local Access Forums)(Wales) Regulations, 2001(The Regulations).
6. The membership will:
 - a. be balanced to avoid dominance by any single interest;
 - b. include users of local rights of way;
 - c. include owners and occupiers of access land or land where there are local rights of way;
 - d. represent a cross-section of interests in the area; and

- e. live or work within the area or have a sound knowledge of the area.
7. Members will be expected to:
- a. adhere to the sections relating to LAFs in the CROW Act and regulations made under the Act and these Terms of Reference;
 - b. show commitment to achieving the aims of the PLAF through constructive working with other members and organisations that it advises;
 - c. be able to devote the necessary time to attend meetings and to network outside meetings;
 - d. have sufficient experience of access to the countryside in the local area to be able to make an informed and constructive contribution to improving access provision; and
 - e. be capable of working with a wide range of interest groups.

Election of Chair and Deputy Chair

8. The Chair and Deputy Chair will be elected for a period of 12 months (using the system described in Regulation 12 of the Regulations*) at the first meeting of the PLAF. The first item of business to be conducted at the meeting following each 12 month period will be the election of the Chair and Deputy Chair.

Administration

Secretariat

9. The PLAF will have a Secretary appointed by the Appointing Authority who will be responsible for:
- a. providing support to the Chair of the Forum;
 - b. ensuring that the Forum is set up and run according to the CROW Act 2000, Countryside Access (Local Access Forums)(Wales) Regulations, 2001 and these Terms of Reference;
 - c. managing any resources dedicated to its work;
 - d. arranging and promoting meetings, including arranging the delivery of papers and information to Forum members and the public;
 - e. producing minutes of Forum meetings.
 - f. ensuring that confirmed PLAF minutes are presented on the PCC website;
 - g. publicising the work of the PLAF as far as is reasonably practicable.

Meetings

10. Meetings will be held at least three times a year with one site visit per year.

11. The Quorum for the Forum will be 5.
12. Meeting agendas will be drawn up by the Secretary in consultation with the Chair and Deputy Chair - although any member may suggest agenda items for consideration through the Chair.
13. Meetings will be advertised in advance and the minutes published on the PCC web site.
14. The Chair will invite observers/advisors to the meeting when appropriate.
15. Observers/advisors will be able to contribute to the proceedings at the discretion of the Chair.
16. One representative of Natural Resources Wales and any Council Officer will automatically have observer status.
17. If necessary, PLAF committees will be set up by the Chair after agreement with the members. The chairing, membership, and terms of reference of committees will be agreed by the Chair and members.
18. All meetings of the PLAF will be held in public. However, the person presiding, following a request from a member or members, may decide that the public should be excluded for particular items for reasons of personal privacy or commercial confidentiality.