

**COUNCIL**

**26 NOVEMBER 2015**

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**REPORT OF DIRECTOR GOVERNANCE AND LEGAL SERVICES**

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**COUNTRYSIDE RIGHTS OF WAY ACT 2000 – APPOINTMENTS TO  
CARDIFF LOCAL ACCESS FORUM**

**Reason for this Report**

1. To agree the appointment of a new membership to the Cardiff Local Access Forum

**Background**

2. The Countryside and Rights of Way Act 2000 introduced a number of new responsibilities for local authorities ; one of which is the establishment of a Local Access Forum (LAF). The statutory function of the LAF is to advise bodies and others exercising functions conferred by the 2000 Act on issues concerning the improvement of public access to land and other matters as may be prescribed in Regulations
3. The Regulations state that all LAF's have a three year life span from the date of their first meeting and existing members will need to reapply if they wish to continue to be members of the LAF. The Forum should have a minimum of 10 members and a maximum of 20 plus a Chair and Deputy Chair. Where possible membership should be balanced between Landowners and Users and be representative of the community at large.
4. Council at its meeting on 8 December 2012 confirmed the appointment of all applicants received at that time for the third three year term of the LAF. The current LAF's term will cease on the 8 December 2015.

**Issues**

5. The Council has to appoint new members of the Cardiff LAF by December 2015 to maintain the continuity of the Forum and to satisfy the Council's legal obligations. As required by the legislation an advertisement notifying the public of the workings of the LAF and requesting that interested parties apply for membership was placed in local newspapers. The following individuals have applied to become members of the Cardiff LAF:
  - Councillor Bob Derbyshire (Current Chair of LAF, walking, cycling)
  - Diane Davies (Current member; walking)
  - Mike Dean (Current member, walking)

- Mrs. Philippa White (Current member, horse rider, walking)
  - Gordon Hindess (Current member, walking)
  - Miss Angela Giddings (Current member, landowner)
  - Robin Simpson (Current member, walking)
  - Mr. Sam Wilkinson (Current member, walking)
  - Mrs. Jeanne Hyett (Current member, horse rider)
  - Roger Wallington (Current member, walking, cycling)
  - Chris Lewis (New applicant, walking)
  - Margaret Jones (New applicant, walking, cycling)
  - Tony Moon (New applicant, walking, cycling)
  - Caroline Mary Barrett (New applicant, horse rider)
  - Jane Berry (New applicant, horse rider)
  - Miss Kate Ann Dowdall (New applicant, horse rider)
  - Rob Gravelle (New applicant, former Equalities and Access Officer for City of Cardiff Council)
  - Rosamund Lewis (New applicant, horse rider)
6. When making an appointment of persons to serve as members of the Forum the Council must follow Regulation 7. It must also ensure that the membership achieves a reasonable balance between the interests of users of local rights of way or the rights of access conferred by Section 2(1) of the Act and of owners and occupiers of access land over which local rights of way subsist. The Council must take reasonable steps to ensure that the composition of the Forum achieves a fair balance between persons of different genders, races, ages, disabilities and other characteristics
7. In addition to the above list of applicants, the Council is able to nominate one representative from the authority either a Councillor or Officer. The current Council representative is Councillor Bob Derbyshire.
8. All applicants have a genuine interest in being a member of the Cardiff Local Access Forum and have a background such that they can contribute meaningfully therefore it is considered that they should all be appointed as members.

### **Reasons for Recommendations**

9. To enable the Council's statutory duties under the Countryside Rights of Way Act 2000 to be discharged.

### **Legal Implications**

10. The appointment of representatives to outside bodies is a local choice function. The Council had determined that all local choice functions will now be Council functions
11. The Council has a statutory duty to establish the Local Access Forum as required by section 94 (1) of the Countryside & Rights of Way Act 2000. The statutory function of the Forum is to advise bodies and others exercising functions conferred by the Act on issues concerning the improvement of public access to land and other matters as may be

prescribed by the Regulations. Sections 94 and 95 of the Act empower the National Assembly for Wales to make regulations to provide for the establishment and operation of a forum.

12. The Countryside Access (Local Access Forum) (Wales) Regulations 2001 No 4002 provide that a forum must consist of a Chair and Deputy Chair, appointed in accordance with Regulation 12 (i.e. by the forum members themselves), and a Secretary, together with not less than 10 and not more than 20 other members (or such other number of members outside that range as the National Assembly may authorise in writing). The Secretary is not a member of the Forum, and shall be responsible for the administration of the Forum. The Council must appoint one (but may not appoint more than one) member to the Forum, who is either an officer or member of the Council.
13. An appointing authority may, in addition to appointing members in order to fill casual vacancies in the membership of the forum, at any time appoint further members to a forum provided the total number of members, excluding the Chair and Deputy Chair, does not exceed 20 (or such other number as may be authorised by the National Assembly pursuant to regulation 4(1)). The Council must notify the Countryside Council for Wales (the Council) of the names and addresses of all the persons appointed to be members of the Forum, and any changes to the membership forthwith.

### **Financial Implications**

14. The running costs of the Local Access Forum are nominal and an allocation of £2,000 is set aside within the Rights of Way revenue budget to cover costs of a venue and members travelling expenses where appropriate.

### **RECOMMENDATIONS**

The Council is recommended to:

- (1) appoint the following as members of the Cardiff Local Access Forum.
  - Councillor Bob Derbyshire (Current Chair of LAF, walking, cycling)
  - Diane Davies (Current member; walking)
  - Mike Dean (Current member, walking)
  - Mrs. Philippa White (Current member, horse rider, walking)
  - Gordon Hindess (Current member, walking)
  - Miss Angela Giddings (Current member, landowner)
  - Robin Simpson (Current member, walking)
  - Mr. Sam Wilkinson (Current member, walking)
  - Mrs. Jeanne Hyett (Current member, horse rider)
  - Roger Wallington (Current member, walking, cycling)
  - Chris Lewis (New applicant, walking)
  - Margaret Jones (New applicant, walking, cycling)
  - Tony Moon (New applicant, walking, cycling)
  - Caroline Mary Barrett (New applicant, horse rider)

- Jane Berry (New applicant, horse rider)
  - Miss Kate Ann Dowdall (New applicant, horse rider)
  - Rob Gravelle (New applicant, officer of City of Cardiff Council, Equalities & Access)
  - Rosamund Lewis (New applicant, horse rider)
- (2) appoint Jennifer Griffiths, Public Rights of Way Lead Officer, City Operations, or her equivalent, as secretary to the Local Access Forum.  
*[NB The Secretary is not a member of the Forum, but shall be responsible for the administration of the Forum]*

**MARIE ROSENTHAL**

Director Governance and Legal Services  
19 November 2015

Background paper  
*Membership Application Forms*