
STATUTORY INSTRUMENTS

2007 No. 268

The Local Access Forums (England) Regulations 2007

PART 2

Membership, proceedings and administration

Membership of a local access forum

- 3.—**(1) A local access forum shall consist of at least ten and not more than 22 members.
- (2) The appointing authority may appoint a new member or members to a local access forum at any time, provided that the total number of members does not exceed 22 as a result of the appointment.
- (3) If the number of members of a local access forum falls below ten at any time, the appointing authority must, as soon as reasonably practicable, appoint a new member or members so that the forum consists of at least ten members.
- (4) The maximum number of members of a local access forum who may also be members of a district or county council or National Park authority for any part of the area of the forum is—
- (a) in the case of a local access forum consisting of not more than 16 members, two, and
 - (b) in the case of a local access forum consisting of no fewer than 17 members, three.
- (5) The members shall be persons who appear to the appointing authority to be representative of—
- (a) users of local rights of way or the right conferred by section 2(1) (rights of public in relation to access land);
 - (b) owners and occupiers of access land or land over which local rights of way subsist; or
 - (c) any other interests especially relevant to the authority's area (or to any of the authorities' areas, in the case of a joint local access forum).
- (6) The appointing authority must ensure a reasonable balance is maintained between the number of members appointed in accordance with sub-paragraph (a) and the number appointed in accordance with sub-paragraph (b) of paragraph (5).
- (7) Before appointing any member the appointing authority must—
- (a) advertise the vacancy—
 - (i) in such local or regional newspapers circulating in the authority's area as they consider appropriate; and
 - (ii) if they maintain a website on the internet, on such a website; and
 - (b) consult such persons as they consider appropriate.
- (8) The requirements set out in paragraph (7) do not apply to the appointment of any person who—
- (a) is a member of a district or county council or National Park authority for any part of the area of the forum; or
 - (b) is appointed to a forum in the circumstances described in regulation 5(2) or (3).

Terms of membership

4.—(1) Save as provided in this regulation, the terms of appointment of a member of a local access forum shall be determined by the appointing authority and notified to him in writing.

(2) Subject to regulation 5(4), a member of a local access forum shall be appointed for not less than one and not more than three years.

(3) A member of a local access forum may resign by notice in writing to the appointing authority for the area of the forum at the time of the member's resignation.

(4) An appointing authority—

(a) must terminate the appointment of a member of a local access forum if they are satisfied that he has become a member of a district or county council or National Park authority and, as a result, regulation 3(4) is not complied with;

(b) may terminate the appointment of a member of a forum if—

(i) without the consent of the appointing authority, he has been absent from all meetings of the forum during a period of one year; or

(ii) he has failed to comply with regulation 6(8); and

(c) may—

(i) where they change the area for which a local access forum is established,

(ii) where they merge two or more forums, or

(iii) having received notice under regulation 18(2), on expiry of the 21-day notice period, terminate the appointment of any member of the forum or forums where they consider such termination appropriate as a consequence.

Re-appointment

5.—(1) An appointing authority may re-appoint a person who ceases to be a member of a local access forum on the expiry of his term.

(2) An appointing authority which terminates the appointment of a member of a local access forum (other than a joint local access forum) under regulation 4(4)(c) may appoint that person to another local access forum in their area.

(3) Where the appointing authorities for the area of a joint local access forum terminate the appointment of a member under regulation 4(4)(c), any of the authorities may appoint that person to another local access forum in their area.

(4) A member who—

(a) has his appointment to one forum ("Forum 1") terminated under regulation 4(4)(c), and

(b) is appointed to another forum ("Forum 2") under paragraph (2) or (3),

shall be appointed to Forum 2 for a maximum term calculated by applying the formula $A - B$, where—

A is three years; and

B is the period the member served on Forum 1 during his most recent term of appointment.

Proceedings of a local access forum

6.—(1) Save as provided in this regulation and subject to regulations 7, 8 and 10, the proceedings (including the quorum) relating to the meetings of a local access forum shall be such as the forum may determine.

(2) A local access forum must hold at least two meetings every year.

(3) A local access forum must have a chairman and a vice-chairman, who must be appointed by election from amongst the members of the forum.

(4) The first chairman and vice-chairman of a local access forum must be appointed at the first meeting of the forum.

(5) The period of appointment of the chairman and vice-chairman must be determined by the local access forum, but in each case it may not exceed the period of appointment as a member of the forum.

(6) With a view to maintaining a reasonable balance between the interests of which the chairman and vice-chairman are respectively representative, a local access forum shall take such steps as regards the matters mentioned in paragraph (7) as may be necessary to ensure that so far as practicable the chairman and vice-chairman are persons who are each, on appointment as a member of the forum, eligible to be so appointed—

- (a) on any basis mentioned in regulation 3(5) other than any on which the other was eligible to be so appointed; or
- (b) (where each was appointed in accordance with regulation 3(5)(c)) on the basis of an interest other than any which was the basis on which the other was eligible to be so appointed.

(7) The matters referred to in paragraph (6) are the selection of candidates for election as chairman and vice-chairman, determining the order in which they are appointed or the duration of their appointments as such, or any combination of these.

(8) A member of a local access forum who is directly or indirectly interested in any matter brought up for consideration at a meeting of the forum must disclose the nature of his interest to the meeting.

Access to meetings and documents of a local access forum

7.—(1) Subject to paragraph (7), a meeting of a local access forum shall be open to the public.

(2) A person exercising the right of admission conferred by paragraph (1) may be excluded from a meeting in order to suppress or prevent disorderly conduct or other misbehaviour at the meeting.

(3) Copies of the agenda for a meeting of a local access forum and copies of any report for the meeting shall be open to inspection by members of the public at the offices of the appointing authority in accordance with paragraph (4).

(4) Any such document must be open to inspection at least three clear days before the meeting, except that—

- (a) where the meeting is convened at shorter notice, the copies of the agenda and reports must be open to inspection from the time the meeting is convened; and
- (b) where an item is added to an agenda, copies of the document adding the item to the agenda (or copies of the revised agenda), and the copies of any report for the meeting relating to the item, must be open to inspection from the time the item is added to the agenda.

(5) Nothing in paragraph (4) requires copies of any agenda, document or report to be open to inspection by the public until copies are available to members of the local access forum.

(6) An item of business may not be considered at a meeting of a local access forum unless either—

- (a) paragraph (4) has been complied with; or
- (b) by reason of special circumstances, which must be specified in the minutes, the chairman of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

(7) Where, pursuant to any provision specified in regulation 9(2), a relevant authority or the Secretary of State (as the case may be) has decided not to publish a notice of a kind mentioned

in that provision on the grounds that it is not in the public or defence interest that the information contained in it should be disclosed, any part of a meeting of a local access forum that relates to such information shall not be open to the public.

(8) In paragraph (7) and in regulation 9(1) “relevant authority” has the meaning given by section 21(5) and (6).

Inspection of minutes and other documents after meetings of a local access forum

8.—(1) After a meeting of a local access forum the following documents must be open to inspection by members of the public at the offices of the appointing authority until the expiration of the period of two years beginning with the date of the meeting, namely—

- (a) the minutes, or a copy of the minutes, of the meeting;
- (b) a copy of the agenda for the meeting; and
- (c) a copy of any report for the meeting.

(2) If and so long as copies of a report for a meeting of a local access forum are required by regulation 7(3) or paragraph (1) to be open to inspection by members of the public—

- (a) copies of a list, compiled by the secretary to the forum, of any background papers for the report, and
- (b) at least one copy of each of the documents included in that list,

must also be open to their inspection at the offices of the appointing authority.

(3) Any document required by paragraph (1) or (2) to be open to inspection by members of the public shall be taken to be so open if arrangements exist for its production to members of the public as soon as is reasonably practicable after the making of a request to inspect it.

(4) For the purposes of paragraph (2) the background papers for a report are those documents relating to the subject-matter of the report which, in the opinion of the secretary to the local access forum—

- (a) disclose any facts or matters on which the report or an important part of the report is based, and
- (b) have been relied on to a material extent in preparing the report,

but do not include any published works.

Restriction on access to documents of a local access forum

9.—(1) Where, pursuant to any provision specified in paragraph (2), a relevant authority or the Secretary of State (as the case may be) has decided not to publish a notice of a kind mentioned in that provision on the grounds that it is not in the public or defence interest that the information contained in it should be disclosed, any part of the documents mentioned in regulations 7(3) and 8(1) and (2) that relates to such information shall not be open to inspection by members of the public.

(2) The provisions mentioned in paragraph (1) are—

- (a) regulation 9(4) of the Access to the Countryside (Exclusions and Restrictions) (England) Regulations 2003(1) (consultation on proposals for long-term exclusions or restrictions);
- (b) regulation 15(2) of those Regulations (consultation on reviews by relevant authorities of directions excluding or restricting access on a long-term basis); and
- (c) regulation 16(2) of those Regulations (consultation on reviews by the Secretary of State of directions excluding or restricting access on a long-term basis).

(1) [S.I. 2003/2713](#), to which there are amendments not relevant to these Regulations.

Supplemental provisions about access to documents of a local access forum

10.—(1) A document required by regulation 7 or 8 to be open to inspection must be so open at all reasonable hours.

(2) Where a document is open to inspection by a person under regulation 7 or 8, the person may, subject to paragraph (3)—

- (a) make copies of or extracts from the document, or
- (b) require the person having custody of the document to supply to him a copy of or extracts from the document,

upon payment to the appointing authority providing the facility of a reasonable fee.

(3) Paragraph (2) does not require or authorise the doing of any act which infringes the copyright in any work.

Secretary to a local access forum

11.—(1) Subject to paragraph (2), an appointing authority must employ a secretary for each local access forum within their area.

(2) The appointing authorities for the area of a joint local access forum must jointly select a person to be employed as a secretary for the forum, and one of the authorities must so employ that person.

(3) The secretary shall be responsible for the administration of the local access forum.

(4) The secretary may not be—

- (a) a member of the local access forum in relation to which he is employed as secretary; or
- (b) a member of the appointing authority in question (or of any of the appointing authorities in question, in the case of a joint local access forum).

Financial provisions

12.—(1) An appointing authority shall meet any reasonable expenses incurred by any local access forum within their area or by the members of that forum.

(2) For the purposes of paragraph (1), reasonable expenses incurred by the members of a local access forum are such expenses as are incurred by them in connection with their attendance at meetings of the forum and any other activities relating to the discharge of the functions of the forum, but only in respect of—

- (a) travel and subsistence costs; and
- (b) any expenses of arranging for the care of their children or dependants.

Annual report

13.—(1) Each local access forum must prepare an annual report on the discharge of its functions.

(2) The report shall be published by the local access forum's appointing authority.