

# South Downs

## Local Access Forum

### **Governance at SDLAF meetings – consensus aim**

### **SDLAF closed meeting session, 28 July 2015**

The purpose of this session was to refresh existing members' understanding and introduce new members to the way in which a LAF can formulate its advice.

The Defra Guidance recommends that forums should seek consensus.

This session was used to explore what mechanisms can be used for the LAF to reach an agreed position of advice when consensus has not been possible.

Papers provided were:

1. Introductory paper including extracts from SDLAF Terms of Reference, LAF handbook and SDNPA Standing Orders
2. SDLAF Terms of Reference
3. Defra LAF Guidance
4. LAF Regulations

A discussion was had about how the SDLAF can give advice. Circumstances were explored where: agreement was close or split; if the differences were diametrically opposed; where majority view must be accepted; and views expressed / voting not within remit of LAF.

The following principles were agreed, in the following priority order:

1. Consensus should be the ideal outcome, without the need for a vote. Where consensus cannot be reached a chance to revisit the subject after a break or deferred to a later date should be considered.
2. Where consensus cannot be achieved a minority view can be reflected in the minutes or letters of advice, if necessary.
3. Where there is a balance of opinion the LAF can provide advice reflecting the differing points of view and offer an "on balance view".
4. Where a position is required on one side or another on an issue a vote will need to take place. The split can still be recognised in the advice given and a recognition of the minority views can be included.
5. NB Voting proposals and amendments must be appropriate to the LAF's remit.

Section 3.4 of the Defra Guidance offers the following good advice which supports the outcome of this meeting:

### 3.4 Influencing decision-makers

3.4.1 In giving advice, forums should aim to **influence** section 94(4) bodies<sup>1</sup> and thereby contribute effectively to the quality and robustness of decision-making. Influence will be enhanced where a forum provides **independent, constructive, relevant, inclusive, incisive** and **informed** advice which takes account of a broad range and balance of local interests and which assists section 94(4) bodies in carrying out their functions. Forums should consider other ways to maximise the usefulness (and therefore impact) of their advice. For example, advice should be delivered at the optimum point in the decision-making cycle and in ways which recognise and take account of the decision-maker's needs, objectives, constraints and role.

3.4.2 The quality and strength of the forum's relationship with the section 94(4) bodies (especially the appointing authority(ies)) is crucially important. The forum chairman, secretary (and other forum members depending on what is agreed locally) have a key role to play in maintaining and developing good relationships with the section 94(4) bodies, which will benefit all concerned.

3.4.3 Forums should aim to give advice which informs, assists, encourages - and even inspires - the section 94(4) bodies. On occasion it may be appropriate to give advice of a more cautionary, challenging or critical nature, but even then forums should always remain constructive in their approach.

3.4.4 Forums should seek to achieve clarity, balance and consensus in giving advice. However, advice should also acknowledge relevant minority viewpoints, and it will rarely assist section 94(4) bodies if consensus is achieved by glossing over a difficult but relevant issue. It is often helpful to address the pros and cons of a particular matter, and it is acceptable for advice to include an "on-balance" recommendation where the issues are not clear cut.

3.4.5 Forums will often advise on matters where public access is just one of a number of considerations, and perhaps not the most important consideration. This means that a section 94(4) body may understand the forum's advice but decide not to follow it because other factors carry more weight. This does not mean that the forum's advice has not served a useful purpose: it will ensure that the final decision was properly informed and can help the decision-maker to address any adverse consequences arising from the decision.

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<sup>1</sup> Section 94(4) bodies are bodies which must have regard to the advice of a LAF. They include local government bodies, central government departments and agencies, Natural England, Forestry Commission and others.