



OFFICER REPORT TO LOCAL COMMITTEE MOLE VALLEY

LOCAL PROTOCOL ON RIGHTS OF WAY AND PUBLIC ENGAGEMENT

SEPTEMBER 2009

KEY ISSUE

The Local Committee is being asked to approve amendments to its Local Protocol to incorporate rules for public participation in items relating to Rights of Way applications.

SUMMARY

Local Committees are bound to comply fully with Standing Orders Sections 2 & 3 of the Council's Constitution except where the Committee draws up local protocols setting out minor variations to working practices based on improving public engagement (SO41.1). The Council has now adopted changed arrangements for public speaking in relation to Rights of Way (ROW) matters and the Committee is asked to note changes to its Local Protocol.

OFFICER RECOMMENDATIONS

The Mole Valley Local Committee is asked to ADOPT the revisions to the Local Protocol relating to public participation on Rights Of Way Applications.

1 INTRODUCTION AND BACKGROUND

- 1.1 The Council's Constitution sets how the Council operates, how decisions are made and the procedures that are followed to ensure that these are efficient, transparent and accountable to local people. The Constitution is reviewed periodically and amended to improve the practices of the Council.
- 1.2 For the past nine years, the Council has permitted public participation at the Planning and Regulatory Committee on planning applications. In April 2009, the Council agreed to amend its Constitution to permit public participation on rights of way applications considered at Council Committees akin to that relating to planning applications.

- 1.3 Local Committees are bound to comply fully with the Council's Constitution except where the Committee draws up local protocols setting out minor variations to working practices based on improving public engagement. These variations relate to arrangements for the presentation of petitions, public question time and monitoring Council services locally.
- 1.4 As Rights of Way applications (that require a decision by Members) are primarily considered at Local Committees, the Committee's Local Protocol needs to be amended to reflect this change in its procedures.

2 ANALYSIS

- 2.1 Both Local Committees and the Planning and Regulatory Committee have the remit to consider rights of way applications. Therefore, to ensure consistency across the county, all of the Surrey County Council Local Committees and the Planning and Regulatory Committee are being asked to incorporate the same public participation procedure within their protocols.
- 2.2 Ensuring that all the relevant Committees follow the same process will make it easier for members of the public to understand the process and ensure that public participations in all the applications considered locally are treated in the same way as at Planning and Regulatory Committee.
- 2.3 Annexe A sets out the public participation protocol which all the Local Committees and the Planning and Regulatory Committee are being asked to adopt for applications relating to rights of way applications.
- 2.4 This protocol is currently being used by the Planning & Regulatory Committee when it considers planning applications and has been successful in promoting public engagement with the work of the Committee.
- 2.5 To make the protocol more user-friendly for members of the public wishing to speak at Local Committees, it is proposed that each Local Committee amend the protocol to allow members of the public to register their wish to speak for or against the application to fit in with its current scheme relating to petitions and public questions.
- 2.6 The attached local protocol has been amended to reflect the amendment as per paragraph 2.5 of this report.

3 OPTIONS

- 3.1 Parts of the attached protocol are prescribed within the Council's Standing Orders and therefore the Committee must adopt these in full.
- 3.2 Sections relating to when members of the public can register to speak can be amended locally to accord with the current local protocol for public questions and petitions.

4 CONSULTATIONS

- 4.1 The Countryside Legal Team has consulted widely, including with difference interest groups when reviewing arrangements for Rights of Way. All County Councillors were consulted via the papers that went to Council on 28 April

2009. The Head of Legal Services, the Democratic Services Lead Manager and the Executive Business Manager were also consulted.

5 FINANCIAL AND VALUE FOR MONEY IMPLICATIONS

5.1 There are no specific implications.

6 EQUALITIES AND DIVERSITY IMPLICATIONS

6.1 The use of this procedure will provide the opportunity for greater public engagement in the consideration of rights of way applications.

7 CRIME AND DISORDER IMPLICATIONS

7.1 There are no specific implications.

8 CONCLUSION AND RECOMMENDATION

8.1 The Local Committee has been successful in attracting a high level of public interest. In order to agree a clear consistent process for public participation in rights of way applications. It is recommended that the Committee amend its local protocol.

Recommendation: That the amendments to the Committee's Local Protocol as set out in Annexe A of this report be ADOPTED.

9 WHAT HAPPENS NEXT

9.1 Subject to the agreement of the Local Committee, the arrangement set out above will apply to all future meetings.

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BACKGROUND PAPERS: None

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