



OFFICER REPORT TO LOCAL COMMITTEE SPELTHORNE

RIGHTS OF WAY LOCAL PROTOCOL ON PUBLIC ENGAGEMENT SPEAKING DOCUMENT

12th October 2009

KEY ISSUE

The Local Committee is being asked to approve the Rights of Way Speaking document which reflects recent amendments to the Committee's 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 at the last meeting the Committee approved changes to its Local Protocol. In addition the attached Rights of Way Speaking document has been produced and this is attached for the Committee's approval.

OFFICER RECOMMENDATIONS

The Local Committee Spelthorne is asked to ADOPT Rights of Way Speaking document 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 was amended at the last meeting 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 and to approve the Rights of Way Speaking document.
- 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 Annex A sets out proposed Public Speaking document which all Local Committees 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.

3 OPTIONS

- 3.1 The protocol revised at the last meeting of this Committee reflects the changes in the Council's Standing Orders and therefore the Committee. The Rights of Way speaking document will be used by all Local Committees.

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.

8.2

Recommendation: That the Rights of Way Speaking document as set out in Annex 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: