

## SURREY COUNTY COUNCIL

## CABINET

DATE: 22 FEBRUARY 2022



REPORT OF CABINET MEMBER: MATT FURNISS, CABINET MEMBER FOR TRANSPORT AND INFRASTRUCTURE

LEAD OFFICER: KATIE STEWART, EXECUTIVE DIRECTOR FOR ENVIRONMENT, TRANSPORT AND INFRASTRUCTURE

SUBJECT: LOCAL AND JOINT COMMITTEE HIGHWAY FUNCTIONS

ORGANISATION STRATEGY PRIORITY AREA: Growing A Sustainable Economy So Everyone Can Benefit/ Tackling Health Inequality/Enabling A Greener Future/Empowering Communities

<b>Purpose of the Report:</b>
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This report seeks Cabinet approval to a change in the way that executive highway functions are taken, transferring them from Local and Joint Committees (LC/JCs) to enable officers to take such decisions in more direct consultation with the relevant members. These changes will take effect from April 2022. This change will sit alongside the development of new engagement methods and tools to enable members and officers to reach out more effectively to residents than is possible through the current model.

This proposal directly supports the commitment the Council made in 2020 to Empowering Communities as one of its core priorities and will contribute toward wider organisation priorities of Enabling a Greener Future, Tackling Health Inequalities, and Growing a Sustainable Economy.

The report sets out the process and timescale for the transfer of these functions and the alternative decision-making processes which are to be put in place.

<b>Recommendations:</b>
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It is recommended that Cabinet:

1. Agree to the transfer of all executive highway functions from Local and Joint Committees with effect from 1 April 2022.
2. Agree that all executive functions previously delegated to Local and Joint Committees relating to highways are delegated to Officers in consultation with the relevant Divisional Member with effect from 1 April 2022.
3. Agree the Director of Legal and Governance in consultation with the Leader of the Council makes the relevant changes to the Council's Executive and Officer Scheme of delegation as set out within this report.
4. Agree the proposed changes to the Integrated Transport Scheme (ITS) within the Local Highway Schemes budget and the Individual Member Highways Allocations (Capital and Revenue budgets) from April 2022 as set out in the body of this report.
5. Note the involvement of the Communities, Environment & Highways Select Committee in the development of the ITS criteria.
6. Agree to delegate authority to the Executive Director of Environment, Transport and Infrastructure and the Director for Highways and Transport in consultation with the Cabinet Member for Transport and Infrastructure to make all necessary changes to

existing highway budgets, criteria, and relevant policies to support the effective transition to these new arrangements.

7. Agree that the Director of Legal and Governance works in conjunction with democratic service officers from Guildford, Runnymede, Woking, and Spelthorne Borough Councils to update their respective Joint Committee constitutions which are in place with the County Council.

#### **Reason for Recommendations:**

The recommendations within this report will support more efficient local decision making, whilst ensuring that there is transparency and proper scrutiny. These proposals will enable more people to be heard and participate in decision making, leading to better outcomes for our residents.

This is a joint initiative coming from Communities and ETI (Environment, Transport & Infrastructure) Directorates consistent with residents' expressed desires to be more involved in what the Council is doing but through events and conversations and not through boards and meetings. This proposal directly supports the commitment the Council made in 2020 to Empowering Communities:

*'Reinvigorate our relationship with residents, empowering communities to tackle local issues and support one another, whilst making it easier for everyone to play an active role in the decisions that will shape Surrey's future.'*<sup>i</sup>

Research in the past year has shown that far more residents have been able to communicate with the Council through a wider range of mechanisms than has been the case historically using traditional local and joint committee processes. For instance, in 2021/22, 11 online engagement sessions reached over 50,000 members of the public, whilst in comparison only 650 residents attended LC/JCs between 2019 and 2021 which included councillors from Parish, Districts and Boroughs if they attended to hear proceedings.

#### **Executive Summary:**

1. This report recommends and outlines proposals to empower divisional councillors by changing the delegation of executive highway functions currently under the remit of LC/JCs. It sets out the process and timescale for the transfer of these functions, which will come into effect from April 2022.
2. The proposal is designed to respond to the expectation of communities and members of greater engagement and more efficient decision making on several highway activities, which has evolved since the LC/JCs were initially setup. It also aligns with the ambition of the Council to engage in a more constructive way with residents and members to deliver improved outcomes and provide a better customer experience of highways activities.
3. This report relates only to the current highway functions of the LC/JCs, outlining how these functions will be addressed in a different way. The LC/JCs will continue to operate beyond April 2022 and will continue to address libraries decisions, non-executive functions in relation to Public Rights of Way (PROW) and non-decision functions as set out in their terms of reference.

## Details

4. The majority of highways functions are delegated to officers to deliver works based on the priorities of Surrey County Council (SCC). However, since 2002, Local Committees (and more recently Joint Committees) have held certain delegated highways functions in order to promote and fund some highway works in their respective areas. LC/JCs also hold responsibility for a number of delegated highway decisions including Traffic Regulation Orders, agreeing local speed limit changes and Stopping Up orders. The full list of current highway functions delegated to LC/JCs is set out in **Annex 1**.
5. The proposals in this report refer to both the executive highway decision functions for LC/JCs, and related highway advisory functions as listed and detailed in **Annex 1**.
6. Under these proposals, executive highway functions will be delegated to officers in consultation with the relevant Divisional Member. As part of this process, it is anticipated that Members will be able to reach out to more of their residents to better understand their priorities, by drawing on a range of engagement methods and tools developed as part of our Community Network Approach (CNA)<sup>ii</sup>, before requesting an officer to make a decision.
7. Divisional Members can also use this process to widen engagement to District and Borough Councillors and neighbouring County Councillors, particularly for consideration of local integrated transport and wider infrastructure schemes.
8. Critically, the changes will provide Divisional Members with greater individual discretion over a higher value of highway funds to address local issues than is currently the case under LC/JCs. The recent creation of the Highways Engagement Team has created officer capacity which can more constructively support members on their highway priorities and be a dedicated resource to maintain a focus on delivery for residents and other customers in relation to this proposal.

### Summary of Key Changes

9. Outlined by key area, the main changes to highway functions proposed are summarised below. All changes detailed in this proposal are contained within the Annex.

#### Delegated Highway capital budget and revenue budgets

10. It is proposed that a budget allocation will be made directly to all Members. For 2022/23 subject to the draft budget for 2022/23 being approved by Council, this will be:

Revenue £7,500 (County total £0.6075 million)  
Capital £50,000 (County total £4.05 million)

11. The Member will be able to use this funding to support maintenance on the highway and will also have some flexibility to use it for “minor” Integrated Transport Scheme (ITS) works (such as pedestrian islands, speed limit reviews, new footway links etc) up to a maximum value of £15,000.
12. The actual decisions on how the funding would be spent would be delegated to officers (in the scheme of delegation) but would be taken in consultation with the Divisional Member. Records will be kept for all of these decisions.

13. As part of the allocation process, Highway Officers will arrange an informal meeting of all County Councillors within a district on at least an annual basis, providing the opportunity for Members to consider pooling part of their allocations, toward enabling a more efficient procurement of works gangs and programmes.

#### Integrated Transport Schemes (ITS)

14. In addition to the provision of a proportion of revenue and capital funding for individual Member highway decisions, it is also proposed to create a countywide ITS budget. For 2022/23 this will be £2.95 million, subject to the draft budget for 2022/23 being approved by Council.
15. Under these new proposals, Members would have the ability to prioritise and promote one scheme per year for consideration in their division. Each Divisional Member would be expected to engage with the community in developing their proposal, utilising the CNA, to determine which schemes they should put forward for consideration.
16. All proposed schemes will then be assessed and prioritised by officers for funding from the proposed countywide ITS budget under criteria to be agreed by the Cabinet Member. The criteria will likely include assessing how any proposal contributes to road safety or accessibility and wider county priorities such as greener futures and the Surrey Transport Plan.
17. It is proposed that the Communities, Environment and Highways Select Committee are involved in developing the updated criteria. The Cabinet Member will approve the annual programme. Where developer contributions are available, these will supplement the ITS programme for the area in which they are received, in line with any planning conditions.

#### Review of On-street parking management

18. It is proposed that on-street parking reviews would be taken by officers in consultation with the Divisional Member in line with the County parking strategy. For any changes to on-street parking arising from such reviews, the established community consultation process set out in the parking review process will continue.
19. A new budget will be created to support feasibility studies and technical appraisals for Member ideas and schemes as described above, including Community Infrastructure Levy (CIL) bids. This will come from the on-street parking surplus. The three existing commitments for this funding (Guildford Park & Ride, Woking Town Centre Agreement, and supplementary support for Elmbridge parking reviews) will be reviewed to ensure they offer good value and are aligned to current County Council priorities. The current agency agreements with the District & Boroughs for on-street enforcement expire at the end of March 2023.

#### Transitional arrangements

20. Committees are determining their programmes for 2022/23, but the revised funding arrangements will start from 2022/23 with each Member having a capital allocation of £50,000. As a result, not all the existing Committee programmes agreed by LC/JCs for 2022/23 will be affordable. Therefore, the proposed Countywide ITS allocation of £2.95 million will be split between the 11 committee areas (approx. £268,000 each) and the top prioritised Committee schemes in those areas will be progressed for construction. Those schemes not funded will not be progressed, and it will be for the

relevant Member to prioritise them for consideration in future years if they remain a priority.

#### Petitions

21. As a result of these changes, the public will still be able to submit petitions on highway matters, via the Council's existing petition scheme<sup>iii</sup>, but from April 2022 one of the routes for consideration will be removed as petitions on this subject will be dealt with outside of Local and Joint Committees.
22. However, this proposed change reflects the fact that a majority of petitions received through LC/JCs could have been handled in a faster and more efficient way had they not gone through this route. Since 2018, 87 per cent of those received were considered service requests, which from April 2022 would receive a response within 28 days rather than waiting several months for the next committee cycle. Further, in total, there has been a reduction in the number of petitions taken at LC/JCs (a 37 per cent decrease over the last 3 years).
23. SCC Highways has invested to enhance online highway reporting mechanisms to best serve residents and members. It is expected that between these mechanisms and trends in petitions more generally, that the proposed approach will enable residents to more efficiently resolve their concerns, whilst preserving the ability for residents who genuinely do need to pursue a petition through the other established channels.

#### Public questions

24. For LC/JC public questions, 81 per cent currently relate to highway matters including parking. It is proposed that highway questions will be addressed via the County Council's digital reporting functions, although the option will remain for questions to be submitted to the Divisional Member, Cabinet Member for Transport and Infrastructure, or to Cabinet.
25. In addition, as set out above, the service has improved the online reporting functions which make it clearer to residents of our service standards. There is an ongoing programme of making more information accessible online; for example, our capital maintenance work (known as Project Horizon) is available in a map-based format and all planned road works can be viewed via our website. These tools will enable improved self-service for those residents that can resolve their questions in this way, whilst the option will remain for those that cannot to address their questions through the channels set out above.

#### Scrutiny and overview

26. All decisions must comply with existing County Council policies (i.e. financial, speed limit, parking). If a situation arose where there are conflicting views between an officer and Divisional Member in relation to the taking of a decision which falls within the scope of these proposals, then this would be formally escalated to the Cabinet Member for decision.
27. Where decisions impact the entire county, the Cabinet Member and/or Cabinet will continue to make these decisions formally at public meetings, such as minimum cost of parking permits etc.
28. On at least an annual basis, the Communities, Environment and Highways Select Committee would be presented with a report of all the highway decisions covered

specifically by these proposals that have been made by officers in consultation with the Divisional Members as well as those made by the Cabinet Member. This will give an opportunity for Select Committee to provide regular oversight to the decision making set out in these proposals.

29. The Select Committee would be able make recommendations to Cabinet in respect of its findings through this scrutiny process, as well as in respect of any improvements it might recommend to improve the process. It is also suggested that consultation with Borough & District Councillors would continue as part of the CNA.

## **Benefits**

30. The transfer of Highway decision making from LC/JCs will contribute directly to the Council's Empowering Communities priority, yielding a number of benefits for the organisation and key stakeholders.

### Benefits for Residents

31. These proposals will contribute to residents feeling better able to connect with members on their own terms. Local and Joint Committees have to date provided a relatively formalised and rigid form of engagement for residents on highway matters. The Council can now call upon a far wider range of engagement tools. This offers greater flexibility to adapt an approach to best fit the topic or issue under consideration.
32. Throughout 2022, the use of new engagement methods and tools under the CNA will help encourage and empower more residents to participate in and influence the area in which they live, particularly those from whom the Council does not usually hear. For example, localised issues can be worked through in discussion with Councillors and residents (e.g. a Councillor hosting a Facebook Live "surgery" or poll to hear directly from their residents). Wider topics could be outlined in a public stakeholder engagement event or presented digitally using Commonplace, either through a survey or interactive map, to reach a greater number of people and gauge public opinion, as successfully illustrated for the recent tranche of active travel schemes.

### Benefits for Members

33. This approach will give elected Members more direct influence over local highway matters, whilst delivering for their residents in a shorter timeframe by being able to make decisions outside of the committee process and timetable.
34. Members will have greater individual discretion over a higher value of highway funds to be able to seek resolution to local issues raised by residents than is currently the case under LC/JCs.
35. Members will be able to reach out to more of their residents to better understand their priorities, by drawing on a range of informal engagement methods and tools developed as part of our CNA.

### Benefits for Partners

36. This is a collaborative and open approach, and there is a commitment from the County Council to work closely with partners and to enter into collaborative discussions for the benefit of residents to continue to deliver shared highway infrastructure proposals. District and Boroughs (D&Bs) have been engaged in the preparation of this Cabinet report.

## Consultation

37. The Leader and Cabinet Member for Communities have been consulted in relation to the proposed changes.
38. This report has been prepared in collaboration with the Executive Director for Communities, in conjunction with the Director for Highways and Transport, and the Head of Community Partnerships and Engagement. The Director of Law and Governance has also been directly consulted throughout the development of these proposals.
39. Specific briefing sessions were held with opposition group leaders on the contents of the proposals in this report. In addition, a wider briefing document has been prepared and circulated to all County Councillors ahead of Cabinet consideration of the report.
40. Arrangements have also been made for a special public session of the Communities, Environment and Highways Select Committee (CEHSC) with the Chairman of the Committee. The Committee will make recommendations to Cabinet on these proposals which will be reported to Cabinet in its consideration of this report.
41. In view of wider District and Borough (D&Bs) engagement within LC/JCs, briefings ahead of this Cabinet report have been provided via Surrey Leaders and Chief Executives (CEX) meetings. A briefing has also been provided to the Chairman and Vice-Chairman of the Surrey Association of Local Councils (SALC).

<b>Risk Management and Implications:</b>
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42. A summary of risks arising from these proposals along with mitigations is set out in the table below.

### Summary Table of Risks and Key Mitigations

<b>Risk description</b>	<b>Mitigation action/strategy</b>
Implementation of the new changes to highway funding streams and decision processes causes delays to schemes	Proposed changes to highway decisions and budgets are being taken forward in parallel with the SCC budget setting process through Cabinet.
Lack of overview of funding streams expenditure	Decisions will be recorded and available in an accessible audit log. Information on decisions is to be provided in a format that could be shared with the community.
Ensuring highway funds allocated under these proposals align with SCC Policies and Standards	The funding of projects would need to be consistent with SCC countywide policies and standards. ITS schemes will be assessed by officers against updated assessment criteria. Changes to on-street parking and speed limits will follow established community consultation processes.
Ensuring that there is no reduction in opportunities for resident engagement in highway priorities.	Utilising the CNA and greater variety of engagement tools will make it easier for residents to play an active role in decisions and priority setting.

#### **Financial and Value for Money Implications:**

43. The 2022/23 draft budget for Highways & Transport includes a revenue local scheme allocation of £0.6 million, and capital of £7 million. The recommended approach will lead to changes in the way that budget is managed; however, it is not proposed that the overall amount changes. Money will continue to be allocated and spent in line with the Council's agreed policies and processes, thus securing value for money.

#### **Section 151 Officer Commentary:**

44. Although significant progress has been made over the last twelve months to improve the Council's financial position, the medium-term financial outlook beyond 2021/22 remains uncertain. The public health crisis has resulted in increased costs which may not be fully funded. With uncertainty about the ongoing impact of this and no clarity on the extent to which both central and local funding sources might be affected in the medium term, our working assumption is that financial resources will continue to be constrained, as they have been for the majority of the past decade. This places an onus on the Council to continue to consider issues of financial sustainability as a priority in order to ensure stable provision of services in the medium term. The recommendations in this report concern how decisions are made, including decisions to spend. Those decisions will continue to be made in accordance with appropriate Council policies and regulations, and within the Council's Medium-Term Financial Strategy. As such, the Section 151 Officer supports the proposals.

#### **Legal Implications – Monitoring Officer:**

45. The Leader has responsibility to determine the Scheme of Delegation for executive decisions further to the Local Government Act 2000 and may delegate these to the Cabinet, a Cabinet member, an officer, or a local committee. The Executive Scheme of Delegation is reported to the Council for information and incorporated into the Council's constitution.
46. A number of the highway functions referred to must be subject of notice and statutory consultation prior to any final decision being taken as currently.
47. The terms of reference of Local and Joint Committees incorporate the discharge of executive functions as allocated in the Scheme of Delegation from time to time. These are set out in the terms of reference of the Committees and will require amendment.
48. Any decisions made by the Cabinet Member under the proposed arrangements are subject to scrutiny and call-in in the usual way.

#### **Equalities and Diversity:**

49. It was determined, in consultation with the Director for Law and Governance, that an Equalities Impact Assessment was not required for changes to the governance processes of the County Council as set out in the constitution.
50. By widening engagement access to the Council's decision-making processes, the proposals as set out in this Cabinet report are considered to have a positive impact for Surrey residents.



**Other Implications:**

51. The potential implications for the following council priorities and policy areas have been considered. Where the impact is potentially significant a summary of the issues is set out in detail below.

<b>Area assessed:</b>	<b>Direct Implications:</b>
Corporate Parenting/Looked After Children	No direct implications
Safeguarding responsibilities for vulnerable children and adults	No direct implications
Environmental sustainability	Updated assessment criteria will be consistent with and where possible contribute toward SCC sustainability and climate change commitments
Public Health	The CNA referenced within the report is co-produced with the input of health agencies and has a positive impact on wider health determinants

**What Happens Next:**

52. The changes to the Council's constitution will be reported to Council on 22 March 2022. The Director of Legal and Governance will work alongside the four joint committee democratic service officers to update the respective Joint Committee constitutions to keep these aligned with the County Council's constitution. The County Council currently has Joint Committee arrangements with four D&Bs (Woking, Guildford, Runnymede, and Spelthorne). Under recommendation six Cabinet agreement is sought for the Director of Legal and Governance to work in conjunction with democratic service officers to update the respective Joint Committee constitutions to keep these aligned.
53. The finance team will work with highway officers to make required changes to highway budgets and operating procedures.
54. Highway officers will work with the Communities, Environment and Highways Select Committee to develop an updated ITS assessment criteria, which will be recommended to the Cabinet Member for approval.

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**Report Author:**

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**Consulted:**

The Leader, Portfolio Holders for Transport, and Infrastructure and for Communities  
Communities, Environment and Highway Select Committee  
Chairman of Surrey Association of Local Councils  
Group Leaders  
D&B Leaders and Chief Executives  
Executive Directors for Environment Transport & Infrastructure and for Communities  
Corporate Leadership Team

**Annexes:**

**Annex 1:** Proposed revisions to the local and joint committee delegations

**Sources/background papers:**

25/01/2022 Cabinet Report Item 9: 2022/23 Final Budget and Medium-Term Financial Strategy to 2026/27 [Final Budget Cabinet Template Cover Report.pdf \(surreycc.gov.uk\)](https://www.surreycc.gov.uk/__data/assets/pdf_file/0007/253195/SCC-Petition-Scheme-amended-Feb-21.pdf)

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<sup>i</sup> Surrey County Council Community Vision for 2030

<sup>ii</sup> Community Network Approach - Our Community Network Approach (CNA) is how we plan to work with the existing and emerging networks across Surrey's towns and villages. It involves getting alongside our residents, and their networks of community groups, projects, organisations, partners, and businesses, and using our influence, relationships, and resources to help them join up with others to support and achieve their goals.

<sup>iii</sup> Petition Scheme - [https://www.surreycc.gov.uk/\\_\\_data/assets/pdf\\_file/0007/253195/SCC-Petition-Scheme-amended-Feb-21.pdf](https://www.surreycc.gov.uk/__data/assets/pdf_file/0007/253195/SCC-Petition-Scheme-amended-Feb-21.pdf)