



OFFICER REPORT TO COUNCIL

GOVERNANCE CHANGES - LOCAL AND JOINT COMMITTEES

KEY ISSUE/DECISION:

This report seeks approval to update the governance arrangements of the Council by recommending:

- the ceasing of the Local Committees, with effect from 31 October 2022
- serving notice of Council's intention to withdraw from the Joint Committees (the notice to expire on or before 30 April 2023), and
- the transferring of non-executive functions of Public Rights of Way (PRoW) from the Local and Joint Committees.

This change follows a decision by the Leader on 27 September 2022 to remove the remaining LC/JC Executive functions and the advisory functions with effect from 11 October 2022.

All committee members will be written to with details of the decisions.

BACKGROUND:

The Council has made a clear commitment to adopt a new approach to how it works, to make it a more connected and more effective local partner, working with and alongside local people. This includes better supporting county councillors as community leaders, redefining roles to get more staff working directly in communities, providing funding and support for community-led projects and working with Members to better co-ordinate the Council's work and support our communities to do more for themselves. The withdrawal from LC/JCs directly supports this.

This commitment will contribute towards improved opportunities for our residents to be involved in setting local priorities, supporting the Council's own Empowering Communities organisational priority. This is consistent with residents' expressed desires to be more involved in what the Council is doing but through events and conversations rather than through boards and meetings. This is evidenced by research in the past year which 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.

To withdraw from the Local and Joint Committees, Council approval is required.

Following the decision by the Leader on 27 September 2022 to remove the remaining LC/JC Executive functions and the advisory functions with effect from 11 October 2022, to enable an ordered withdrawal away from the LC/JCs three separate decisions of Council are required:

- i. the ceasing of Local Committees
- ii. serving notice of the Council's intention to withdraw from the Joint Committees, to expire on or before 30 April 2023.
- iii. the transferring of non-executive functions of Public Rights of Way (PRoW) from these committees.

Changes to the Constitution as a consequence of the Leader's decision are noted in a separate constitutional report elsewhere on the agenda for today's Council meeting.

DETAILS:

Ceasing the Local Committees

Changes to the governance processes of the County Council as set out in the constitution are the responsibility of Council. Under recommendation 1 within this report, Council approval is therefore sought for the ceasing of the Local Committees with effect from 31 October 2022.

With the ceasing of Local Committees the non-executive functions for Public Rights of Way (PRoW) will transfer from these committees.

This follows the previous transfer of all executive highway functions from Local and Joint Committees with effect from 01 April 2022 following a decision of Cabinet on 22 February 2022, and of the last three remaining executive functions resulting from a decision by the Leader on 27 September 2022.

Any decisions now delegated to officers as a result of these changes would be recorded, reported and available for scrutiny following established County Council procedures.

Serving notice of Council's intention to withdraw from the Joint Committees, to expire on or before 30 April 2023

The Council has four Joint Committees, which are established with Runnymede, Spelthorne, Guildford and Woking Borough Councils. These Joint Committees operate in place of Local Committees for these Borough Areas. Constitutional arrangements for the Joint Committees are different

from those for the Local Committees.

Each Joint Committee is jointly constituted between the two participating local authorities and has its own constitution. The constitution for each Joint Committee is itself listed within the County Council's constitution.

The Constitutions of the Joint Committees state that notice should be given by either participating authority of the intention to withdraw from the Joint Committee arrangement. This is in order that the other participating authority can put appropriate transition arrangements in place for the functions it has delegated to a Joint Committee.

Recommendation 2 of this report asks for Council approval for notice to be given to the other participating authorities of the Council's intention in relation to the Joint Committees, with this notice to expire on or before 30 April 2023 to ensure new arrangements have been finalised before the end of this municipal year.

Recommendation 7 of this report asks Council to note that the Director of Law and Governance will work in conjunction with democratic service officers from Guildford, Runnymede, Woking, and Spelthorne Borough Councils to update their respective constitutions.

The transferring of non-executive functions of Public Rights of Way (PRoW) from LC/JCs

The Council has a duty to maintain the 'definitive map' which is the legal record of Public Rights of Way (PRoW) in the county. It has both powers and duties to make legal orders which may add, remove, or modify a PRoW. It then has a duty to make subsequent amendments to the map. Amendments usually result from an application by a member of the public, but changes may also be instigated by the Council itself.

Prior to making a determination, consultation processes on whether to make a legal order or not, are delegated to officers. If an objection is received following initial consultation the decision is currently delegated to Local and Joint Committees. With the removal of Local and Joint Committees, the opportunity to review decision making on PRoW has enabled officers to consider more efficient and inclusive ways of working.

Internal and external analysis and benchmarking showed:

- Over half the reports taken to Local Committees in the last seven years have gone to just two committees: Mole Valley and Waverley. Whilst the nature of these areas may be more rural and their PRoW more well used, the Council remains keen to encourage interest in, and use of, PRoW in all areas.
- Alongside statutory consultation, there is an opportunity to engage more with residents on possible changes to a PRoW through new engagement mechanisms. This will also provide the opportunity to

resolve any objections and support the local Divisional Member in exploring public opinion before a decision is made.

- That other authorities in south-east England afford their officers a higher level of decision making on PRoW changes, including those where an objection has been raised.

Recommendations in this report would mean that decision making is delegated to Officers in consultation with the local Divisional Member. Should they not agree or if either feels a PRoW application should be heard by committee, it is proposed that it is heard by the Planning and Regulatory Committee (PRC) and delegation is passed to the PRC to decide.

The PRC frequently debates and decides upon similar issues and legislation. Under Standing Orders, Divisional Members, members of the public and their representatives may address the PRC on any planning application and all applications relating to PRoW being considered by that Committee.

Contentious issues such as Traffic Regulation Orders, or PRoW on County Council owned land or land relating to a planning application will still need to be heard by committee. These would be delegated directly to the PRC with the local Divisional Member fully engaged in the preparation of the reports to committee.

In cases where a PRoW passes through more than one division, or impacts a neighbouring division, the delegated officer will work in consultation with all relevant local Divisional Members.

To ensure visibility across all divisions, an electronic list of proposed modifications to PRoW received by the Council will be maintained and made accessible to all Members. A comprehensive briefing note on PRoW will be provided to all Members and training will be provided via member seminars on the new processes.

Local and Joint Committee Chairmen

The Council at its annual meeting in May 2022 appointed Chairmen and Vice Chairmen to relevant Local and Joint Committee roles to 31 October. These appointments will lapse on that date to coincide with the cessation of Local Committees. The Council currently appoints Chairmen to two of the four Joint Committees and Vice-Chairmen to the other two. Given the serving of notice to withdraw from the Joint Committees and the removal of all County Council executive and non-executive functions from the Joint Committees from 11 October, the Joint Committees will no longer consider County Council matters for the remainder of this municipal year. Consequently, it is recommended that no appointments are made by the Council to the roles of Chair and Vice Chairs after 31 October. If a Joint Committee needs to meet, a vice chair who is a borough member could chair the Committee, or in the absence of this, the committee could agree to appoint a chair for a particular meeting.

Petitions Scheme

Paragraph 27 of the Council's Petitions Scheme currently provides that petitions with a minimum of 30 signatories may be considered at a Local or Joint Committee.

If Council agrees the recommendations in this report, the petition scheme will need to be amended as the Local Committees will no longer be available to consider petitions from 31 October. For Joint Committees, as there will be no County Council functions within their terms of reference they will no longer consider County Council-related petitions from 11 October 2022.

Petitions will instead be referred for the most appropriate alternative action as set out in the scheme. This will generally be for service consideration with the petitioner and Divisional Members but could be a referral to the Cabinet member or scrutiny where appropriate. Petitions with over 100 signatures will continue to be considered by the relevant Cabinet member. Residents will still have the right to submit petitions, but the aim is that closer engagement with residents will help drive outcomes before a petition is felt necessary.

A practice note for officers will be produced to accompany the updated petition scheme for when petitions are referred to service areas, emphasising the necessity to communicate with Divisional Members when petitions arise.

RECOMMENDATIONS:

It is recommended that County Council:

1. Agrees that Local Committees will cease, with effect from 31 October 2022.
2. Agrees to serve six months' notice of the Council's intention to withdraw from the Joint Committee in each appropriate borough, to expire on or before 30 April 2023.
3. Agrees to the transfer of all Public Rights of Way (PRoW) functions from Local and Joint Committees with effect from 11 October 2022. Non-contentious, non-executive decisions which affect PRoW will be delegated to officers in consultation with the relevant local Divisional Member/s. All contentious issues such as decisions for Traffic Regulation Orders or PRoW on County Council owned land or land relating to a planning application will be referred to the Planning and Regulatory Committee (PRC) to be heard and a decision made.
4. Agrees that where the local Divisional Member(s) or Officer(s) do not agree, or where they feel a determination should be made by committee, the case can be referred to the PRC. In cases where

one or more divisions are involved, then the delegated officer will work in consultation with all relevant Members.

5. Notes that a list of proposed changes to PRow or modifications to the definitive map received by the Council will be maintained and accessible to all Members.
6. Agrees that the Director of Law and Governance makes the relevant changes to the Council's Constitution to reflect the new arrangements.
7. Notes that the Director of Law and Governance will work in conjunction with democratic service officers from Guildford, Runnymede, Woking, and Spelthorne Borough Councils to update their respective constitutions.
8. Agrees the consequential amendments to the Council's petition scheme as described above.
9. Notes that appointments of Chairs and Vice Chairs to Joint Committees will lapse on 31 October 2022 and Joint Committees will appoint a Chair as required if meeting in the six-month notice period.

Lead/Contact Officers:

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Sources/background papers:

Highways Report to Cabinet Feb 22 [Cabinet Report LC JC Highway Functions Final.pdf \(surreycc.gov.uk\)](#)

Leader Decisions report - Sept 2022 [Leader Decisions - Local and Joint Committee Executive Functions](#)

County Council's current petition scheme [SCC-Petition-Scheme.pdf](#)