

GOVERNANCE AND PUBLIC PARTICIPATION ARRANGEMENTS FOR THE NONSUCH PARK JOINT MANAGEMENT COMMITTEE

Head of Service:	Andrew Bircher, Interim Director of Corporate Services
Wards affected:	Nonsuch Ward;
Appendices (attached):	Appendix 1: 'Public Participation at Nonsuch Park Joint Management Committee' protocol

Summary

To update the governance and public participation arrangements for the Nonsuch Park Joint Management Committee, following recent updates to the Epsom & Ewell Constitution.

Recommendation (s)

The Committee is asked to:

- (1) Discard the protocol for 'Public Participation at Nonsuch Park Joint Management Committee' and agree that the Epsom & Ewell Committee Rules of Procedure and Protocol for Public Speaking apply to the Nonsuch Park Joint Management Committee, pending a new joint management arrangement.**

1 Reason for Recommendation

- 1.1 To ensure that the business of the Committee continues to be carried out effectively and in accordance with good governance.
- 1.2 To enable continued engagement between the NJMC and members of the public / park users to ensure Nonsuch Park meets the diversity of needs.

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2 Background

Rules of Procedure

- 2.1 In 1937 an agreement was entered into by the then London County Council, London Borough of Sutton, Surrey County Council and Epsom & Ewell Borough Council (“Epsom & Ewell”), following the purchase of lands which now form part of Nonsuch Park (“the Park”). At the time, Surrey County Council handed over management and maintenance of the Park to Sutton and Epsom & Ewell Councils. As a result, the Joint Management Committee (“the JMC”) was set up to manage the Park.
- 2.2 In 1993, both Councils entered into an agreement to amend some of the requirements of the original 1937 agreement. Amongst other matters, it was agreed that the JMC would be renamed the Nonsuch Park Joint Management Committee (“the NJMC”).
- 2.3 The original 1937 agreement setting up the JMC has since been lost. As a result, the rules of procedure of the Committee became unclear. References to ‘standing orders’ have been found in historic minutes for the JMC, but a record of those standing orders cannot be found.
- 2.4 In the interest of good order and effective conduct of business and transparent and effective decision-making, it is important for the NJMC to have a clear set of rules of procedure for the running of the Committee.
- 2.5 The NJMC is a joint Committee between Sutton and Epsom & Ewell Councils. However, neither Council’s Constitution deals specifically with the Committee rules of procedure for the NJMC.
- 2.6 Historically, the rules of procedure at meetings of the NJMC have effectively been those of Epsom & Ewell. Currently Epsom & Ewell provide support to the NJMC in terms of Democratic Officer support, the Clerk to the Committee is the Chief Executive of Epsom & Ewell, and all support in relation to finance, planned maintenance reporting, property management and park management is provided by Epsom & Ewell.
- 2.7 At its meeting dated 4 February 2019, the NJMC was presented with a report asking the Committee to formally adopt the rules of procedure of Epsom & Ewell’s Constitution, to which the Committee agreed.

Public participation

- 2.8 However, it was acknowledged in the report that as the NJMC was not a policy making committee, there would be no provision for public participation at meetings of the NJMC under the Epsom & Ewell Constitution’s current rules of procedure.

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- 2.9 It is important for the NJMC to hear from and engage with park users, stakeholders and partners to ensure Nonsuch Park meets the diversity of needs. To enable public participation at its meetings, the report also asked the NJMC to adopt a bespoke 'Public Participation at Nonsuch Park Joint Management Committee' protocol, to which the Committee agreed. This protocol has been attached at appendix 1 to this report.

Update to the Epsom & Ewell Constitution

- 2.10 Epsom & Ewell Borough Council, at its Full Council meeting on 14 February 2023, approved an update to its Constitution and the implementation of an Operating Framework, effective from 4 May 2023.
- 2.11 As part of the update to the Constitution, minor changes were made to the Committee rules of procedure. Substantial changes were made to the protocol for public speaking at Committees, set out in the Council's Operating Framework. The updated rules of procedure can be seen at Appendix 5 of the Epsom & Ewell Borough Council Constitution. The updated protocol for public speaking can be seen at Annex 4.2 of the Epsom & Ewell Borough Council Operating Framework.
- 2.12 According to the updated protocol for public speaking, the NJMC would no longer be precluded from receiving engagement from members of the public due to the fact that the protocol no longer limits public participation to meetings of policy making committees only.

Recommendation

- 2.13 The Committee is asked to note the Epsom & Ewell Committee Rules of Procedure and Protocol for Public Speaking following the recent update and agree that they apply to the Nonsuch Park Joint Management Committee until such a time as other arrangements are agreed.
- 2.14 The Committee is asked in turn to discard its current protocol for 'Public Participation at Nonsuch Park Joint Management Committee' as its purpose in enabling the NJMC to allow public participation at its meetings has been rendered redundant.
- 2.15 It should be noted that the updated public participation protocol of the Epsom & Ewell Operating Framework provides a platform for the submission of statements from members of the public as well as questions. Questions relating to matters on the meeting's agenda are no longer disallowed under the updated protocol, and the deadline for the submission of questions to be asked at Committee has been reduced from 10 working days to 3 working days before the meeting. Overall, the updated protocol enables a greatly improved experience for engagement between the NJMC and members of the public / park users.

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3 Risk Assessment

Legal or other duties

3.1 Equality Impact Assessment

3.1.1 None

3.2 Crime & Disorder

3.2.1 No issues

3.3 Safeguarding

3.3.1 No issues

3.4 Dependencies

3.4.1 None

3.5 Other

3.5.1 None

4 Financial Implications

4.1 There are no direct financial implications.

4.2 **Section 151 Officer's comments:** None arising from the contents of this report.

5 Legal Implications

5.1 This brings the Committee in line with the new Constitution, which came into effect on 4 May 2023.

5.2 **Legal Officer's comments:** None that arise directly from the contents of this report.

6 Policies, Plans & Partnerships

6.1 **Council's Key Priorities:** The Council's Key Priorities are not relevant to this matter.

6.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.

6.3 **Climate & Environmental Impact of recommendations:** None

6.4 **Sustainability Policy & Community Safety Implications:** None

6.5 **Partnerships:** None

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7 Background papers

7.1 The documents referred to in compiling this report are as follows:

Previous reports:

- Governance Arrangements for the Joint Management Committee, 4 February 2019

<https://democracy.epsom-ewell.gov.uk/documents/g582/Public%20reports%20pack%2004th-Feb-2019%2010.00%20Nonsuch%20Park%20Joint%20Management%20Committee.pdf?T=10>

Other papers:

- Agreement (dated 7 May 1993) to amend an Agreement dated 12 April 1937 regarding the management of land known as Nonsuch Park.
- Epsom & Ewell Borough Council Constitution: Appendix 5 – Standing Orders relating to the Conduct of Committees, Sub-Committees, and Advisory Panels (date of issue: 04/05/2023)

<https://democracy.epsom-ewell.gov.uk/documents/g1574/Public%20reports%20pack%2004th-May-2023%20Constitution%20of%20Epsom%20and%20Ewell%20Borough%20Council.pdf?T=10&Info=1>

- Epsom & Ewell Borough Council Operating Framework: Annex 4.2 – Protocol for Members of the Public Speaking at Committees (date of issue: 04/05/2023)

<https://www.epsom-ewell.gov.uk/sites/default/files/documents/council/about-council/governance/Annex%204-2%20-%20Protocol%20Members%20of%20Public%20Speaking.pdf>