



OFFICER REPORT TO COUNCIL

AMENDMENTS TO THE CONSTITUTION

KEY ISSUE/DECISION:

The Council is asked to agree a number of amendments to the Constitution.

At the last Council meeting in July, the Leader reported that, in order to enable Surrey's companies to play a fuller role in local decision-making, he had suggested that Local Committee Chairmen could accept questions and petitions from local Surrey businesses at Local Committee meetings. In order to formalise this arrangement it is necessary to amend Standing Orders.

Following the decision at the June Council meeting to reduce the size of a number of committees and the consequent amendment to Standing Order 40, Substitutes, a review has been undertaken of the effectiveness of this Standing Order. It has been found that the smaller groups have experienced problems finding substitutes as a result of the reduction in the number of substitutes allowed and the restrictions on the number of named substitutes. The Council is, therefore, recommended to amend Standing Order 40 to allow greater flexibility.

A review of the terms of reference of local committees has been carried out in order to bring these into line with current practice and to include the new powers that the Leader has delegated to individual members and to local committees. The Council is asked to agree the revision to the terms of reference for local committees.

Finally, the Leader has delegated authority to Cabinet Members to write-off irrecoverable debts between £10,000 and £100,000 not otherwise delegated to the Head of Finance. The Scheme of Delegation to Cabinet Members will be amended accordingly. The Council is asked to agree amendments to the Financial Regulations to reflect the changes to the Scheme of Delegation.

BACKGROUND:

Questions and petitions from local Surrey businesses at Local Committee meetings

1. Members of the public may, under Standing Order 65.1, present a petition to any ordinary meetings of the Cabinet, Cabinet Members or committees relating to a matter within the terms of reference of the Cabinet, the Cabinet Member or the committee as appropriate. In order to achieve the Leader's aim of involving local businesses more fully in local decision making, it is proposed that the Standing Order is amended so that both members of the public and local businesses may present petitions at meetings of Local Committees.
2. Standing Order 66.1 relates to public question time at ordinary meetings of the Cabinet and committees. Members of the public may ask one question relating to a matter within the Cabinet's or Committee's terms of reference. It is proposed that this Standing Order is also amended to allow local businesses to ask a question at ordinary meetings of Local Committees.

Substitutes

3. Standing Order 40 sets out the procedure which applies to the appointment of substitutes. This Standing Order was amended at the Annual Meeting of the County Council in June following the decision to reduce the size of a number of committees. A review has now been undertaken of the effectiveness of this Standing Order and it has been found that the smaller groups have experienced problems finding substitutes as a result of the reduction in the number of substitutes allowed and the restrictions on the number of named substitutes.
4. For Planning and Regulatory, Health Scrutiny and Personnel and Appointments Committees there are named substitutes due to the need to ensure that Members substituting on these committees have attended the required training and are fully able to participate. However, each committee has a slightly different restriction on the size of its pool of named substitutes. In order to ensure consistency across committees and to allow greater flexibility to the groups, particularly the smaller groups, it is recommended that Standing Order 40 is amended to allow each group to name up to seven substitutes for each of these committees. The ratio of substitutes each group can make at any one meeting remains unchanged, but the proposed amendment would allow groups to select a substitute from a larger pool of trained Members.

Local committees

- 5 Proposed revised terms of reference for the local committees are set out in Appendix 1 to this report. These are intended to articulate, in a more simplified and consistent way than at present, the main roles of the local committees; broadly: to take decisions on the matters that have been delegated to them, including individual member allocations, to engage local people and to monitor and comment on matters of local concern. The terms of reference show separately those executive

functions delegated to local committees by the Leader and those local decisions on rights of way that have been delegated by the Council. The Constitution has previously been updated to include the new local decision making powers of all Members in Article 2 of Part 2 of the Constitution. These terms of reference make provision for the local committees to have a role in overseeing this.

Debt Write-Off

6. The current debt write-off policy allows the Head of Finance to approve debt write-off under £10,000 with debts over £10,000 being approved by Cabinet. This policy has been reviewed, in light of the approval levels for virements and the new Scheme of Delegation to Cabinet Members, and the following policy is now proposed:

The Head of Finance, in consultation with the Head of Legal & Insurance, is authorised to write-off individual debts of up to £100,000 considered by them to be irrecoverable, where:

- the debtor has gone into liquidation
- the debtor is deceased and there are no funds and the debt had been registered as a liability to the executor
- the evidence against a debtor is inconclusive, and the Head of Legal and Insurance recommends write-off
- the debtor has absconded and all enquiries have failed
- the debtor is in prison and has no means to pay

For other debts under £10,000 not covered by the criteria above, the Head of Finance can approve the write-off of irrecoverable debts. For debts of more than £10,000 and up to £100,000 which are not covered by the criteria above, having taken into consideration the advice of the Head of Finance and the Head of Legal & Insurance, the relevant Cabinet Member can approve the write-off of irrecoverable debts in their portfolio in consultation with the Deputy Leader. All other write-offs will require the approval of the Cabinet. Write-offs granted in-year must be reported in year-end financial outturn reports to the Cabinet.

7. In support of the above policy, the Leader has agreed to delegate to Cabinet Members the write-off of irrecoverable debts between £10,000 and £100,000 not otherwise delegated to the Head of Finance. These changes will be reflected both in Financial Regulations and in Table 2 of paragraph 8.2 of the Council's Scheme of Delegation. The Council's approval of these changes to Financial Regulations is sought.

| |
|-------------------------|
| RECOMMENDATIONS: |
|-------------------------|

It is recommended:

- (1) That Standing Orders 65.1 and 66.1 be amended as follows (amendments in bold):

65.1 At the start of any ordinary meeting of the Cabinet, a Cabinet Member or a committee any member of the public who is an elector of the Surrey County Council area may present a petition, containing 100 or more signatures, relating to a matter within the terms of reference of the Cabinet, the Cabinet Member or the committee as appropriate. **In addition, a local business may present a petition to an ordinary meeting of a Local Committee.** The presentation of a petition on the following business will not be allowed:

- (a) matters which are “confidential” or “exempt” under the Local Government Access to Information Act 1985; and
- (b) planning applications.

66.1 At the start of any ordinary meeting of the Cabinet or any Committee, any member of the public who is an elector of the Surrey County Council area may ask one question relating to a matter within the Cabinet’s or Committee’s terms of reference. **In addition, a local business may ask one question at an ordinary meeting of a Local Committee.** Questions will not be allowed on matters which are “confidential” or “exempt” under the Local Government Access to Information Act 1985 or on planning applications. Questions should relate to general policy and not to detail.

(2) That Standing Orders 40(g), (h) and (i) be amended as follows (amendments in bold):

40(g) The Council will appoint named substitutes to serve on the Planning and Regulatory Committee, **comprising up to seven Members each from the Conservative, Liberal Democrat and Residents’ Associations/Independent Groups**, subject to no more than four Conservative, one Liberal Democrat and one Residents’ Associations/Independent Group Member being substituted at any one time.

40(h) The Council will appoint named substitutes to serve on the Personnel and Appointments Committee and its Appointments Sub-Committee, comprising up to seven Cabinet Members and **up to seven** Members each from the Liberal Democrat and Residents’ Associations/Independent Groups, subject to no more than 50% of the membership of the committee/sub-committee being substituted on any one occasion.

40(i) The Council will appoint named substitutes for the Health Scrutiny Committee, comprising up to **seven Members each from the Conservative, Liberal Democrat and Residents’ Associations/Independent Groups**, subject to no more than

four members of the committee being substituted on any one occasion.

- (3) That the revised paragraph 7 (set out in Appendix 1) replace the current terms of reference for local committees set out in Part 3 Section 2 of the Constitution.
- (4) That the Leader's decision to delegate to Cabinet Members the write-off of irrecoverable debts between £10,000 and £100,000 not otherwise delegated to the Head of Finance be noted, and the following consequent amendments (shown in bold) to Financial Regulations be approved:

13.10 The Head of Finance, in consultation with the Head of Legal & Insurance, is authorised to write-off individual debts of up to £100,000 considered by them to be irrecoverable, where:

- **the debtor has gone into liquidation**
- **the debtor is deceased and there are no funds and the debt has been registered as a liability to the executor**
- **the evidence against a debtor is inconclusive, and the Head of Legal and Insurance recommends write-off**
- **the debtor has absconded and all enquiries have failed**
- **the debtor is in prison and has no means to pay**

For other debts under £10,000 not covered by the criteria above, the Head of Finance can approve the write-off of irrecoverable debts. For debts of more than £10,000 and up to £100,000 which are not covered by the criteria above, having taken into consideration the advice of the Head of Finance and the Head of Legal & Insurance, the relevant Cabinet Member can approve the write-off of irrecoverable debts in their portfolio in consultation with the Deputy Leader. All other write-offs will require the approval of the Cabinet. Write-offs granted in-year must be reported in year-end financial outturn reports to the Cabinet.

Lead/Contact Officers:

Joanne Hargreaves
Executive Business Manager
Tel: 020 8541 9068

Verity Royle
Principal Accountant (Financial Analysis)
Tel: 020 8541 9225

Ann Charlton
Head of Legal and Insurance
Tel: 020 8541 9001

Sources/background papers:

The Council's Constitution
Leader's report to the Council, 21 July 2009

7 LOCAL COMMITTEES

7.1 Membership

Between 5 and 10 county councillors depending upon the number of electoral divisions within each district/borough area and an equal number of co-opted district/borough councillors with voting rights in relation only to transportation, rights of way and highway matters.

7.2. Executive Functions of Local Committees

Local committees will be responsible for the following:

a) Decisions relating to wellbeing powers

The County Council members of local committees may take decisions in response to local needs, within the County Council's power of wellbeing and in accordance with the financial framework and policies of the County Council up to a maximum sum per County Council Member, which will be determined annually as part of the budget process.

b) Decisions on local services and budgets

In relation to the District or Borough they serve each local committee will take decisions delegated to them by the Leader and/or Cabinet on the following local services and budgets, within a framework of agreed performance and resources:

- (i) Hours of opening for local libraries
- (ii) Community safety funding that is delegated to the Local Committee.

(Note: Funding which is ring-fenced for the use of the crime and disorder partnerships subject to DA outreach being provided, is not for Local Committee decision).

- (iii) Decisions on delegated highway capital and revenue budgets for minor highway improvements, highway maintenance, on street parking, transport initiatives, road safety matters of local concern, and traffic management matters (to include Traffic Regulation Orders (TROs) providing that where significant objections are maintained to made TROs the Group Manager in consultation with the Divisional Member and the Committee Chairman/Vice Chairman shall decide whether the TRO may be confirmed and shall subsequently report that decision to the Committee).

- (iv) Approval of the annual Youth Development Service Plan
- c) The Local Committees will:
- (i) Monitor the decisions of officers taken in consultation with local members on the work of the community highway officers, highway gangs and responses to applications for HGV licences
 - (ii) Monitor the quality of services provided locally, and recommend action as appropriate.
 - (iii) Engage in issues of concern to local people and seek to influence the County Council, the Leader and Cabinet in relation to county-wide services and plans in the light of local needs.
 - (iv) Comment on priority area work undertaken within the committee's area by county services and partners.
 - (v) Receive and comment on the district-based sustainable community strategies and related Local Development Framework
 - (vi) Receive reports on development -related highway improvements within their area.
 - (vii) Comment on the design of major highway improvements either wholly or partly in their area.
 - (viii) Comment on movement proposals contained within district local plans, community transport schemes, and movement and feasibility studies.

Local committees will deal with all those non-executive functions relating to public rights of way set out in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, except for those separately referred to in the Scheme of Delegation (or within the terms of reference of other Committees).

(Note: A local committee may not make any decision which will have an adverse effect on a part of the county for which it does not have functions).