



**LOCAL COMMITTEES –  
TERMS OF REFERENCE  
AND  
SCHEME OF DELEGATION  
4 MARCH 2002**

**KEY ISSUE :**

The Executive has already agreed proposals for delegating and devolving functions to local committees based on the areas of the district/borough councils. Formal resolutions now need to be passed both by the Council and the Executive, to give effect to the decisions taken by the Executive at its meeting in December 2001.

**EXECUTIVE SUMMARY :**

This report sets out the proposed terms of reference and scheme of delegation for the local committees. The Executive is asked to delegate and devolve, as appropriate, executive functions as set out in the report, and to recommend the formal resolutions which

are needed to appoint the committees with effect from 1 April 2002.

### **MEMBER CONSULTATION :**

The Executive Member for Corporate Planning has been fully consulted.

### **OFFICER RECOMMENDATIONS :**

#### **To the Executive**

1. That executive functions be devolved and delegated to local committees as set out in the terms of reference and scheme of delegation set out in paragraphs 2. (4) and (5) of the report.

#### **To the County Council**

2. That the following recommendations be made to Council:
  - (1) That 11 local committees be appointed to discharge functions in the Surrey district/borough areas of the county, with the membership of each committee comprising the county councillors representing the electoral divisions which fall wholly within the respective district/borough areas.
  - (2) That the membership of local committees be extended by invitation to include district/borough councillors nominated by their respective district/borough councils with voting rights in relation to transportation matters, subject to the number of district/borough councillors not exceeding the number of county councillors serving on the local committee and to these arrangements being reviewed after one year.

- (3) That the terms of reference of local committees be approved as set out in paragraph 2 (2) of the report.
- (4) That non-executive functions be delegated and devolved to local committees as set out in the terms of reference and scheme of delegation.
- (5) That parts 2 and 3 of the Council's Standing Orders be applied as appropriate to the operation of local committees, subject to each committee having discretion to determine its own proceedings within the Constitution and the law, and to the addition of the following provisions :
  - (a) the committee chairman will have discretion to allow, by invitation, a spokesperson from any recognised organisation/group to address the committee for up to 3 minutes on any matter relevant to the work of the committee;
  - (b) the Executive may call-in for review and final determination any executive decision taken by a local committee, which has significant policy or budgetary implications, subject to notice of call-in being given within 5 working days of publication of the decision.
  - (c) where district/borough councillors are appointed to serve on a local committee with voting rights in relation to transportation matters, their appointment is conditional on parity of voting between the two authorities so that in the absence of one or more County Council Members of the committee, there would be a corresponding reduction in the number of votes available to the appointed district/borough councillors present at the meeting.
- (6) That the Guildford, Waverley, Mole Valley and Tandridge Partnership Area Transportation Committees, and the Surrey Heath Area Transportation Committee be dissolved with effect from 31 March 2002.

- (7) That the County Council withdraws from the joint County/District Partnership Committees with effect from 31 March 2002, except in relation to the Tandridge area where the joint committee has already ceased to operate.
- (8) That the County Council withdraws from the Reigate & Banstead Joint Transport Committee with effect from 31 March 2002.
- (9) That the Chief Executive be authorised to:
  - (a) appoint district/borough councillors to local committees on the nomination of the district/borough councils; and
  - (b) make consequential amendments to the Constitution, including the scheme of delegation and standing orders, to reflect the changes proposed in the foregoing recommendations.

## 1. INTRODUCTION AND BACKGROUND

At its meeting on 10 December 2001, the Executive approved proposals for the appointment of local committees following public consultations with district/borough councils, parish councils and other partner organisations. This report proposes the formal resolutions which need to be taken by the Council to appoint the new committees and by the Executive to delegate and devolve, as appropriate, executive functions in line with decisions taken at its December meeting.

Terms of Reference and a Scheme of Delegation for the local committees are set out below.

## 2. TERMS OF REFERENCE

### (1) Membership

Between 5 and 9 county councillors depending upon the number of electoral divisions within each district/borough area.

*(Note: The membership of the committees may also include district/borough councillors with voting rights in relation to transportation matters subject to their numbers not exceeding the number of county councillors serving on the committee).*

### (2) Executive Functions of Local Committees

The Committees will be responsible for the following :

- (a) Decisions on local services and budgets delegated to them by the Executive.
- (b) Decisions on local services and functions devolved to them by the Executive within a framework of agreed performance and resources.
- (c) Monitoring the quality of services provided locally, and recommending or taking action as appropriate.
- (d) Engaging local people in issues of concern and influencing the County Council and the Executive on county-wide services and plans in the light of local needs.
- (e) Influencing and contributing to the district-based community strategies.

Within approved policies as set out in the SCC manual of policies and standards and the local transport plan for Surrey, the

Committees will also exercise within their areas, the powers and duties of the Executive in relation to the following functions:

- (f) Decisions on highway maintenance, minor highway improvements, on street parking, transport initiatives, socially necessary bus services, road safety matters of local concern, and traffic management matters within their areas.
- (g) Decisions on the detailed design of major highway improvements either wholly or partly in their areas.
- (h) Commenting upon movement proposals contained within district local plans, community transport schemes, and movement and feasibility studies.
- (i) Approving and monitoring an annual maintenance plan for revenue expenditure for their areas.
- (j) Approving capital expenditure on local highway improvements up to a proportion of the LTP capital settlement determined by the Executive.
- (k) Monitoring Corporate Plan and Best Value performance indicators relating to activities in the Borough or District area and ensuring the required outcomes for the Local Transport Plan are met.

### **(3) Rights of Way & Highways**

The Committees will also be responsible for non-executive functions relating to rights of way and highways, as set out in the Local Authorities (Functions & Responsibilities) (England) Regulations 2000 (as amended).

### **(4) Delegated Powers**

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

### **(5) Devolved Powers**

The Committees may take decisions within a framework of resources and national and local performance outcomes on the following matters:

- (a) Local schemes for the Local Transport Plan programme, ensuring that the required outcomes for the LTP are met; and the capital programme allocated to their areas;

- (b) The local transportation revenue programme, taking account of the capital programme, and ensuring that it meets required standards and performance indicators.
- (c) The detailed design of transportation major schemes once they have been approved by the Executive.
- (d) Hours of opening for local libraries within the resources available to the service in accordance with standards in the Library Plan.
- (e) Funding for self-reliance projects allocated to the Committee's area, to be deployed in accordance with the self-reliance policy, funding and targets and spent in partnership with other key partners locally.

*(Note: This funding is ring-fenced for use in connection with approved self-reliance projects).*

- (f) Community safety funding allocated to the three-way crime and disorder partnerships with the police and the district/borough councils and spent in accordance with the local crime and disorder reduction strategy.

*(Note : This funding is ring-fenced for the use of the crime and disorder partnerships and must be spent in agreement with them.)*

- (g) The Committees will also provide advice to Area Directors for Adult Services on the nature and level of adult services contracts with district/borough councils, purchasing a range of services for people who generally fall outside the County Council's eligibility criteria, e.g. dial-a-ride, meals on wheels, day services etc.

*(Note: A Committee may not make any decisions which have an adverse affect on a part of the area of the county for which it does not have functions).*

### **3. CONSTITUTIONAL ARRANGEMENTS**

Local Committees will work within:

- A Scheme of delegation agreed by the Executive
- The county-wide Community Strategy and the County Council's Corporate Plan
- Standing Orders agreed by the Council
- An agreed financial framework and virement rules

Each committee will have discretion to determine its own proceedings within the Council's Constitution and the law. In practice, the transportation business for local committees may be supported and organised separately to other committee business. The main points which need to be borne in mind are as follows:

- (a) Parts 2 and 3 of the Council's Standing Orders will be applied as appropriate to the operation of local committees subject to the discretion referred to in the previous paragraph.
- (b) Each committee will elect its own chairman and vice-chairman from amongst the county councillor Members of the committee
- (c) All formal (decision making) meetings of local committees will be open to the public, except where confidential or exempt information is likely to be discussed.
- (d) The public will be able to ask questions at meetings of the committees and to present petitions subject to the rules in Standing Orders.
- (e) Committee chairmen will have discretion to allow, by invitation, a spokesperson from any recognised organisation/group to address the committees for up to 3 minutes on any matter relevant to the work of the committees.
- (f) Any key decisions falling within the terms of reference of local committees will have to be included in the Executive's forward plan, with the same legal requirements that apply to the Executive's business. This is a statutory rule intended to ensure that information relating to key decisions is published so that those affected by the decision have an opportunity to make their views known before the decision is taken. Local committees will also draw up their own work programmes so that business is 'joined-up' locally and corporately.
- (g) Select Committees may review, scrutinise or call in executive decisions taken by local committees.
- (h) The Executive may call in for review and final determination any executive decision taken by a local committee which has any significant policy or budgetary implications.
- (i) District/borough councillors will have voting rights in relation to transportation matters only and their appointment to a local committee is conditional on parity of voting between the two authorities so that in the absence of one or more county council Members of the committee, there would be a corresponding reduction in the number of votes available to the appointed district/borough councillors present at the meeting.



- (j) Local committees may make judgements about local priorities on matters falling within their delegated powers, and may vire funding between delegated budgets for local highway improvements and Members individual funding allocations. This will enable local committees to provide solutions to local problems by using the new “well being” power in the Local Government Act. The budget delegated to local committees will be set annually as part of the budget process and managed through the financial framework and virement rules.
- (k) Further work will need to be done in consultation with Members to draw up media protocols which define the respective roles of Executive Members, local Committee Chairmen, and local Members in handling media relations.

#### **4. CONCLUSIONS AND REASONS FOR RECOMMENDATIONS**

These recommendations are intended to give effect to decisions previously taken by the Executive.

It is for the Executive to delegate executive functions to the local committees. Constitutionally, the other formal decisions which need to be taken are matters for the full Council. These primarily relate to the appointment of the committees, the approval of their terms of reference, the delegation of non-executive functions (mainly relating to rights of way), the application of standing orders to the operation of the local committees and the dissolution of the partnership area transportation committees and the Surrey Heath Area Transportation Committee, as well as the Council’s withdrawal from the Reigate & Banstead Joint Transport Committee.

#### **PAUL COEN, CHIEF EXECUTIVE**

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BACKGROUND PAPERS :	Report to the Meeting of the Executive on 10 December 2001

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