



## OFFICER REPORT TO LOCAL COMMITTEE (REIGATE AND BANSTEAD)

### LOCAL COMMITTEE PROTOCOLS

21 JUNE 2010

#### KEY ISSUE

Local Committees are able to adopt local protocols around delegated approval for funding, and public engagement. These must be reviewed on a regular basis. In Reigate and Banstead the Local Committee have agreed to review the protocols on an annual basis.

#### SUMMARY

The Local Committee (Reigate and Banstead) currently has two local protocols:

- Local Protocol (public engagement)
- Local Financial Protocol (delegated funding)

Both were last reviewed on 20 July 2009, with the addition to the Local Protocol regarding Public Speaking on Rights of Way applications being agreed by the Local Committee on 7 December 2009.

An amendment to the Local Financial Protocol is proposed following the amendment to the Scheme of Delegation agreed at the Council meeting of 9 February 2010. Area Directors may now approve capital allocations under delegated powers in addition to revenue allocations in accordance with any conditions or criteria imposed by the Council or the relevant Local Committee.

## OFFICER RECOMMENDATIONS

**The Local Committee (Reigate and Banstead) is asked to agree that:**

- (i) The Local Protocol (public engagement) is working well and should continue without any amendments at this time.
- (ii) The Local Financial Protocol be amended to enable the Area Director to approve capital allocations up to and including £1,000 under delegated powers.

### 1 INTRODUCTION AND BACKGROUND

- 1.1 The procedures for the Local Committee are governed by the County Council's constitution. The constitution gives Local Committees discretion to agree certain local variations.
- 1.2 The Local Committee can choose to adopt local protocols that change the:
  - Processes governing public engagement and service performance monitoring within formal Committee meetings;
  - scheme of delegation, allowing Local Committees to delegate power to the Area Director for approving small amounts of local committee funding.
- 1.3 The Local Committee (Reigate and Banstead) agreed a local protocol governing public engagement and service monitoring on, making amendments to this protocol in March 2006 and December 2009 (addition of public speaking on rights of way applications). This protocol is attached as **Annex A**.
- 1.4 The committee agreed a local financial protocol on 20 November 2006, delegating power to the Area Director to approve funding allocations in certain circumstances. This protocol has been used effectively during 2009/10. Council's amendment of the Scheme of Delegation on 9 February 2010 enables the Area Director to approve grants from Members' revenue or capital allocations in consultation with the Local Committee Chairman and in accordance with any conditions or criteria imposed by the Council or the relevant Local Committee. Currently the Local Financial Protocol only allows for delegated decisions on revenue funding. An amended protocol is attached as **Annex B**.
- 1.5 The Local Committees are required to regularly review any local protocols. This report outlines the options available to the committee in reviewing the protocols.

## 2 LOCAL PROTOCOL – PUBLIC ENGAGEMENT AND SERVICE MONITORING

- 2.1 Local Committees have discretion to operate more flexibly regarding public engagement and service monitoring. Local Committees must comply with the County Councils standing orders (parts 2 and 3) *except where they draw up local protocols allowing them discretion to make minor variations to working practices.*
- 2.2 Local Protocols must be developed in consultation with the Head of Legal and Democratic Services and formally approved by the Local Committee.
- 2.3 The current Local Protocol for the Local Committee (Reigate and Banstead) is attached as **Annex A**. This protocol has reduced the notification required to present a petition to seven days, and the number of signatures required to thirty. It also outlines the Local Committees service monitoring locally.

## 3 LOCAL FINANCIAL PROTOCOL

- 3.1 Since their inception in 2002, Local Committees have received delegated funding to allocate in their local area. The funding was allocated to promote social, environmental and community wellbeing.
- 3.2 Funding must be agreed at a formal meeting of the committee, except when approved under the delegated powers granted to the Area Director in the local financial protocol (**Annex B**). The County Council has set certain criteria for any delegated powers, and these are included in the protocol, and cannot be changed by the local committees.
- 3.3 The County Council has amended the Scheme of Delegation to enable Local Committees to delegate decisions on capital allocations to the Area Director. The proposed amendments to the local financial protocol reflect this.
- 3.4 The Local Committee can, if it chooses, expand the criteria for allocating funding. (For example, setting a limit on the percentage of total funding the allocation can be for, or limiting the number of allocations an organisation can receive in any one year).
- 3.5 It may also wish to take the opportunity to widen criteria to all allocations, not just those agreed by any delegated powers.
- 3.6 All funding must meet the requirements of the county council's financial framework. This is attached as **Annex C** for information.

## **4 OPTIONS**

### **4.1 The Local Committee can:**

- Approve the protocols without any changes;
- Approve the protocols with the recommended amendments
- Approve the protocols with additional amendments, subject to the rules within the constitution;
- Revoke the local protocols, thus removing the option to agree allocations outside of formal Local Committees and reverting to the public engagement process set out in the constitution.

## **5 CONSULTATIONS**

### **5.1 Public feedback is captured through the Local Committee feedback forms. This information has been used in consultation with local County Councillors.**

## **6 FINANCIAL AND VALUE FOR MONEY IMPLICATIONS**

### **6.1 The Local Committee must maintain robust processes for the delegated funding to ensure grants meet the financial framework and value for money requirements.**

## **7 EQUALITIES AND DIVERSITY IMPLICATIONS**

### **7.1 The protocol for public engagement ensures that the process is fair, and everyone has the same opportunity to engage with the local committee.**

## **8 CRIME AND DISORDER IMPLICATIONS**

### **8.1 There are no crime and disorder implications to consider as part of this report.**

## **9 CONCLUSION AND RECOMMENDATIONS**

### **9.1 The local protocols provide the Local Committee with greater flexibility in the way it works. The public engagement protocol has made it easier for local residents to ask questions and present petitions. The local financial protocol has made it easier for smaller grants to be approved.**

**The Local Committee (Reigate and Banstead) is asked to agree that:**

- (i) The Local Protocol (public engagement) is working well and should continue without any amendments at this time.
- (ii) The Local Financial Protocol be amended to enable the Area Director to approve capital allocations up to and including £1,000 under delegated powers.

## **10 REASONS FOR RECOMMENDATIONS**

10.1 Feedback on the public engagement and funding processes from residents is generally positive. Negative feedback usually refers to the meeting venue or policy matters. As such, changes to the local protocol would seem unnecessary.

## **11 WHAT HAPPENS NEXT**

11.1 The Local Committee will be asked to consider the protocols again in 12 months' time.

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<b>BACKGROUND PAPERS:</b>	Surrey County Council Constitution Reports to Local Committee: 20 March 2006 – Local Protocol 20 November 2006 – Local Committee Funding 3 December 2007 – Local Committee Protocols 7 December 2009 – Amendment to Local Committee Protocol (Rights of Way) Report to Council: 9 February 2010 – Amendments to Scheme of Delegation

**SURREY COUNTY COUNCIL'S LOCAL COMMITTEE  
(REIGATE AND BANSTEAD)**

**LOCAL PROTOCOL (Public Engagement and Service Monitoring)**

**Petitions**

- 64 The minimum number of signatures required in petitions presented to the Committee be thirty. In exceptional circumstances, the Chairman may use their discretion to accept petitions with fewer signatures. Such circumstances would be those where the issue related to a scheme where fewer than 30 households would be affected.
- 64.2 Notice must be given in writing or by e mail to the Area Director at least seven days before the meeting.

**Local Service Monitoring**

The Local Committee will work to monitor and improve local service performance and partnership working in Reigate and Banstead by:

- Inviting Borough Council members of the Committee to join discussions (but not hold voting rights) on a range of issues in addition to transportation and highway matters;
- The Chairman of the Local Committee inviting partners, such as the Leader of the Borough Council, to join discussions (but not hold voting rights) at Local Committee meetings;
- Varying Committee meeting venues, including Surrey County Council offices, Reigate Town Hall and community venues;
- Focusing on monitoring and improving partnership work in certain areas. Such areas could include:
  - Independent adult living, elderly or vulnerable people
  - Environment/street scene issues
  - Young People and children
  - Waste
  - Community Safety
  - Specific geographical areas
  - Any other relevant area.
- County Councillors joining the local Reigate and Banstead Borough Council Local Community Action Plan (LCAP) Steering groups.

The Local Committee have made no amendments to the following, set out in the County Councils constitution:

### **Petitions**

64.1 A spokesman for the petitioners may address the Committee on the petition for no more than 3 minutes, but thereafter may not speak further. The petition may be referred without discussion to the next appropriate meeting of the Committee at the discretion of the Chairman.

64.3 No more than three petitions may be presented at any one meeting of the Executive or a committee.

64.4 The Chief Executive may amalgamate within the first received petition other petitions of like effect on the same subject.

64.5 The presentation of a petition on the same or similar topic as one presented in the last six months will not be allowed.

### **Public Question Time**

65 At the start of any ordinary meeting of the Executive 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 Executive's or Committee's terms of reference. 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.

65.1 Notice must be given in writing or by email to the Chief Executive at least 7 days before the meeting.

65.2 The Chief Executive may, having consulted the questioner, reword any question received to bring it into proper form and to secure reasonable brevity. Copies will be circulated to Members of the Executive or the Committee as appropriate.

65.3 Questions will be taken in the order in which they are received by the Chief Executive and directed to the appropriate Executive Member or committee chairman. Questions will be asked and answered without discussion. Any Member may decline to answer a question, provide a written reply or nominate another Member to answer it on his/her behalf.

65.4 The number of questions which may be asked at any one meeting may not exceed six and the chairman may exercise his/her discretion to regard a single question which has been divided into a number of sub-questions as several different questions within the allowable total number which may be asked at the meeting. The chairman may also disallow questions which are repetitious.

65.5 Questions which are received after the first six to be received will be held over to the following meeting, or dealt with in writing at the chairman's discretion.

## **Public Speaking on Public Rights of Way Applications**

(Cf County Council Standing Orders 67.1-10)

1. Members of the public and their representatives may address the Local Committee on applications relating to public rights of way being considered by the Committee.
2. Members of organisations or elected representatives of parish, borough or district councils who have been formally consulted on the application are not eligible to speak.
3. Speakers must first register their wish to speak by telephone or in writing/e-mail to the Local Committee and Partnership Officer by 12 noon one working day before a meeting stating on which item(s) they wish to speak.
4. Speakers can register their wish to speak from the date of publication of the Local Committee agenda.
5. Only those people who have previously made written representations in response to an application will be entitled to speak. Written representations must have been made at least 14 days in advance of the committee meeting to the Rights of Way Team.
6. Speakers must declare any financial or personal interest they may have in the application.
7. Registration of speakers will be on a first come first served basis and speakers will be taken in the order in which they are registered, with the first five registered being entitled to speak. Where more than one person has registered an interest to speak, the subsequent speakers will be entitled to speak first if the first named speaker is not in attendance five minutes before the start of the meeting. Representations can be combined if necessary. A reserve list will also be maintained if necessary.
8. The time allowed for public speaking will be limited to 15 minutes for objectors and 15 minutes for supporters per item, and to 3 minutes per speaker.
9. Only if a member of the public or their representative speaks objecting will the applicant/agent be allowed to speak and then only to respond to the points raised by the objectors, and will be limited to 3 minutes for each objector who has spoken.
10. No additional information may be circulated by speakers at the meeting and they will have no right to speak or question Members or officers once they have made their submission.
11. Speeches will precede the Committee's formal discussion on each application requiring the Committee's attention.



12. The right to speak will only be exercised at the first meeting at which the application is considered and will not normally be the subject of further presentations at any subsequent meeting unless significant changes have taken place after a deferral by the Committee, or there has been a gap of six months or more between the meetings
  
13. If an item is deferred, either before the meeting (but members of the public have registered to speak), or at the meeting before public speaking and any debate has taken place, then the right to speak will still exist when the application is reported to the Committee. The list of speakers will be carried forward to the meeting the application is reported back to. Those on the list will be contacted in writing and asked to confirm whether or not they still wish to speak.

**SURREY COUNTY COUNCIL'S LOCAL COMMITTEE  
(REIGATE AND BANSTEAD)**

**PROPOSED LOCAL FINANCIAL PROTOCOL**

(Additions are in ***bold italics***)

Authority is delegated to the Area Director to approve allocations (subject to the conditions below, and within the county council's constitution), in consultation with the Chairman and local members.

Requests to approve funding under these delegated powers will be circulated to County Councillors via e-mail for comment.

If no concerns are raised within 14 days the allocation will be approved, and noted at the next formal committee meeting. If any concerns are raised the decision will be taken to a formal committee meeting for discussion.

All funding must meet the requirements of the county council's financial framework. The following criteria for approving grants from Members' revenue ***and capital*** allocations under delegated powers have been set by the County Council:

- a. The application must have been endorsed by the appropriate local Member.
- b. The application should be for a maximum of £1000.
- c. Applications from private clubs or other membership organisations must clearly demonstrate the wider community benefit of the project.
- d. Projects must not contravene any of the Council's agreed policies or priorities.
- e. The application should be for a future project, not a retrospective request.
- f. The application should not be to cover ongoing revenue costs.

The Local Committee can, if it chooses, expand the criteria for allocating funding under delegated powers. At present it has not set any further criteria.

Delegated approval is only permitted between the first and last committee meetings of the council year. This will ensure that all allocations are processed in good time, and that allocations can be referred to a formal committee meeting if required.

Proposal forms will need to be completed for all allocations, regardless of the approval process.

The Local Committee will review the Local Financial Protocol annually.

## **FRAMEWORK PRINCIPLES**

1. To give Local Committees maximum flexibility, the key underlying principle is that Local Committees are at liberty to spend on locally determined purposes that meet local social, economic or environmental well-being.

2. As with all expenditure by the Council, spending by Local Committees should:

- be directed to activities for which the County Council has legal powers;
- meet demonstrable local needs;
- deliver value for money, so that there is evidence of the outcomes achieved;
- be consistent with County Council policies;
- be approved through a process that is open and transparent, consultative, accountable, and auditable; and
- where appropriate, allow opportunities to be taken to pool funds with partner organisations.

3. To support the Local Committees, Area Directors will develop local financial management arrangements to control and monitor expenditure against budgets decided by the Committees. These will accord with best practice principles and will demonstrate proper stewardship and accountability for all resources applied, and be agreed with the Head of Finance.

## **DELEGATED FUNDING**

4. Local Committees have three sources of funding for which they have delegated authority:

- (a) an annually agreed revenue budget per Member of the Committee;  
and
- (b) an annually agreed budget for capital funding for each Committee;  
and
- (c) an annually agreed budget allocation for each Committee for capital grants to voluntary organisations.

5. The revenue funding allocated per Member of the Committee can be used to promote the community well-being of the locality covered by the Committee. Individual Members may bring forward proposals for approval by the Committee and may choose to combine the sums. The Committee may not apply any individual Member's allocation against his or her wishes.

6. The County Council will agree each year the actual amount of revenue funding available to each Member and the capital funding available to the Committee.

7. The annually agreed budget allocations for capital funding for locally determined schemes can be used only on capital projects, and may not be used to support revenue expenditure, such as staffing. This funding can be used only in the process of creating or extending the useful life of an asset

and be consistent with the County Council's accounting policies in line with the requirements of the statutory accounting framework. Although primarily allocated for transportation purposes, this funding may be used for other functions. This annual allocation is subject to the carry-forward of any underspend or overspend from the previous year.

8. The budget allocation for capital grants to voluntary organisations must meet the following criteria:

- (a) it must be applied to physical assets with a life of more than one year;
- (b) such assets include land, buildings, property refurbishments, vehicles, plant, major items of equipment etc; and
- (c) this funding must not be applied to meet staffing costs or other routine running costs.

Although primarily allocated for the purpose of support to the voluntary sector, this funding may be used for other functions.

## **DEVOLVED FUNDING**

9. Each Local Committee will also receive devolved capital and revenue funding for transportation purposes. The Committee may not vire this funding to other areas or delegated responsibilities.

10. In determining the use for the revenue funding the Local Committees will take account of LTP objectives, and any objectives set in the local community plan and make decisions on how much to allocate to a broad range of functional activities. Highways Group Managers, in consultation with their Local Committees, can vire up to 100% of the revenue maintenance budget allocated to a functional heading, subject to the approval of the Head of Surrey Highways in consultation with the Cabinet Member for Transport for sums over £100,000.

11. Capital allocations are agreed annually in consultation with Members and approved by the Cabinet. A programme of works for this funding will be submitted to the Local Committee for its approval.

## **BUDGET SETTING AND PLANNING**

12. Within the Framework Principles above the Local Committees may determine to use their budgets to meet the aims of improving well-being in their locality. However, it would assist service managers in their business planning if Local Committees could identify and agree priorities in consultation with partners and service managers and take steps to avoid duplication, particularly where commissioning voluntary sector service provision. The aims and objectives of the proposed expenditure should be based on the evidence of need.

13. Local Committees may choose to allocate resources at any time and to this end may hold back funds to respond to local needs throughout the year.

However, it would be best practice to identify priorities and allocate resources as part of the budget setting cycle of the County Council.

14. Local Committees may choose to give grants, purchase equipment, enhance current services or promote new initiatives in the pursuance of local well-being. In accordance with new Council practice, when commissioning such services and projects funding agreements or contracts will be used and include appropriate volume and quality standards. Area Directors will report back to the Committee on performance and progress on these.

15. Area Directors and service managers need to advise on any on-going revenue consequences of revenue and capital decisions agreed by Local Committees. In addition, when commissioning capital projects appropriate legal and financial advice will need to be sought

## **BUDGET MONITORING AND MANAGEMENT**

16. Where the Local Committee commissions a Surrey County Council service, expenditure will be incurred by the service. There will be a budget transfer from the Local Committee to fund this expenditure.

17. Where the Local Committee commissions an external organisation, the normal financial regulations and contract standing orders for the County Council will apply. Where commissioning voluntary sector services, the requirements of the Surrey Compact and associated Codes of Practice should be met. The Local Partnerships Team will administer payments and fully record transactions in accordance with agreed local financial management arrangements.

18. The Local Committee will monitor performance and the budget on a regular basis and receive reports from the Area Director.

19. In order to allow greater flexibility between financial years, underspendings may be carried forward from one year to permit expenditure in the following year. Proposals to carry underspendings forward will be subject to Cabinet approval as part of the County Council budget monitoring and outturn reporting processes. The underspendings will result from planned spending decisions and must not be simply a means of utilising fortuitous savings.

20. It is expected that overspendings at the year-end will be carried forward and offset against the approved budget for the new financial year.

21. The budget to provide support to the Local Committees is fixed and covers the Area Director and support. Local Committees should bear this in mind when commissioning expenditure on projects. However, the Local Committee may supplement the support budget from within its own delegated resources.