



## **OFFICER REPORT TO LOCAL COMMITTEE (TANDRIDGE)**

### **LOCAL COMMITTEE PROTOCOL ANNUAL REVIEW AND DELEGATION OF COMMUNITY SAFETY BUDGET**

**2 October 2009**

#### **KEY ISSUE**

To approve any amendments to the Tandridge Local Committee's Local Protocol and delegation of the Community Safety budget for 2009/10.

#### **SUMMARY**

Local Committees have some flexibility in how they interpret the Constitution in order to improve engagement in their local areas. This is formalised in their local protocols, which are scrutinised by Democratic Services for legality and robustness. They are reviewed on an annual basis and any further amendments suggested by Members in private discussion have to be formally adopted in public. Any changes to the constitution will also be incorporated at this time. Members are also asked annually to formally delegate the community safety budget to the Area Director.

#### **OFFICER RECOMMENDATIONS**

**The Tandridge Local Committee is asked to:**

- (i) approve the revised version of the local protocol attached as Annex A to this report, noting the impact of the changes to the constitution with regard to public speaking on reports relating to public rights of way, and
- (ii) approve delegation of the Community Safety budget of £14,500 to the Area Director for use by the Tandridge Crime & Disorder Reduction Partnership.

## 1 INTRODUCTION AND BACKGROUND

- 1.1 All Surrey County Council's committees are governed by its constitution. However, when Local Committees were set up with the intention of meeting outside of County Hall in their local communities, it was felt that strict adherence to the rule would disadvantage local engagement.
- 1.2 Local Committees were therefore allowed some flexibility in how they interpret the constitution in order to improve engagement in their local areas. This was formalised in local protocols, which are scrutinised by Democratic Services for legality and robustness and, if they meet Surrey County Council's legal requirements, are signed off and officially adopted.
- 1.3 In order to make it clear what the local differences are, Annex A is extracted from the Surrey County Council constitution and the local variations marked in bold.
- 1.4 As these flexible arrangements are tested throughout the year, they are reviewed on an annual basis and any further amendments suggested by Members in private discussion have to be formally adopted in public.
- 1.5 The Local Protocol for Surrey County Council's Tandridge Local Committee was last reviewed in June 2008.

## 2 Changes to the Constitution

- 2.1 In informal discussion on 4 September 2009, Members expressed no desire to amend the existing content of the protocol, however recent changes to the constitution were considered and have been incorporated into the revised version at Annex A.
- 2.2 In particular, in April 2009 the responsibilities of the Local Committee under Standing Order 67.1 with regard to public speaking on matters concerning Public Rights of Way, which is a quasi legal function of the Committee, were amended as follows:
 

*"Members of the public and their representatives may address the Planning and Regulatory Committee on any planning applications and all applications relating to public rights of way being considered by that committee. This standing order (67.1) also applies to applications relating to public rights of way being considered by local committees."*
- 2.3 Members of the public now have a right to speak for and against a proposal within certain parameters as set out in Annex A and a leaflet has been produced centrally to advise them of the legal requirements of the process. This is currently in draft and the final version will be circulated when it has been printed.

- 2.4 This change has a direct bearing on the local protocol, which previously precluded Members of the public from speaking on rights of way or, indeed, during any other report, except with the express permission of the chairman.
- 2.5 Under the new terms of the constitution, up to five members of the public may speak for 3 minutes each in favour of a proposal and an equal number may speak for 3 minutes against as a legal right.
- 2.6 In order to keep this distinction clear in the minds of attending members of the public, it is proposed to separate out rights of way reports by imposing a short break at the end of the transportation section before any rights of way matters are considered.
- 2.7 It is important to note that, with the exception of the revised rules governing the public's right to speak, the Committee's responsibilities in relation to public rights of way remain unchanged. In general, reports are brought when an order is sought to pursue an amendment to the definitive map governing public access, where objections have been received.
- 2.8 Members are asked to consider the validity of the evidence and recommendations presented by officers. While Members may be in sympathy with either side of the argument, it is the process that they are empowered to challenge and not the detail.
- 2.9 If objections are maintained, the matter will go before the Planning Inspectorate and potentially to public enquiry, therefore the reasons for the decision of the Local Committee should be clearly recorded in the minutes.
- 2.10 If, on receipt of committee papers containing a rights of way report, Members have any concerns or reservations, they may contact the county rights of way legal team for advice.

### **3 Delegation of the Community Safety Budget**

- 3.1 It is also the responsibility of the Local Committee to ensure that the Community Safety budget is spent appropriately under the terms of Surrey County Council's financial framework and in line with its priorities.
- 3.2 The county council's contribution of funding for use in conjunction with the Crime & Disorder Reduction Partnerships (CDRPs) is this year set at £14,500 (of which £12,420 is ring-fenced for outreach work with those affected by domestic abuse). The budget is formally delegated to the Local Committee, which is asked to delegate this sum to the Area Director so that it can be disbursed in a timely and efficient manner.

- 3.3 Expenditure is monitored by the CDRP. County Member representation on the CDRP falls to the chairman of the local committee, who also represents the local committee on the Local Strategic Partnership (LSP).

#### **4 OPTIONS**

- 4.1 The Local Committee has the flexibility to adopt or alter the amendments as discussed at a previous informal meeting and captured in Annex A.

#### **5 CONSULTATIONS**

- 5.1 The appropriate SCC services and partner agencies for each proposal have been consulted as appropriate.

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

- 6.1 The proposals from the delegated budget are intended to enhance the safety and well being of local residents. This contribution enables the county council to share in the cumulative allocation of some £175,000 for the work of the Tandridge CDRP in 2009/10 and to support the work of the East Surrey Domestic Abuse Service across East Surrey.

#### **7 EQUALITIES AND DIVERSITY IMPLICATIONS**

- 7.1 Local Committee meetings are open to the public and any amendments to the Local Protocol are applied to all Members, officers and members of the electorate in Tandridge equally; and the proposals from the delegated budget are intended to enhance the safety and well being of all local residents equally.

#### **8 CRIME AND DISORDER IMPLICATIONS**

- 8.1 The delegation of the Community Safety budget will empower the CDRP to provide a robust service to the public.

#### **9 CONCLUSION AND RECOMMENDATIONS**

- 9.1 Members have expressed a view in a private meeting that these amendments will improve the running of Local Committee meetings. However, in order to implement them, this must be formalised in a public meeting. The Local Committee is therefore asked to note the amendment and to adopt the revised local protocol at Annex A and to formally approve delegation of the community safety budget to the Area Director.

## 10 REASONS FOR RECOMMENDATIONS

- 10.1 The reason for reviewing the Local Protocol is so that it is effectively monitored on an annual basis and any amendments incorporated in a timely manner to improve the running of committee meetings and provide an operational framework that is unambiguous. Based on revisions to the SCC constitution, the suggested amendments seek to clarify processes for the benefit of the public that will improve the facilitation of public meetings.
- 10.2 The reason for delegating the community safety budget to the Area Director is to allow the funding to be spent in a timely manner in accordance with the agreed priorities of the CDRP to the benefit of all Tandridge residents.

## 11 WHAT HAPPENS NEXT

- 11.1 If approved by the Local Committee, the revised protocol will be lodged with Democratic Services as the working version. It will be formally adopted as soon as Democratic Services approve the changes, normally within 48 hours.
- 11.2 If approved, delegation of the community safety budget will allow the funds to be transferred, in partnership with other agency contributions, appropriately to meet the needs of the partnership spending plan which is regularly reviewed and monitored by the CDRP.

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