



## OFFICER REPORT TO LOCAL COMMITTEE (TANDRIDGE)

### LOCAL COMMITTEE PROTOCOL ANNUAL REVIEW, DELEGATION OF COMMUNITY SAFETY BUDGET AND NOMINATIONS TO LOCAL PARTNERSHIPS

24 June 2011

#### KEY ISSUE

To approve any amendments to the Tandridge Local Committee's Local Protocol and delegation of the Community Safety budget for 2011/12.

#### 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 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 Local Committee (Tandridge) is asked to:**

- (i) approve the version of the local protocol attached as Annex A to this report or agree amendments thereto,
- (ii) agree that the community safety funding [£2500] delegated to the Local Committee be transferred to the Community Safety Partnership
- (iii) Agree that the Community Partnership Manager manages and authorises expenditure from the budget delegated to the Local Committee in accordance with the Local Committee's decision.
- (iv) Note that the funding of £12,000 which is ring fenced for the use of the crime and disorder partnerships subject to DA outreach being provided, will be paid to the Surrey Community Safety Unit who are now managing and administering the funding to the Domestic Abuse Outreach providers in the district.
- (v) formally nominate representative(s) to the Community Safety Partnership (CSP) and Local Strategic Partnership (LSP).

## 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 could 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 are marked in bold. Members are asked to note that this version of the Constitution was revised in October 2009 with revisions underlined.
- 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 July 2010.

## 2 Changes to the Constitution

- 2.1 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."*

- 2.2 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 was produced centrally to advise them of the legal requirements of the process. This is routinely sent out to any member of the public wishing to speak on rights of way recommendations because it is significantly different from the general rules governing public speaking at local committees.

- 2.3 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.
- 2.4 Under the current 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 it as a legal right.
- 2.5 In order to keep this distinction clear in the minds of attending members of the public, it was 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 were considered. This has been applied but not reviewed.
- 2.6 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.
- 2.7 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.
- 2.8 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 are clearly recorded in the minutes.
- 2.9 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 Community Safety Partnerships (CSPs) is this year set at £2,500. This represents a reduction of £12,000 previously ring-fenced for outreach work with those affected by domestic abuse. The difference in 2011/12 is that this amount is now top-sliced and the domestic abuse agenda is funded centrally.

- 3.3 The remainder of 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.
- 3.4 With the restructure of the Community Partnerships Team (CPT) and the deletion of the Area Director posts, Committees are now requested to delegate funding the team rather than to an individual, to be monitored by the CPT Manager.
- 3.5 Expenditure is monitored by the Community Safety Partnership (CSP). County Member representation on the CSP generally falls to the chairman of the local committee, who also represents the local committee on the Local Strategic Partnership (LSP). However, this too must be determined in public and the nomination officially recorded. Therefore, county members are further asked to consider recommendation (iii).

#### **4 OPTIONS**

- 4.1 The Local Committee has the flexibility to adopt or alter the amendments 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 joint partnership funding for the work of the Tandridge CSP in 2011/12 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 CSP to provide a robust service to the public in a timely manner.

## **9 CONCLUSION AND RECOMMENDATIONS**

- 9.1 Members may request amendments to local procedures at any time. However, in order to implement them, this must be formalised in a public meeting. In the absence of any amendments being requested at this time, the Local Committee is asked to adopt the local protocol at Annex A (revised in October 2009, and to formally approve delegation of the community safety budget as requested. County Members are also asked to formally consider and approve nominations to the CSP and LSP.

## **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 to provide an operational framework that is unambiguous. Based on revisions to the SCC constitution, 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 is to allow the funding to be spent in a timely manner in accordance with the agreed priorities of the CSP to the benefit of all Tandridge residents.
- 10.3 The reason for considering and approving nominations to the CSP and LSP, as laid out under Standing Order 22.1, is to ensure that the local committee has a voice on all local issues and that the nominated representative can ensure that the Committee is kept fully informed of progress.

## **11 WHAT HAPPENS NEXT**

- 11.1 If approved by the Local Committee, the existing protocol will stand and there will be no need to progress this further. It will be reviewed again in 12 months' time. However, if there are any further amendments to it, the revised version will be lodged with Democratic Services as the working version and 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 CSP.
- 11.3 If nominations to the CSP and LSP are approved, the representative(s) will take up representation on those bodies with immediate effect.

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