

Annex B. Summary Table of Constitution Changes

Member Allocations	
<p><u>Current:</u></p> <p>Current Decisions on Member Allocations funding are made by the Local Committee or via delegated authority to Officers for sums under £1000. This is set out as follows within the terms of reference of Local Committees:</p> <p><i>7.2 Local committees are responsible for the following Decisions relating to general power of competence</i></p> <p><i>a) The County Council members of local committees may take decisions in response to local needs, within the County Council's general power of competence 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.</i></p> <p>Financial Framework for Local Committees Part 5 pages thirty four – thirty seven of the Constitution</p> <p>Part 3 Scheme of Delegation to Officers LP2</p>	<p><u>Proposed Change:</u></p> <p>The November 2012 Cabinet report recommended that members should be able to spend their allocation without having to await the next local committee meeting. The Rapid Improvement Event (RIE), which considered this issue, suggested that the most efficient way of speeding up the process and ensuring decisions are taken robustly, was for the approval of Members' Allocations and Local Committee Capital Allocations to be delegated to officers to make decisions on expenditure in consultation with members.</p> <p>It is proposed that the current delegation to Local Committees for the approval of Members allocations is changed and the constitution updated so that relevant Officers within the Community Partnership Team would have delegated authority to approve revenue funds in consultation with individual Members. Pooled budgets would need to be agreed by all Members who have contributed funds. The Officer scheme of delegation would be updated to reflect this change. Local Committee Capital Allocations will follow a similar process to Members' Allocations but are to be treated as a 'pooled fund' for the Local Committee. Decisions on the approval of Local Committee Capital Allocations will be delegated to relevant Officer following consultation with all County members on the relevant Local Committee.</p> <p>To ensure Member allocation and Local Committee Capital Allocations are not spent inappropriately and the reputation of the County Council is safeguarded, updated guidance entitled the 'Financial Framework for Members' Allocations and Local Committees' has been produced to accompany this change. This document would replace the current financial framework for Local Committees under part five of the Constitution and would replace any local financial management arrangements which are currently in place.</p> <p>Funding against Members Allocations and Local Committee Capital Allocations would continue to be reported to the next Local Committee maintaining transparency. Information reported would be similar to that reported currently on the Member Portal, which is updated on a monthly basis. The terms of reference of Local Committees would be changed as follows in order to reflect this change:</p> <p>7.3 The Local Committees</p> <p><i>In relation to the exercise of executive functions relating to Members allocations, the Local</i></p>

	<p><i>Committee will receive a report on all projects approved under delegated authority of the Community Partnership Manager or Team Leader .</i></p> <p><i>LP2 delegation Change: Community Partnership Manager and Team Leaders.</i></p> <p><i>To make decisions on approval of Member Allocations in consultation with individual members or the relevant local committee Chairman where it is not possible to obtain the individual member's views.</i></p> <p><i>To make decisions on the approval of Local Committee Capital Allocations following consultation with all County members on the relevant Local Committee.</i></p>
Local Committee meetings - Public Participation	
<p><u>Current:</u></p> <p>Local Committee meetings are highly structured because they are governed by legal requirements surrounding formal decision making in public.</p> <p>Whilst the process for meetings must follow a legal framework the lack of discretion for Chairman to influence the running of the meetings they Chair can currently serve to limit public participation within Local Committees</p> <p>The specific rules governing conduct of the Local Committee meetings is set out within the constitution under Part 4. Standing Orders, Part 3 Cabinet and Committee: Meetings and Procedures.</p>	<p><u>Proposed change:</u></p> <p>To amend the current standing orders to include a new specific section governing public participation at Local Committees to make these less restrictive, by giving Chairmen more discretion and the flexibility to take questions or invite comments as they see appropriate during the formal meeting.</p> <p>Specifically that within the Standing Orders, Chairmen are given greater discretion under provisions SO 68 & 69 governing PUBLIC PARTICIPATION IN LOCAL COMMITTEE BUSINESS*,</p> <p>Namely that in relation to <u>Petitions</u> it is proposed that , <i>'Discussion on a petition at the meeting is at the Chairman's discretion,</i></p> <p>In relation to <u>Public questions and statements</u> it is proposed that, <i>'The Chairman may alternatively permit the question to be asked or statement to be made at the start of an item on the agenda if it relates to that item'</i>. It is also proposed that, <i>'The number of questions which may be asked or statements made at any one meeting will be at the discretion of the Chairman'</i>.</p> <p>When dealing with any item in which public participation has occurred, as part of these changes it will be important for Chairman to clarify the point at which such public participation is concluded and the Committee's formal discussion and decision making of the item is taking place.</p> <p><i>*(Excluding matters in relation to consideration of a Public Right Of Way (PROW) under which standing order 67 applies).</i></p>
Local Committee meetings - Making Processes Clearer for residents to Understand	
<p><u>Current Issue:</u></p> <p>From a resident perspective the eleven existing different Local Committee protocols are very complex</p>	<p><u>Proposed Change:</u></p> <p>It is recommended that the Constitution of the County Council is updated and that paragraph 41 of Standing Orders that refers to the drawing up of local protocols is deleted in order to ensure Local</p>

and potentially confusing. For example, the deadline for submitting a petition prior to a meeting ranges from three days to fourteen days, and the number of required signatories for a petition ranges from ten to 100 people.

Committees adopt a more consistent approach. In support of this more consistent approach paragraph 47.2 of Standing Orders would be amended to bring the deadlines for notice of Member questions for Local Committees into line with the current deadline for questions to Cabinet Members and Committees, at four working days before the meeting.

In place of the current different local protocols, within the constitution it is proposed that separate provisions are introduced at the end of Part 3 of the Standing Orders governing PUBLIC PARTICIPATION IN LOCAL COMMITTEE BUSINESS, this is set out as follows (numbering to be confirmed) :

Petitions 68.1 *Any member of the public who lives, works or studies in the Surrey County Council area may present a petition, containing 30 or more signatures or at Chairman's discretion, relating to a matter within the terms of reference of the 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;*
- (b) *planning applications; and*
- (c) *matters in relation to public rights of way under consideration by the local committee.*

68.2 *A spokesman for the petitioners may address the Local Committee on the petition for up to 3 minutes, or longer, if agreed by the Chairman. Discussion on a petition at the meeting is at the Chairman's discretion. The petition may be referred to the next appropriate meeting of the Committee or to the Cabinet, a Cabinet Member or other committee at the discretion of the Chairman.*

68.3 *Notice must be given in writing to the Community Partnership and Committee Officer on behalf of the Chief Executive at least 14 days before the meeting. Alternatively, the petition can be submitted on-line through Surrey County Council's e-petitions website as long as the minimum number of signatures has been reached 14 days before the meeting.*

68.4 *No more than three petitions may be presented at any one meeting of the committee unless agreed otherwise by the Chairman.*

68.5 *The Community Partnership & Committee Officer may amalgamate within the first received petition other petitions of like effect on the same subject.*

68.6 *The presentation of a petition on the same or similar topic as one presented in the last six months may only be permitted at the Chairman's discretion*

Public questions and statements

- 69.1 *At the start of any ordinary meeting of the Local Committee, any member of the public who lives, works or studies in the Surrey County Council area may ask one question or make a statement relating to a matter within the Local Committee's terms of reference. The Chairman may alternatively permit the question to be asked or statement to be made at the start of an item on the agenda if it relates to that item.*
- 69.2 *Questions or statements will not be allowed on matters which are "confidential" or "exempt" under the Local Government Access to Information Act 1985 or on planning applications or public rights of way matters under consideration.*
- 69.3 *Notice of questions or statements must be given in writing or by e-mail to the relevant Community Partnership or Committee Officer with details of the question or statement, by 12 noon four working days before the meeting. If the day in question is a Bank Holiday then notice of questions should be received by 12 noon on the previous day.*
- 69.4 *Written questions and statements must be submitted by the deadline set out in section 69.3. The Chairman may alternatively permit questions or statements to be made under relevant agenda items as they consider appropriate during the formal meeting.*
- 69.5 *The Community Partnership and Committee Officer may, having consulted a questioner, reword any question or statement received to bring it into proper form and to secure reasonable brevity. Copies will be tabled and made available in the meeting room for members of the Local Committee and any member of the public in attendance.*
- 69.6 *Questions and statements will be taken in the order in which they are received by the Community Partnership and Committee Officer. The provision of answers to questions being asked, any response to statements, and any discussion of the question or statement will be at the discretion of the Chairman.*
- 69.7 *Following any initial reply to a question, one or more supplementary question/s in relation to the response provided may be asked by the questioner at the discretion of the Chairman. The provision of answers to supplementary questions being asked and any discussion of these questions will be at the discretion of the Chairman.*
- 69.8 *The total number of questions which may be asked or statements made at any one meeting will be at the discretion of the Chairman. The Chairman may decide that questions or statements can be held over to the following meeting, or dealt with in writing and may*

	<p><i>disallow questions or statements which are repetitious</i></p> <p>69.9 <i>When dealing with any item in which public participation has occurred, the Chairman shall clarify the point at which such public participation is concluded and the Committee's formal discussion and decision making of the item is taking place.</i></p> <p>One benefit of this change is that any specific local need could be addressed under the discretion provided to each Chairman.</p>
Local Committee Governance – Voting	
<p><u>Current Issue:</u></p> <p>District & Borough (D&B) Councillors on local committees are not afforded equal voting rights. This is because D&B councillors are 'co-opted' and therefore unable to vote on Education and Youth matters¹. Whilst a point of law, this can undermine the sense of partnership. It was recognised that the wording of the SCC's Constitution is currently quite restrictive surrounding D&Bs voting rights and that there is also some confusion over who can vote on what.</p>	<p><u>Proposed Change:</u></p> <p>In line with the recommendations of the PVR, changes are proposed to make SCC's Constitution more permissive and clear on the issue of Equal voting. Specifically new wording is proposed under Standing Order 33 stating that: 'Borough/district councillors appointed to local committees in relation to all matters, with the exception of Education, Youth and Member Allocations. To ensure consistency it is also recommended that paragraph 7.1 within the Terms of Reference for Local Committees is updated to state, 'with voting rights in relation to all matters, with the exception of Education, Youth and Member Allocations.', to reflect this change.</p>
Local Committee Governance – Substitutes	
<p><u>Current Issue:</u></p> <p>The PVR report identified that the current practice of substituting, when a member of the Local Committee is unable to attend, also creates an imbalance. It is less fair for County Councillors, who are unable to nominate a local substitute Councillor. The report recommended that Local Committees have the option to end the practice of substitutes in order to make Local Committees more equal.</p>	<p><u>Proposed Change:</u></p> <p>In line with the recommendations of the PVR the County Council Constitution has been updated so that that each Local Committee can decide on whether it wishes to employ the rule of District or Borough Member substitutes or not. Specifically within paragraph under Part 4. Standing Orders, Part 3 Cabinet and Committee, it is proposed that the following amendment is made to paragraph 40 (f):</p> <p><i>No substitutes are permitted for district/borough council co-opted members of local committees, unless a local committee agrees otherwise at its first meeting following the Council's annual meeting and in relation to all meetings in the following year, upon which named substitutes will be appointed to the Local Committee on the nomination of the relevant district/borough council.</i></p>

¹ Local Government (Committees and Political Groups) Regulations 1990

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