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| Section 151 Finance cleared on: | 05/02/2012 |
| Strategic Director cleared on: | 06/02/2012 |
| Cabinet Member cleared on: | 05/02/2012 |

SURREY COUNTY COUNCIL

CABINET

DATE: 26 FEBRUARY 2013

REPORT OF: MRS HELYN CLACK, CABINET MEMBER FOR COMMUNITY SERVICES AND THE 2012 GAMES

LEAD OFFICER: YVONNE REES STRATEGIC DIRECTOR FOR CUSTOMERS AND COMMUNITIES

SUBJECT: IMPLEMENTATION OF THE PUBLIC VALUE REVIEW OF COMMUNITY PARTNERSHIP – CONSTITUTIONAL CHANGES



SUMMARY OF ISSUE:

In November 2012 the Cabinet considered the Public Value Review (PVR) of Community Partnership which reviewed the role of Surrey County Council's Local Committees and the Community Partnership Team with the aim of delivering improved outcomes and value for money for the residents of Surrey.

The recommendations build on the Localism agenda and aim to provide a greater role for local Members as Community Leaders. The Leader has expressed his belief that, over the next cycle, there is a strong case to increase accountability and scrutiny at Local Committees and that further responsibilities should be passed to Local Committees.

Following engagement with Local Committee Members and Chairmen, the Leader and the Portfolio Holder; and on completion of a Rapid Improvement Event to review financial processes, this report sets out the constitutional changes that are required to implement the PVR recommendations in relation to Member Allocations and the conduct of Local Committee meetings.

The decisions requested are timed to allow the changes to be implemented in readiness for the start of the new council from 22 May 2013.

RECOMMENDATIONS:

Cabinet is asked to agree the following recommendations (recommendations 3-8 are to full Council) and the consequential changes that will be required to the wording of the Council's Constitution, Standing Orders and Financial Framework to implement the recommendations:

RECOMMENDATION 1: That Members' Allocations be moved from the remit of local committees to individual Members, enabling Members to agree the spend within their own division or to pool their allocation with other Members for specific projects. Decisions on approval of the funds are delegated to Officers in consultation with the relevant individual Members or the relevant local committee Chairman where it is not possible to obtain the individual Member's views.

RECOMMENDATION 2: That Local Committee Capital Allocations are pooled at Committee level and decisions on approval of funds are delegated to officers in consultation with all County Members on the relevant Local Committee.

RECOMMENDATION 3: That the guidance for the allocation of Members Allocations and Local Committee Capital Allocations should be strengthened and the language simplified with the introduction of an updated Financial Framework for these allocations as attached in Annex A.

RECOMMENDATION 4: That Local Chairmen should be given greater discretion in relation to public participation at formal Local Committee meetings to make these meetings more engaging for residents. The relevant amendments to Standing Orders are included at Annex B.

RECOMMENDATION 5: That Local Committee Vice-Chairmen be given a greater role in Committee business and that consideration be given to Vice-Chairmen taking on a specific role as Highways Spokesperson for their Local Committee.

RECOMMENDATION 6: That one consistent set of protocols governing public participation in Local Committees is introduced to make processes clearer for residents and more efficient to administer. The relevant amendments to Standing Orders are included at Annex B.

RECOMMENDATION 7: That Local Committees allow equal voting rights for District and Borough Members unless restricted by law. The relevant amendments are included at Annex B.

RECOMMENDATION 8: That each Local Committees decides on whether it wishes to employ the rule of District or Borough Member substitutes or not. The relevant amendments are included at Annex B.

REASON FOR RECOMMENDATIONS:

1. The Community Partnership PVR presented to Cabinet in November 2012 reviewed the role of Surrey County Council's Local Committees and the Community Partnership Team "to improve outcomes for residents by strengthening local democracy and placing much greater emphasis on partnership working." (David Hodge, Leader of SCC).
2. The recommendations are designed to embrace the spirit of Localism and empower local councillors to make a real difference in their local community. This report outlines the decisions that are required to implement the recommendations of the PVR in relation to:
 - Supporting Members in their role as community leaders and champions
 - Preparing Local Committees for a greater scrutiny and accountability role
 - Simplifying the financial and administrative processes for Members' Allocations to increase efficiency and to speed up decision making
 - Making formal Local Committee Meetings more engaging for residents
 - Changing the participation rules of Local Committees to aid partnership working
3. These require a number of changes to the current Constitution of the County Council, for which Full Council approval is required, specifically, standing orders, financial regulations and the Scheme of Delegation. These changes are set out in detail in the following pages.

DETAILS:

Member Allocations and Local Committee Capital Allocations – Simplifying financial processes to increase efficiency.

4. 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 both Member revenue allocations and Local Committee capital allocations to be delegated to officers to make decisions on expenditure in consultation with Members.
5. Member allocations are revenue funds, these funds would be allocated to each individual Member and decision would be in consultation with that Member

(Members can also agree to pool budgets for specific projects). Capital Allocations would be allocated to each Local Committee and decision would be taken following consultation with all County Members on that relevant Local Committee.

6. The PVR evidenced that a high proportion of officer time is currently spent on the administration of local funds and grants. Simplifying processes and streamlining approval arrangements would increase efficiency allowing officers to spend time supporting Members in engagement activities.
7. The PVR also recommended that the current delegated threshold of £1,000 for Member Revenue Allocations be removed to enable Members to spend their allocation more freely and to consider larger projects or grants, which in turn should cut the time spent on administering. Members would retain the ability to pool funds toward specific projects. It is envisaged that Capital Allocations would be spent on a few larger capital projects in the Local Committee area. The following table summarises the changes proposed in detail:

| Table 1. Member and Local Committee Capital Allocations | |
|--|---|
| Individual Members' Allocations (Revenue) | <ul style="list-style-type: none"> • Sponsored by individual member • Removal of £1,000 maximum threshold • Funding approved and processed by Community Partnership Manager and Community Partnership Team Leaders in accordance with the Financial Framework for Members' Allocations and Local Committees • Officers advise members and provide oversight ensuring compliance against the criteria for the fund |
| Pooled Members' Allocations (Revenue) | <ul style="list-style-type: none"> • Pooled by individual project • Projects with pooled Members' Allocations would need the approval of all members wishing to contribute, prior to the dispatch of funds |
| Local Committee Capital Allocations | <ul style="list-style-type: none"> • Funding to operate as a pooled fund at Local Committee level • Funding approved and processed by Community Partnership Manager and Community Partnership Team Leaders following consultation with all County Members on the relevant Local Committee in accordance with the Financial Framework for Members' Allocations and Local Committees |

8. To ensure Member Revenue Allocations 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. A copy of this document is enclosed in Annex A of this report. Within this document the criteria for the allocation of funds has been significantly strengthened and the language simplified to promote understanding of its contents. This document would replace the current financial framework and any local financial management arrangements currently in place. The changes require Council approval.
9. The introduction of the new financial framework and the changes in the approval process will be accompanied by detailed training to be undertaken by all Members as part of the induction process. It is suggested that the relevant training should be completed by all members prior to the allocation of any funds under the new system. Officers will also be fully trained and will advise Members to ensure all spend conforms to the updated guidance.
10. The transparency of funding decisions will be maintained under the new process as funding decisions will continue to be reported to the next relevant Local Committee.

Decisions will also be posted online on enhanced public web pages.

11. Occasionally situations may arise when it is not possible for an individual Member to make recommendations to the officers, for example because of prolonged illness or incapacity. In such situations it is recommended that decisions are made by officers after consultation with the relevant Local Committee Chairman.

RECOMMENDATION 1: That Members' Allocations be moved from the remit of local committees to individual Members, enabling Members to agree the spend within their own division or to pool their allocation with other Members for specific projects. Decisions on approval of the funds are delegated to Officers in consultation with the relevant individual Members or the relevant local committee Chairman where it is not possible to obtain the individual Member's views.

RECOMMENDATION 2: That Local Committee Capital Allocations are pooled at Committee level and decisions on approval of funds are delegated to officers in consultation with all County Members on the relevant Local Committee

RECOMMENDATION 3: That the guidance for the allocation of Members Allocations and Local Committee Capital Allocations should be strengthened and the language simplified with the introduction of an updated Financial Framework for these Allocations as attached in Annex A.

Local Committee meetings – Public Participation

12. Local Committee meetings are governed by legislation surrounding formal decision making in public¹ and the meetings are very formal. The PVR recognised that whilst some formality is legally necessary, it can mean that the meetings are off-putting for those who attend and recommended that steps are taken to make Local Committee meetings more engaging for residents.
13. It is proposed that the Standing Orders with the constitution governing Local Committees are revised to give Chairmen the ability to take questions or statements as they see appropriate during the formal meeting. This change will allow Chairmen to more effectively manage the business of the committee by, for example, allowing petitions and public questions to be taken with a relevant agenda item as opposed to being taken at the beginning of the meeting, which can appear disjointed.
14. Chairmen when exercising this discretion would need to clearly separate formal decision making from any wider discussion on an item, in order to ensure that the committee decisions are taken only by the committee, informed by the papers before it and the contributions made at the meeting.
15. The PVR also recognised that from a resident perspective the existing Local Committee protocols are varied and potentially confusing, as each committee has evolved its procedures in isolation over the last ten years. 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 one hundred people.
16. To make the processes clearer for residents, and to improve efficiency, it is recommended that the Constitution of the County Council is updated to ensure Local Committees adopt a consistent approach, as outlined in Table 2 below, whilst still allowing flexibility through Chairman's discretion.

Table 2. Proposed Local Committee Protocol

¹ Local Government Acts 1972 and 2000

| | |
|--|---------------------------------------|
| Petitions | |
| Minimum signatories | 30 or at Chairman's discretion |
| Public deadline | 2 weeks |
| Time allowed for the presentation of a petition | 3 minutes or at Chairman's discretion |
| Formal Questions or Public Statements | |
| Public deadline | 4 working days |
| Member deadline | 4 working days |

17. The consequential changes to the Standing Orders within the constitution will be accompanied by bespoke training to Local Committee Chairmen for the first time, to guide them through the legislative requirements whilst ensuring effective public engagement. The changes will also require a strong advisory role from officers who will also complete training to provide this support.
18. In recognition of the increased responsibilities of Local Committees, it is suggested that the Vice-Chairmen should provide greater support to Local Committee Chairmen, by playing a stronger role in Committee business and taking the lead on Highways issues as Highways spokesperson.

RECOMMENDATION 4: That Local Chairmen should be given greater discretion in relation to public participation at formal Local Committee meetings to make these meetings more engaging for residents. The relevant amendments to Standing Orders are included at Annex B.

RECOMMENDATION 5: That Local Committee Vice-Chairmen be given a greater role in Committee business and that consideration be given to Vice-Chairmen taking on a specific role as Highways Spokesperson for their Local Committee.

RECOMMENDATION 6: That one consistent set of protocols governing public participation in Local Committees is introduced to make processes clearer for residents and more efficient to administer. The relevant amendments to Standing Orders are included at Annex B.

Local Committee Governance – Voting & Substitutes

19. The PVR identified that the current Local Committee model does not afford District and Borough councillors equal voting rights on all matters. There are statutory restrictions which prevent co-opted members to vote on some matters, for example Youth.² However, the current terms of reference are more restrictive than the law allows. Changes are proposed to the wording within the Constitution of the County Council to make it more permissive and clear on the issue of equal voting at Local Committee.
20. The current practice of substituting, when a Member of the Local Committee is unable to attend, also creates an imbalance. To improve partnership working it is recommended that Local Committees are each allowed to decide whether to allow District or Borough Members of the Committee to substitute or not.

RECOMMENDATION 7 (to Council): That Local Committees allow equal voting rights for District and Borough Members unless restricted by law. The relevant amendments are included at Annex B.

² Local Government (Committees and Political Groups) Regulations 1990

RECOMMENDATION 8 (to Council): That each Local Committees decides on whether it wishes to employ the rule of District or Borough Member substitutes or not. The relevant amendments are included at Annex B.

CONSULTATION:

22. The Community Partnership PVR which ran from January 2012 to November 2012 involved a range of stakeholders including:
- Local Committee Chairmen (monthly meetings)
 - The 11 x Local Committees (individual meetings)
 - The Communities Select Committee
 - The Community Partnership PVR Member Reference Group
 - Corporate Leadership Team
 - SCC officers and the Community Partnership Team
 - District and Boroughs officers
 - Residents (Local Committee Survey and Joint Neighbourhood Survey)
 - Other partners (Representatives from Parish Councils, Police & NHS)
 - Businesses (Surrey Connections)
 - Other Local Authorities
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RISK MANAGEMENT AND IMPLICATIONS:

23. There are no significant risk management implications arising from this report.
24. The changes recommended to financial and administrative processes for Members' Allocations will be accompanied by the introduction of a strengthened financial framework and the provision of detailed training for both Members and Officers.
25. The recommended changes to the Standing Orders within the constitution will be accompanied by bespoke training to Local Committee Chairmen and all Officers acting in an advisory capacity.
26. Any risks associated with delivering identified improvements and savings will continue to be monitored through the Council's risk management arrangements.
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Financial and Value for Money Implications

27. The administration of Member Allocations and Local Committee Capital Allocations following the changes proposed in this report will be monitored to assess the operational efficiencies resulting from the proposed changes.
28. The funding available for Members Allocations is subject to the provision made within the Medium Term Financial Plan.
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Section 151 Officer Commentary

29. The section 151 officer (Chief Finance Officer) confirms that all material financial and business issues and risks have been considered / addressed.
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Legal Implications – Monitoring Officer

30. The changes proposed by this report are in accordance with the various legal requirements set out in the Local Government Acts and other legislation. The Monitoring Officer and her staff have been directly involved in the formulation of these changes.
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Equalities and Diversity

31. An Equality Impact Assessment was completed for the November Cabinet Report and a summary of the key impacts and actions was provided and no negative equalities implications were identified at this time.
32. Equalities issues, particularly in relation to any disabilities, will be given consideration in the arrangements for public participation at Local Committees to ensure that anyone with a protected characteristic is not disadvantaged.
33. There are no further impacts arising from this report. The key impacts identified within the Equality Impact Assessment will continue to be reviewed during implementation against this PVR to ensure appropriate mitigation measures are put in place as required.

Other Implications:

34. The potential implications for the following council priorities and policy areas have been considered. A summary of the implications is set out below:

| Area Assessed | Direct implications |
|--|--|
| Corporate Parenting/Looked After Children | No significant implications arising from this report |
| Safeguarding responsibilities for vulnerable children and adults | No significant implications arising from this report |
| Public Health | No significant implications arising from this report |
| Climate change | No significant implications arising from this report |
| Carbon emissions | No significant implications arising from this report |

WHAT HAPPENS NEXT

35. Following Cabinet agreement of Recommendation 1 and 2 changes will be made to the delegation of executive powers in relation to Members Allocations and Local Committee Capital Allocations to delegated approval decisions to officers in consultation with members.
36. Following Cabinet endorsement of Recommendations 3 to 8, Full Council approval will then be sought, with a report prepared for 19 March 2013 Full Council recommending that the changes to the wording of the Council's Constitution, Standing Orders and Financial Framework are agreed.
37. Following confirmation of the required constitutional changes, bespoke training will be provided to all Members and Officers on the new procedures and criteria for Members allocations, linked to the Member Induction programme after the 3 May 2013. Local Committee Chairman and relevant Officers will also receive bespoke training concerning the changes to the conduct of formal Local Committees, to be completed prior to the first round of formal Local Committee meetings.
38. Cabinet to receive a progress report back in due course.

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Annexes:

- A. Financial Framework for Members Allocations and Local Committees
- B. Summary Table of Constitution Changes

Sources/background papers:

- The Public Value Review of Community Partnership 27 November 2012
 - Community Partnerships Team Cabinet Report November 2012
 - Public Value Reviews – Year Two Report, Cabinet 27 September 2011
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