

Runnymede Borough Council

COUNCIL MEETING – 15 OCTOBER 2009

Supplementary Summons – Item 9 (ii) – Recommendations of Committees

Corporate Management Committee – 1 October 2009

(a) Disabled Facility Grant Funding

The Committee considered a reference from the Housing and Community Services Committee, which, at its meeting on 9 September 2009, had recommended the approval of an increase in the budget in respect of Disabled Facility Grants for Council owned properties.

Disabled Facility Grants (DFGs) were statutory grants available to all members of the public for adaptations to enable disabled residents to remain in their homes. Applicants had to be examined by an Occupational Therapist to assess the extent of their disability. The grants were means tested and residents with higher than average incomes had to contribute to the cost. A Government grant was available to the Council to cover part of the cost of works undertaken in private homes, but no such grant was payable in the case of Council-owned properties. DFG budgets were based on the previous years' spending and the amount of people applying each year could not be predicted with certainty. The budget for DFG works to private dwellings formed part of the Housing Capital Programme and was £400,000 in 2008/09. The Government grant towards this was £270,000.

Expenditure to date on DFG for Council dwellings to date was £55,000, and cases already approved would increase this spending and commitments to £211,000. Already a waiting list of new cases was building up, and assuming new applications were received at a similar rate to the first six months of the year, it was clear that a substantial increase to the DFG budget would be required to be able to process new applications. Officers' projections for the year, based on expenditure to date, suggested that the DFG budget needed to be increased to a minimum of £370,000. A supplementary estimate would therefore be required. The additional £159,000 would be taken from HRA reserves. HRA reserves stood at £3.088m at 31 March 2009 and, therefore, were able to absorb the additional cost in the short-term.

Demographic trends suggested that there may be a decrease in applications in future years and that this year's increase in demand for grants was a one-off, but it could not be assumed that this was the case. There had been a steady increase in applications over recent years, reflecting the age profile of Council tenants.

Whilst it was possible to build up a waiting list until the new financial year, because those seeking assistance were often in some considerable need, it was not felt appropriate to require them to wait so long. Postponing adaptations would also result in commitments for next year's budget taking up most if not all of the funds available straight away, thus exacerbating the problem for 2010/11. However, the Housing and Community Services Committee had asked Officers to monitor DFG expenditure and report back in six month's time.

The Housing and Community Services Committee firmly believed that the immediate needs of disabled tenants and the statutory requirement to carry out and pay for the works overrode the alternative of artificially rationing the supply of DFG works. The Corporate Management Committee concurred with the Housing and Community Services Committee's recommendation that HRA reserves be used to meet this current peak in applications.

**RECOMMEND that –**

**a supplementary estimate of £159,000 be approved for Disabled Facility Grants to be financed from existing reserves in the Housing Revenue Account (HRA).**

(b) Constitution – Annual Review

(Ref: Minutes of Corporate Management Committee 5 March 2009, page 783, para. 524)

The Committee considered proposed changes to the Constitution following the annual review.

Under Section 37 of the Local Government Act 2000, the Council had to maintain a Constitution containing its Standing Orders, a Code of Conduct for Members, such information as the Secretary of State might direct, and any other information the Council considered appropriate. The document had to be publicly available.

Runnymede's Constitution had been compiled with the intention of providing a comprehensive reference document to the Council's key procedures and protocols, rather than the minimum required by statute. The draft revised Constitution, showing deletions as well as new insertions, ran to over 500 pages and a copy of the draft had been placed on the Councillors' website.

On 5 March 2009, the Committee had noted that the annual review was about to take place and had asked for the views of the Local Government Legislation Member Working Group on how Standing Orders for debates and questions at Council meetings could be revised to encourage more discussion, on the Terms of Reference, reallocation of functions, and names of the policy Committees and the Review Board, on the inclusion of equalities provisions in Standing Orders for Contracts and on the allocation of functions amongst Committees and Council departments generally, and specifically in the areas of environmental and engineering services. The Local Government Legislation Member Working Group had met on 14 July 2009. Its recommendations, together with other changes proposed by Officers, were considered by the Committee.

Standing Order 15 required notice of motion for a Council Meeting to be submitted by any Member of the Council and Standing Order 13 allowed a Member to put a question to the Mayor, the Leader of the Council, or any Chairmen at a Council meeting. Notice had to be given of both motions and questions by no later than the eighth working day before the relevant Council meeting. The notice period was to allow the Council to comply with the law requiring it to publish the items of business a minimum of five working days before the meeting, except in cases of special urgency. The Working Group had considered the fact that the power to submit motions and questions was comparatively little used by Members. Accordingly the Working Group had requested that Officers circulate a reminder to Members approximately two weeks before a Council meeting highlighting the opportunity to submit notices of motion and questions. Officers had been doing this from the July 2009 Council meeting onwards. The Committee agreed that Officers should use the Runnymede Voice publication to inform residents of their right under the constitution to put forward business for Council meetings.

The Working Group had also recommended that the requirement that final decisions relating to motions at the Council meeting only be made after Committee report be relaxed in certain cases. The cases that the Working Group identified were where motions sought only support or disapproval for action being taken by another person or body, or entailed the sending of greetings or congratulations to anyone, and where motions had no legal consequences and required no action or cessation of action. The Working Group also recommended that if the Mayor, the Leader of the Council and the Chief Executive all agreed that the motion could safely be determined at Council without a Committee report, then it should be possible to proceed straight to a decision. Officers had drafted amendments to the Standing Order accordingly.

The Working Group had also considered how to introduce greater flexibility and immediacy in the way that questions were used at the Council meeting to open up a topic, whilst respecting the distinction between the asking of questions and the initiation of a debate. The Working Group were attracted to the procedure for Parliamentary questions, and in particular to the opportunity for more than one Member to ask supplementary questions. The Working Group had accordingly recommended that the questions procedure be modified to allow up to three Members in addition to the original questioner to ask supplementary questions on the same subject as the original question. The actual number and acceptability of supplementary questions would be at the discretion of the Mayor. Officers had accordingly redrafted Standing Order 13 and, at the request of the Working Group, the Standing Order attempted to make it clear that the procedure should not permit the use of artificial first questions as a device to allow unpredictable supplementaries. The Committee considered the Working Group's proposal and also debated whether there should be a limit on the number of supplementary questions that could be asked. While the Committee wished to extend the debate arising from questions, it considered that it was appropriate to limit the number of questions by allowing up to two Members in addition to the original questioner to ask supplementary questions on the same subject as the original question.

Subject to changes such as those arising from the withdrawal of the Highways Agency Agreement some years ago, the existing Committee structure had been little touched since its introduction in 2001. All functions of the Council were within the Terms of Reference of a particular Committee, although some functions needed reports on them comparatively rarely. The Working Group had considered ways in which the existing structure might be changed but were reluctant to propose changes to the Committee structure in advance of any reconsideration of overall organisational structure by the incoming Chief Executive. The Working Group accordingly recommended that there be no immediate change to the Terms of Reference of Committees.

The Working Group had considered that there was no immediate case for changing the names of Committees except for the Review Board, following Member comment about the lack of clarity of the title and the lack of correlation with the names of Committees exercising similar functions in other authorities. The Review Board was the Council's Overview and Scrutiny Committee as required under current legislation. It had no decision making powers, its primary purposes being to assist in the development of policy, to review action taken when appropriate, and to assist in holding other Committees to account. The Working Group had considered that the Review Board's functions were similar to those of a Parliamentary Select Committee, and that some authorities had indeed adopted this title. The Working Group had recommended that the Review Board be renamed 'Overview, Scrutiny Select Committee'. This title was similar to the one adopted by Surrey County Council for a Committee of a similar type in that authority. The Committee decided to recommend that the Board's name be changed to "Overview and Scrutiny Select Committee", deleting the comma and inserting the word "and" between the words "Overview" and "Scrutiny". The Committee debated whether this new title might lead the public to think that the Council operated executive arrangements, rather than the traditional Committee system as a fourth option authority. The Committee concluded that this new title would give the public a clearer indication of the work of the Review Board.

The Council had already decided that the Review Board (as then named) should also be the Council's Crime and Disorder Committee as required by the Police and Justice Act 2006. Officers had incorporated appropriate provisions in the draft Constitution and would report these to the renamed Review Board at its first meeting after the Constitution's adoption.

The Working Group had also considered whether Runnymede should follow the example of some other authorities in requiring their Overview and Scrutiny Committees to be chaired by a Councillor who was not a Member of the Majority Group. The Working Group had made no recommendation on this in order to allow the matter to be discussed within political groups and for the Group Leaders to advise further whether a case was seen. The Committee discussed this matter but decided to make no recommendation, recognising that it was open to a Committee to appoint any of its Members as Chairman.

In addition to the matters recommended by the Working Group, Officers had drafted a number of other provisions, as set out below. The Chairman of a Committee meeting would be empowered to require any or all placards or banners to be left outside the meeting room, in order to avoid danger, offence, or intimidation, in particular to other members of the public. Delegated authority to alter fees, charges and prices without reference to Committee would be extended, explicit reference would be made to the Council's duty to promote equality in Standing Orders for Contracts, the Scheme of Delegation would be amended to reflect decisions made by the Council over the past year, and the number of Officers authorised to sign Noise Abatement Notices had been increased. References to the Surrey Film Licensing Joint Committee had been deleted as this Committee had been abolished.

A summary of changes to Financial Regulations was noted by the Committee. One of the changes to the Financial Regulations was the amending of rules to reflect new procedures for registering invoices on the TASK financials system. These changes were currently being brought into effect. There would also be a new section on working lunches and hospitality, as working lunches provided by the authority had to be treated as taxable benefits to any Officers involved.

**RECOMMEND that -**

**the revised Constitution be approved with amendments recommended by the Local Government Legislation Member Working Group and outlined in the preamble to this recommendation subject to**

**i) the procedure for questions at Council Meetings being modified to allow up to two Members in addition to the original questioner to ask supplementary questions on the same subject as the original question; and**

**ii) the new title of the Review Board being amended to read “Overview and Scrutiny Select Committee.”**

(c) Amendments To Equality Policy

The Committee considered changes to the Council’s Equality Policy.

The current Equality Policy had been adopted by the Council at its meeting on 23 April 2009. The Council had received external accreditation to Level 2 of the Equality Standard for Local Government in June 2006. The Council had also made a commitment to achieve Level 3 of the Equality Standard. A Peer Review to assess current performance against the Standard would take place on 6 and 7 October 2009. Since adopting the Equality Policy in April it had become clear, after discussions with a Peer Review, that some minor amendments were required, including making the Policy consistent with the Council’s Sustainable Community Strategy and Corporate Plan, updating demographic information, adding Equality Impact procedures and making equality a formal part of the Council’s procurement policy.

The Committee agreed to recommend a revised Policy, subject to nationality being consistently included in the Policy as a category (e.g. age, disability) to which the Policy applied. It was also agreed that the categories to which the Policy applied should be listed in the same order throughout the document. Appendices 2 and 4 to the Policy had not been included as they had not changed from the version of the Policy agreed on 23 April 2009. The Committee considered that it would be appropriate to appoint a Member representative on the Equality Working Group, who would also act as Equalities Champion.

**RECOMMEND that –**

**i) the amended Equality Policy, as set out in Appendix 'A' attached, be approved, subject to**

**a) the categories to which the Policy applies being listed in the same order throughout the Policy; and**

**b) nationality being consistently included in the Policy as a category to which the Policy applies; and**

**ii) Councillor P J Waddell be appointed as the elected Member representative on the Equality Working Group and as Equalities Champion.**