



## Report of the Cabinet Member for Business Improvement & Performance

Cabinet 16 June 2022

### Members Community Budget Guidelines – 2022-2027

<b>Purpose:</b>	To update the Members Community Budget for the years 2022-2027 Guidance as part of the Councils revenue budget.
<b>Policy Framework:</b>	Council Budget
<b>Consultation:</b>	Access to Services, Finance and Legal
<b>Recommendation(s):</b>	It is recommended that Cabinet:  1) Approves the revised Members Community Budget Spend Guidelines attached at Appendix B.  2) Delegate authority to make any future changes to the Guidelines to the Director of Place, Director of Finance and the relevant Cabinet member.
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#### 1.0 Introduction

- 1.1 The current scheme was adopted by Cabinet on 28th May 2013 and subsequently amended by Cabinet on 19th November 2015, 19<sup>th</sup> October 2017 and 19<sup>th</sup> March 2020.

This scheme is intended to support delivery of small local measures that are a priority for individual Councillors and their local community but are not funded by other Council budgets. Furthermore, it is intended to help deliver the Council's strategic objectives.

As part of the scheme, a sum of money has been divided equally between all 75 elected Councillors to use on supporting initiatives within their Ward.

The Community budget provides each Councillor with a budget currently set at £15,000 per annum (for the period 2022/27). There is no minimum amount a Councillor may allocate on funding.

Please see:

**Appendix A** – The previous Guidance 2017-22 for reference.

**Appendix B** - newly amended Guidance 2022-27 showing highlighted proposed changes.

## 1.2 What is included within Community Budgets?

Councillors can allocate funding to any scheme (providing it is legal, complies with the Council's constitution and the Council's policies and procedures) and can be used to:

- a) Initiate or support community projects
- b) Improve health and wellbeing
- c) Improve Council owned land and/or public rights of way
- d) Improve community services or facilities in a local area
- e) Address safety issues in the local community
- f) Contribute towards the Council's costs in facilitating local events or markets
- g) Produce leaflets and information promoting the local area (but not promoting individual businesses and/or organisations)
- h) Provide grants/donations to Community groups supporting wider community engagement or services, however, only a maximum of £5,000 per annum. This can be to a single organisation. . In addition there would be an overall cap of £25,000 over a 5 year term per councillor. Again this could be to a single organisation.**
- i) Contribute towards the Minor Works Budget; (details are outlined below in 1.3)
- j) Create or enhance an asset, subject to all future revenue costs as a result of the acquisitions being met
- k) Provision of match funding to support or extend projects of the types outlined above that are part funded from other sources.
- l) To support capital funding as identified in accordance with paragraph 2.1 below

Please note the above list is not exhaustive.

### 1.3 What is the Minor Works Budget?

Councillors with Council housing in their Ward can identify and/or approve schemes proposed by Area Housing Managers, including work carried out on Housing Land only, such as:

- a) Fencing
- b) Gulley clearance
- c) Repairs to paths
- d) Provision of barriers and/or security works
- e) Additional lighting
- f) Additional car parking
- g) Improving open spaces
- h) Installing community facilities
- i) Seating
- j) Garden areas
- k) Allotments

### 1.4 What is not included within Community Budgets?

Councillors are not able to allocate funding for:

- a) A scheme that is not legal and does not adhere to the Council's constitution, policies and procedures;
- b) Providing grants/monies to any commercial organisation or any individual or organisation whose principles conflict with those of the Council;
- c) Supporting any kind of political activity.

In addition, support to community groups to fund ongoing day to day running expenses is not recommended except in exceptional circumstances and to assist in short term challenges

### 1.5 How are requests made?

Any request or queries should be directed to the nominated officer Jayne Hunt. Email: [Jayne.Hunt@swansea.gov.uk](mailto:Jayne.Hunt@swansea.gov.uk)

### 1.6 How will work be carried out?

In the first instance, it is proposed that all "works" will continue to be issued via the Council in house teams but these services will have to continue to demonstrate that it can deliver the scheme. To assist this process a catalogue of goods and services will be made available. To enable this to take place, a dedicated officer has been appointed to administer the scheme.

All costs of delivery of a scheme including any costs for design and TRO's will be included thus providing visibility for members.

A simplistic approval process is in place and members are to ensure they and the Council are protected.

Where this has not previously been adopted or where a replacement is required after the expiry of the "commuted sum" period and therefore there are no available funds set aside for replacement, then any "replacement" items would be counted as a new application under these revised arrangements.

Attention is drawn to the fact that officers and members will need to ensure compliance with all of the Council's financial and contract procedure rules. **Please note members must get officer approval as members do not have authority to spend independently of officers. Officer's advice must be sought to ensure a compliant procurement process is followed and this will include frameworks set up by the council. As such officer approval must be secured prior to making any commitment of funding to any organisation. No approval will be given retrospectively for any reason.**

**In addition Councillors will not be reimbursed for payments for goods purchased from their personal accounts.**

**Attention is drawn to the fact the cumulative spend needs to be taken into account when determining compliance with Contract Procedure Rules and the triggering of any formal procurement process. Officer advice and approval must be sought in due time to allow a compliant procurement route to be advised and councillors are required to comply fully with this advice.**

#### 1.7 Future revenue costs

Care must be taken not to allow schemes to generate a significant amount of future revenue burden without making appropriate budget adjustment.

"Grants or works" should not normally result in a disproportionate increased ongoing revenue burden for the Council. As such a simplistic, cumulative, threshold of £100 per year is set for all the "works" undertaken by a Ward Member in their term and if annual costs exceed that, a discussion will be held with members before scheme commences, e.g. an equivalent contribution would be made by the ward member to cover an agreed period by way of a commuted sum for a period of 5 years e.g. £500.

Officers will ensure compliance with all the Council's financial and contract procedure rules and therefore **officer** approval must be secured prior to making any commitment of funding to any organisation.

## **1.8 How will donations be paid to third party Organisation's?**

Where donations are made in line with this guidance to third parties, bank details must be provided for an electronic transfer, or a cheque to be generated. The bank details needed would be the name and address of the group or organisation, their bank account number, sort code and reference. The bank account must be in the name of the group or organisation applying for funding.

A brief description of what the money is for would also be required. Cash will not be provided.

Councillors are reminded to declare any interests they may have in any organisation both past and present receiving donations and advice should be sought in advance of making any commitment. Depending on the interest and if its personal and prejudicial it may not be permissible for such a donation to progress and in these cases the advice of the monitoring officer will be required

## **1.9 The nominated officer's role in Community Budgets**

The nominated officer will be the Councillors' direct link into the scheme and the approval process.

Council officers will confirm that any application complies with the terms and conditions of the scheme. Officers will ensure that proposed schemes are linked into the wider community engagement and existing work programmes to avoid duplication.

In addition, the nominated officer will regularly inform members of their up-to-date position on outstanding schemes, spend and amount of remaining budget on a quarterly basis.

## **1.10 Will a Councillor need to provide reasons to allocate funds?**

Councillors may be required to provide reasons or explanation so as to allow officers to consider the eligibility and compliance with the Councils constitution.

Details of Councillor spending will be published on the City and County of Swansea internet site on at least an annual basis.

## **1.11 What rules apply to spending Community Budgets?**

As the monies within Community Budgets are public money then the same rules apply as would apply to any other Council spending. This means that any scheme will still need to comply with the Council's Constitution, financial rules, and Contract Procedure Rules.

Councillors must adhere to the Councillor's Code of Conduct when making decisions on how to allocate their Community Budget.

Councillors must consider and identify any potential conflicts of interest in relation to any proposals, which they wish to support.

Any queries on potential conflicts of interest or Code of Conduct should be referred to the Monitoring Officer.

**1.12 Work undertaken by recipient of donation or contribution.**

Where a scheme is being assisted by a contribution / donation from the community budget and this is being procured outside of the authority then ward members who make the donation must insist that (depending on the value of the works/services) the recipient of the donation or contribution obtain either four detailed quotes or appropriately advertise the requirement. A timescale for completion of the work should be included in the quote. The Council should also be invited to give one of these quotes. If you are in any doubt about the competition requirements specified within the Council's Contract Procedure Rules then please seek advice from the Council's procurement team.

Councillors must ensure that the company/ organisation/school must comply with the council's procurement process and follow Council's policies on Health and safety, pay policy, etc. although they can commission the council to carry out this on their behalf. Quotes for works to be undertaken must include all costs, e.g. Quotes for highways work including TROs. Payment for goods or services provided will be in line with the council's own standard terms and conditions and will only be paid on completion of the work or services providing it is up to a satisfactory standard.

**1.13 If an asset is created or enhanced can its ownership be transferred from the Council?**

Assets created or enhanced under the Community Budget must remain under Council ownership unless it has been agreed as a specific decision in relation to an agreed community transfer in line with the appropriate policy.

**1.14 Can a Councillor pool their funds?**

Yes, Councillors can elect to pool their funds where there is more than one Councillor in a ward. If there are sufficient funds, it benefits the community and is not illegal, then the funds can be allocated to any individual project or group within each financial period (April to March) each year.

A Councillor does not have to pool their funds if they do not want to. Councillors cannot pool funds across different wards unless the scheme/work is in fact being delivered across both wards, e.g. Joint

funding of highway works which bridge ward boundaries; a community event which crosses ward boundaries or joint use of community facilities.

**1.15 Can a Councillor carry forward any unspent Community Budget?**

Any unspent monies from a Councillors Community Budget will automatically be carried forward to the next financial period if it is within the Councillor's term. Work scheduled for the 5<sup>th</sup> year of a term of office must be confirmed in the 4<sup>th</sup> year (i.e. before the 5<sup>th</sup> financial year). This will enable the appropriate department to include schemes in their schedules for the following year.

If money is committed to a scheme during the financial year but the scheme has not commenced, then the commitment will be honoured and a completion date be given to the Councillor. However, please note that any money not spent by the end of the Councillor's term of office will be lost and there are no exceptions to this rule.

**1.16 What happens to the Community Budget upon a Councillor leaving the Authority during the financial period?**

The budget is based on 5-year term and is currently £75k in total and current Councillors can spend it as and when required. If a change in a Councillor takes place, the remaining balance would be made available to the new Councillor. If the Community Budget has been committed, no further monies will be advanced to the new Councillor until the next term of office.

**1.17 Can members of the public find out how much each Councillor has spent and on what?**

Yes. The Council will publish information regarding each Councillors Community Budget on an annual basis. This will include declarations of interest from Councillors in relation to any applications. The Council's internet site will include a section on Community Budgets.

**1.18 Can a Councillor spend his/her Community Budget during Pre-election period?**

During the pre-election period, the normal behaviours around a Council and Councillors' activities become more restricted. The Council is not able to show or give any impression of showing any support, bias or favouritism to any candidate for election of Councillor or any political party. The Council must remain neutral and impartial.

Councillors will need to exercise caution in the use of their Community Budgets leading up to an election. Councillors must reflect the restrictions during any pre-election period and for the avoidance of doubt no schemes can be authorised nor donations accepted once the local Government PEP commences normally 6 weeks before the election date.

### **1.19 What happens if there is a dispute about the scheme?**

Hopefully, most situations will be clear as to what is permitted and what isn't assisted by this guidance. If there is a disagreement between a Ward Councillor and the nominated officer, and a solution cannot be found the matter would be escalated for determination by the Cabinet Member and the Director of Place. If the matter cannot be resolved, then the final decision will be made by the Monitoring Officer on the grounds of compliance with appropriate legislation.

## **2.0 Financial Implications**

### **2.1 Capital financial implications**

Capital Expenditure is defined as: All expenditure that can be directly attributed to the acquisition of, creation of or subsequent expenditure on items of property, plant and equipment or the acquisition of rights over certain longer-term intangible benefits. These items will provide benefits to the authority for several years.

### **2.2 Capital Allocation**

As part of the normal budget setting process Council or Cabinet may identify a specific capital allocation to form part of the overall community budget scheme. If such an allocation is made the following principles would apply:

- The eligibility criteria in place would be the same as set out for revenue funding in paragraphs 1.2 to 1.4 above. In addition they would need to satisfy the criteria for capital projects as set out in the council's Financial Procedure Rules. I.e. the work is intended to "add" to the asset such as new equipment or maintain the longevity of an asset by replacing something that already exists. Acquisition of assets or donations are not permitted from this budget
- As the project will be capital in nature the minimum scheme value would be £20,000
- Any capital made available would be to a maximum of 80% of the total costs of the scheme with the balance being derived from other sources which could include grant, revenue community budget allocation or wider community donations
- Once the budget has been fully committed no further schemes can be considered until a new allocation is made. A deadline or series



of deadlines may be declared to allow a phasing approach to bid consideration

- If capital funding is made available it cannot be applied retrospectively
- Any capital budget remaining at the end of the council term will be rolled over to the next cycle and added to any new amounts allocated
- Decisions as to eligibility for each submitted scheme would be delegated to the Leader, Cabinet member for Business Improvement and Performance and Director of Place. In the event of the scheme being submitted in one of the respective wards of the Leader and relevant Cabinet Member then the Deputy Leader would sit on the panel.
- In the event of more approved bids that the remaining money available the panel could decide to “ration” the approval on pro rata basis
- As the schemes are likely to be larger than normal community budget projects a deadline will be set for final submission and approval of schemes 1 year prior to the end of the municipal term

### **3.0 Legal Implications**

There are no additional legal implications over and above those set out in this report.

### **4.0 Integrated Assessment Implications**

4.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.
- Deliver better outcomes for those people who experience socio-economic disadvantage
- Consider opportunities for people to use the Welsh language
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

4.1.1 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in

accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

- 4.1.2 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

In summary the impacts of this additional budget to be spent within communities has very high benefits and presents low risk. The money can be allocated as appropriate, giving residents what they want and what's important to them, hitting many of the WBFGA ways of working and goals. The scheme has generated so many positive community projects to date, and no doubt going forward this will continue. This scheme also aligns perfectly to the corporate well-being objectives.

An Integrated Impact Assessment screening has been undertaken, the outcome being that a full IIA report is not required for the Community Budget itself. However single schemes above the value of £10,000 will be screened in their own right as per the corporate process and officers will also monitor and identify any projects below this threshold where IIAs screening may be required and review accordingly. **(Appendix C)**

### **Background Papers:**

Cabinet Report: Members Community Budget, 28th May 2013  
Cabinet Report: Members Community Budget, 19th November 2015  
Cabinet Report: Members Community Budget, 19<sup>th</sup> October 2017  
Cabinet Report: Members Community Budget, 19<sup>th</sup> March 2020

**Appendix A:** Previous Guidance (2017-2022)

**Appendix B:** New Guidance (2022-2027)

**Appendix C:** IIA Screening Form