



## Report of the Cabinet Member for Future Generations

Cabinet - 19 October 2017

### Members Community Budget - Updated Guidance

<b>Purpose:</b>	To amend the criteria for delivery of the Community Budget scheme and provide additional guidance
<b>Policy Framework:</b>	Council Budget
<b>Consultation:</b>	Finance, Legal, Access to Services, Education
<b>Recommendation:</b>	It is recommended that Cabinet: -  1) Approve the revised guidance relating to community budgets.
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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. 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 72 elected Councillors to use on supporting initiatives within their Ward.

The Community budget provides each Councillor with a budget currently set at £10,000 per annum. (as at 17/18 financial year). There is no minimum amount a Councillor may spend on funding.

## 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 of £3,000 per year, per Ward Councillor (maximum £15,000 over the five-year term) to community groups supporting wider community engagement or services. Any one-off capital spends exceeding this amount will be considered on their own merit e.g. £25,000 contributed to a community group to fix the roof of the community centre
- i) Contribute towards the Minor Works Budget; (details are outlined below in 1.3)
- j) Create or enhance an asset and
- k) Provision of match funding to support or extend projects of the types outlined above that are part funded from other sources.

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 lightening
- f) Additional car parking

- g) Improving open spaces
- h) Installing community facilities and/or areas; seating
- i) Garden areas
- j) 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 directly to the nominated officer Jayne Hunt. E mail [Jayne.Hunt@swansea.gov.uk](mailto:Jayne.Hunt@swansea.gov.uk) Tel: 07814107623 or alternatively, the Council has set up a simple process to log requests from Councillors which automatically logs the request and detail and provides a reference number. Details are available at <https://www.swansea.gov.uk/staffnet/councillorconsent>

#### 1.6 How will work be carried out?

It is proposed that all “works” will still be issued via the Council in-house teams. These services must continue to demonstrate that it can deliver the scheme cost effectively and ensure communication is improved.

A catalogue of schemes has been made available to members and will continue to be updated. (**Appendix A**). This will include, where possible, a minimum to maximum cost per scheme. A range of cost per scheme is presented due to the fact site specific issues may have an implication on final costs. The schedule will also indicate what schemes works will be procured from a 3rd party.

All costs of delivery of a scheme including any costs for design and e.g. TRO's must be included thus providing visibility for members. A breakdown of costs and a completion date must also be included in quotes. Options will also be shown if required and how they affect cost and timeline for delivery. E.g. batching up schemes to reduce costs for road markings or grouping TRO's

When payment for a scheme is made then members will be advised as soon as possible.

The administrator of the scheme will inform members of their up-to-date spend and amount of remaining budget on a quarterly basis. This information will also be included on the Council's website.

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

#### **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 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.

Where this has not previously been adopted or where a replacement is required after the expiry of the "commuted sum" period, then any "replacement" items would be counted as a new application under these revised arrangements.

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

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

Where grants 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 of the group or organisation, address, bank account number and sort code. 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.

#### **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?**

To ensure a successful application, each Councillor should (if requested) provide reasons as to why any allocation of funds will help a local scheme, activity or project. Any scheme, activity or project will need to show it specifically benefits the well-being of the local community or its own environment or economy.

Details of Councillor spending will be published on the City and County of Swansea internet site on a quarterly 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 private groups/organisations**

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 must insist that (depending on the value of the works/services) the organisation 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 will be paid on completion of the work 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.

Donations to groups can still be made provided they are made by the end of the financial year immediately preceding the next council election. If an election takes place outside of the normal cycle the cut-off date will be 6 weeks before the date of the election.

**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 £50k 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 Councillor's Community Budget on a quarterly 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 will be able to identify any appropriate scheme up to and including the end of the financial year prior to the election i.e. 31<sup>st</sup> March prior to a May election.

**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**

The financial implications are in line with the previous community budget report dated 19<sup>th</sup> November 2015 with the exception of the revised allocation of £10,000 per annum/per councillor as outlined in the Council budget dated 23<sup>rd</sup> February 2017.

## **3.0 Legal Implications**

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

## **4.0 Equality and Engagement Implications**

An Equality and Impact Assessment screening form was completed and included in the previous Cabinet report on 19<sup>th</sup> November 2015. Changes included in this guidance do not affect the outcome of the initial screening process, which concluded that while a full EIA report is not required for the Community Budget itself, individual schemes will be screened in their own right as per the corporate process.

### **Background Papers:**

Cabinet Report: Members Community Budget, 28 May 2013

Cabinet Report: Members Community Budget, 19 November 2015

### **Appendix A: Catalogue of Schemes**