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Cambridge City Council

COMMUNITY SERVICES SCRUTINY COMMITTEE

To: Councillors Kerr (Chair), Kightley (Vice-Chair), Al Bander, Blackhurst, Brown, Moghadas, O'Reilly, Reiner, Todd-Jones, Best, Dutton, Haywood and Harris

Despatched: Wednesday, 4 January 2012

Date: Thursday, 12 January 2012

Time: 1.30 pm

Venue: Committee Room 1 & 2 - Guildhall

Contact: Toni Birkin

Direct Dial: 01233 457086

AGENDA

13 **DEVOLVING DECISIONS TO AREA COMMITTEES** *(Pages 1 - 8)*

Report attached in separate agenda pack. *(Pages 1 - 8)*

Information for the public

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To: Executive Councillor for Arts, Sport and Public Places: Councillor Rod Cantrill
And
Executive Councillor for Community Development & Health: Councillor Tim Bick

Report by: Simon Payne

Relevant scrutiny committee: Community Services Scrutiny Committee 12/1/2012

Wards affected: All Wards

DEVOLVING DECISION MAKING TO AREA COMMITTEES

Key Decision

1. Executive summary

1.1 This report explains the processes by which decisions on various matters will be taken by area committees from 1 April 2012, and seeks Executive Councillor approval to adopt these processes.

2. Recommendations

2.1 The Executive Councillors for Arts, Sport and Public Places and for Community Development and Health are recommended to:

(a) note the proposed process for devolving decision making on public art, public realm, community facilities, play and open space projects funded by developer contributions as set out in the foregoing report; and

(b) adopt these processes and devolve decision making to area committees.

2.2 The Executive Councillor for Arts, Sport & Public Places is recommended to:

(c) note the proposed process for devolving decision making on non-statutory tree planting as set out in the foregoing report; and

(d) adopt this process and devolve decision making to area committees.

2.3 The Executive Councillor for Community Development and Health is recommended to:

(e) note the proposed process for devolving decision making on safer city grants as set out in foregoing report; and

(f) adopt this process and devolve decision making to area committees.

3. Background

3.1 Cambridge City Council is keen to devolve decision making to area committees wherever appropriate, in line with the principle of subsidiarity and the spirit of localism and community participation in decision making.

3.2 As part of the project over the past year to explore ways to engage citizens and communities in decision making more effectively, officers and Executive Councillors have been exploring which decisions could be devolved to area committees, working from a set of principles (see Appendix A).

3.3 The fruit of this work is the list of decisions to be devolved as discussed at Strategy and Resources Scrutiny Committee on 10 October 2011:

- Approvals of projects funded by developer contributions for:
 - Public Art
 - Public Realm
 - Community Facilities
 - Open spaces (Children & teenagers and informal open space)
- Neighbourhood Planning Briefs
- Safer City Grants
- Non-statutory tree planting

3.4 Devolving decisions on these issues to area committees should ensure that those decisions are taken by ward councillors with a local knowledge of the key issues facing communities in their wards, and the needs of those communities.

3.5 In devising the process for decision making under devolved arrangements officers and Executive Councillors have considered both the principles in Appendix A and also the need for transparency, accountability, clarity over who is making what decision, the City

Council's Constitution and other legal or process constraints. It has been the intention to devise clear and consistent principles for decision making across the piece, to aid efficient and effective decision making.

- 3.6 This report sets out the proposed methodology for making decisions on Safer City Grants; non-statutory tree planting and developer funded projects that relate to Public Art, Public Realm, Community Facilities and Open Spaces. A separate report will be considered by Environment Scrutiny Committee on the 10th January 2012 on Devolving Decisions on Neighbourhood Planning Briefs.

4. Proposed Methodology for Devolvement of Safer City Grants

- 4.1 In the case of Safer City Grants, it is proposed that the Safer Communities Section will continue to administer the application process up to the point of approval, with plans to consider moving the administration to Community Development over the next 12 months if that proves appropriate (the background to the existing grant scheme is set out in Appendix B). Regardless of who administers the application process, policy decisions and expert advice on applications will remain with the Executive Councillor and the Safer Communities Team. It is proposed that once a year in April/May depending on committee dates, a bidding round will take place at each Area Committee and that decisions to approve or reject applications will be made at those committees.
- 4.2 It is proposed that Safer Communities Section will advertise the availability of the grants in advance of the annual bidding round, ensuring that potential applicants know the process for bidding and are aware of the Community Safety Plan (CSP) priorities and the recurrent neighbourhood priorities.
- 4.3 If there are funds remaining after the yearly bidding round it is suggested that further bids can be submitted at any time. Decisions on approval/rejection of these applications will be made by the Chairs of Area Committees in consultation with the relevant ward councillors and Opposition Spokes Persons as and when the applications are received and outside of Area Committees. On 1 December any unspent money will be returned to the 'Citywide' pot for re-distribution by the Executive Councillor to other areas, if appropriate applications have been made.
- 4.4 Should an application be received that covers more than one area of Cambridge, that application will be submitted to the Executive Councillor for Community Development & Health for approval, in

consultation with the Chair and Opposition Spokes Persons of the Community Services Scrutiny Committee.

- 4.5 At the end of each grant cycle, a report will be delivered to the Community Services Scrutiny Committee, detailing the grants awarded during the year and any recommended changes to the criteria and grant application process. The report will also detail the budget for the coming year.
- 4.6 By devolving the power to approve applications to the Area Committees, and by linking the applications to the Safer Neighbourhood agenda it is expected that the volume and quality of applications will be enhanced.

5. Proposed Methodology for the Devolvement of Tree Works

- 5.1 The Tree Strategy for the City Council is currently being revised following successful initial public consultation earlier this year. Work to the Tree Strategy and the anticipated revision of the Tree Protocol (how we deal with works to our own trees) will continue well into 2012. It will be more appropriate to develop the proposals for devolving decision making regarding trees to area committee after these pieces of work have been completed therefore this item will be reported separately. In the interim tree decisions will remain as per the current arrangements.

6. Proposed Methodology for Developer Funded Projects

- 6.1 In the case of developer funded projects, the attached diagram (Appendix C) sets out a proposed model for making decisions on play, open space, community facilities, public art and public realm projects funded by developer contributions off site from the proposed development.
- 6.2 Any decisions about the use of these commuted sums will be made in accordance with City Council policy (which is approved by the relevant Executive Councillor following scrutiny) and will be subject to an evidence base known as the 'Area Needs Assessment'. There will be an 'Area Needs Assessment' for every Area Committee.
- 6.3 When planning applications are to be determined by an Area Committee then any commuted sums for off-site projects listed in paragraph 6.1 will be held for spending within the geographical area of that committee for that purpose.
- 6.4 When planning applications are to be determined by the Planning Committee (by definition these applications will be major or strategic

proposals) then any commuted sums for off-site projects will normally be split 50:50 between city wide projects and projects funded by the area committees. There will however be an opportunity to vary this proportion on a case-by-case basis, informed by both policy considerations and up to date Area Needs Assessments.

- 6.5 There will need to be a transition to the new arrangements given that there is an extensive programme of committed projects in the pipeline. The first priority will be for each Area Committee to prepare and approve an 'Area Needs Assessment'.
- 6.6 An Area Needs Assessment will be produced every three years for each Area Committee. This assessment will be a simple desk top analysis and will seek:
 - a) To quantify existing population within the whole area (split into age structure).
 - b) Estimate of new development taking place within the area over the next three years and the impact upon existing population.
 - c) Summary of existing provision with commentary on potential for enhancement/modernisation of existing provision.
 - d) Identification of any new provision over and above enhancements/modernisation.
- 6.7 Consultation by the Area Committee of the Area Needs Assessment will take place before approval.
- 6.8 Once the Area Needs Assessment has been approved by the Area Committee, then officers will need to cost key elements and link these costs to predicted developer contributions (any developer funding, even after the forthcoming national changes to introduce Community Infrastructure Levy, will need to show a consequential link between the new development and the provision to be provided) and any uncommitted developer contributions already received. Any prioritised shortfall would need to be subject to capital bids through the scrutiny and Executive Councillor process linked in to the annual budget round.
- 6.9 A report will then be prepared for each Area Committee on the Community Facilities, Play and Open Space programme to prioritise schemes and to identify which are being funded by developer contributions and which are not. This will be subject to consultation and once approved, will form the basis of project delivery. Projects that are subject to the capital programme funding would be dependent upon decisions made at Full Council and budget allocations.

- 6.10 In the case of strategic development schemes (i.e. ones approved through Planning Committee), the normal default position will be that provision would be split 50:50 between city wide projects and projects funded by the Area Committees. In the event that there was a case to vary this proportion then this would be subject to discussion between the officers and the Executive Councillor.
- 6.11 Regular reviews would be undertaken of the delivery of projects. In the event that an Area Committee failed to commit funding to the delivery of any project within three years of receipt of the developer funding then there would be a mechanism to allow for the Executive Councillor (following scrutiny) to intervene and reallocate that money to a scheme that will be delivered within the legal agreement deadline.
- 6.12 In the case of Public Art, it is proposed that there will be a simpler mechanism for release of the money. Normally, developer funding would be split 50:50 between citywide and Area Committees. The citywide funding would be reported to the Public Art Panel (as is currently the case). The remainder of the funding would be allocated to the appropriate Area Committee to support Public Art projects within that area. The appropriate Area Committee would receive reports from officers about the availability of Public Art money with proposals for local schemes and project approval would be through the Area Committee. This approach would also be subject to the Executive Councillor 'claw back' provisions set out in paragraph 6.11 above.

7. Implications

7.1 Financial Implications

- 7.1.1 The main financial impact of these new methodologies will be the speed at which developer funding is used to finance specific schemes. The proposed process seeks to earmark funding before it is received and on the small to medium sized projects will enable to be used shortly after the receipt of the capital amount by the City Council. In the case of the larger schemes the methodology should also speed up delivery.

7.2 Staffing Implications

- 7.2.1 Staff from a range of council services will need to work closely together to support the development of Area Needs Assessments (ANA) and to ensure that proposals for projects meet community

needs as defined in the ANA and contribute to a coherent package that supports achievement of the Council's vision.

7.2.2 This is more about working differently than a requirement for additional resources, although community development resource will be required to help engage communities in the identification of needs, and a budget bid has been submitted to ensure we have adequate capacity for this process.

7.3 Equal Opportunities Implications

7.3.1 The Equality Impact Assessment concludes that devolving additional decisions to the City Council's area committees should benefit the different communities of Cambridge, because the decision to approve or reject applications would rest with local councillors who better understand the specific needs of their area and the people living there.

7.3.2 The area needs assessments that would inform the decisions of the area committees would be subject to consultation in line with the council's Code of Best Practice on Consultation and Community Engagement. This would provide an opportunity for people of all backgrounds to input.

7.3.3 Each area committee also meets in the area that it serves, meaning that it is usually easier for people to attend because it is nearer to where they live. The changes would benefit residents that find it harder to attend formal decision-making meetings that are held during the day, for example people that work, because area committees meet in the evening. Area committees would need to continue to be mindful that their meetings do not finish too late so as not to disadvantage other groups, for example disabled people, older people and parents with young children.

7.4 Environmental Implications

7.4.1 These recommendations should have a very low or nil impact in themselves, as they are about changing the decision making process rather than changing the activities undertaken per se. However, we will need to bear in mind the climate change impact of each project funded and decided on under this new process at the appropriate point in time.

7.5 Consultation

7.5.1 The proposed methodology for developer funded schemes has been outlined to the Community Engagement and Participation Pilot Member Working Group.

7.5.2 Ward members and local communities will be consulted during the development of their Area Needs Assessments.

7.6 Community Safety

7.6.1 Devolution of Safer City Grants should allow for those grants to be more effectively targeted to known areas or issues of need, thereby improving overall community safety.

8. Background papers

Planning Obligations Strategy SPD

9. Appendices

Appendix A – Principles for Devolving Decisions

Appendix B – Safer City Grants Process

Appendix C – Devolving Decisions Diagram

10. Inspection of papers

To inspect the background papers or if you have a query on the report please contact:

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