

## CAMBRIDGE CITY COUNCIL

---

REPORT OF: Head of Legal Services  
TO: Civic Affairs Committee 21/3/2012  
WARDS: All

### **AREA COMMITTEES - AMENDMENT OF THE CONSTITUTION TO REFLECT FUNCTIONS DELEGATED BY THE EXECUTIVE**

#### **1 INTRODUCTION**

1.1 Members of the Executive have considered reports regarding the delegation of executive functions to area committees on the following occasions:

- 10 October 2011 (The Leader at Strategy and Resources)
- 12 January 2012 (The Executive Councillor for Arts, Sport and Public Places and the Executive Councillor for Community Development and Health at Community Services Scrutiny Committee).

1.2 At the meeting on 12 January 2012, Executive Councillors agreed to delegate the exercise of the following functions to area committees in accordance with the terms set out in the report to that meeting. The areas in which delegations are being made are

- Decision making on public art, public realm, community facilities, play and open space projects funded by developer contributions;
- Decision-making on non-statutory tree planting; and
- Decision-making on “safer city” grants.

This is not a full delegation of these functions and the terms of the delegations are as set out in the report, as amended by the Executive Councillors and recorded in the minutes at 12/13/CS.

1.3 At its meeting on 23 February the Council resolved to extend the terms of reference of Area Committees to include exercise of these functions.

- 1.4 The purpose of this report is to propose amendments to the terms of reference of area committees to provide for this.
- 1.5 The terms of reference have also been updated to reflect changes in terminology, titles etc.

## 2. **RECOMMENDATION**

- 2.1 That the Committee recommends to Council that the terms of reference of area committees, as contained in Section 12 of Part 3 of the Constitution are amended in accordance with the Appendix to this report.

## 3. **CONSULTATIONS**

- 3.1 Heads of Services to which these changes relate have been asked whether the amendments to the area committee terms of reference accord with their understanding of the decisions of the Executive and the Council.

## 4. **IMPLICATIONS**

This is a technical report amending the constitution to reflect decisions that have already been made. Implications were considered when the substantive decision was made. An equality impact assessment was also made at the time of the substantive decision and is summarised in the report to Executive Councillors considered at Community Services Scrutiny Committee on 12 January 2012. That report assessed the climate change impact as very low or nil.

**BACKGROUND PAPERS:** The following are the background papers that were used in the preparation of this report:

Report to Community Services Scrutiny Committee on 12 January 2012 and minutes/record of decision.  
Report to Council on 23 February 2012 and draft minutes.  
The Council's Constitution.

To inspect these documents or for queries on this report, contact Simon Pugh, Head of Legal Services, (01223) 457401 or [simon.pugh@cambridge.gov.uk](mailto:simon.pugh@cambridge.gov.uk)

Report file:

Date originated: 12 March 2012

Date of last revision: 12 March 2012

## Appendix.

### **SECTION 12: AREA COMMITTEES**

#### **12.1 Introduction**

12.1.1 This part of the Constitution describes the Council functions for which area committees are to be responsible. Some are executive functions, and the delegation is made by the Executive Councillor responsible for that function. Some delegations relate to regulatory matters, and these are made by the Council.

12.1.2 The principal areas for which area committees have responsibilities are:

- Environmental Improvements
- Local Planning Applications
- Parks and Recreation Services
- Community Services (excluding management of the Council's housing stock)
- Streetscene Services
- [Projects funded by developer contributions that relate to public art, the public realm, community facilities and open space](#)
- [Safer City grants](#)

#### **12.2 Environmental Improvements**

12.2.1 The Executive Councillor for the Environment may delegate a budget to area committees for the purpose of carrying out environmental improvements. In delegating a budget, the Executive Councillor may set criteria or conditions for its expenditure.

12.2.2 Area committees are not obliged to spend delegated capital budgets in the year in respect of which they receive them. It is open to area committees to "save up" capital budgets of this kind for environmental improvements.

12.2.3 Area committees shall have the role of investigating, identifying, consulting on and approving local environmental improvement projects, subject to their budget and to any criteria or conditions set by the Executive Councillor.

12.2.4 Area committees may be consulted on periodic reviews of Council policies and strategies affecting local environmental issues (e.g. the Planning Obligation Strategy, the Walking and Cycling Strategy).

12.2.5 Area committees may seek additional funding for environmental improvement projects, by bidding for other Council funding (for instance, 'Sustainable City' grants or City Centre Management grants). They may also seek additional external funding, for instance through partnership schemes or other sources of grant aid.

12.2.6 ~~Area committees may be consulted on, or asked to identify, schemes to be procured or funded through planning agreements. The relevant Executive~~

~~Councillor may also delegate responsibility for the implementation of such schemes to area committees.~~

12.2.7 Each area committee will be required to submit an annual report to the March cycle of the Environment Scrutiny Committee, setting out progress with schemes being dealt with by that area committee and identifying any projects where additional funding may be required so that a decision can be made about budget allocation. Such a system will also enable the Executive Councillor and Scrutiny Committee to consider planned 'rollovers' of budgets from one year to the next and to take an overview of environmental improvement work in the city.

### 12.3 Local Planning Applications

12.3.1 Area committees shall be responsible for determining all planning applications which fall within their areas **other than**:

- A. those which may be determined by officers under the Council's scheme of delegation; or
- B. those which:
- Are designated as 'major' applications; or
  - Represent a formal departure from the Development Plan; or
  - Have a site boundary that crosses 2 or more committee areas; or
  - Are submitted privately by any Member of the Council or their immediate family; or
  - The standard neighbour consultation process involves residents in two or more Areas; or
  - The Chair of an Area Committee (after consulting with members of the Area Committee) and the Chair of the Planning Committee agree should be determined by the central Planning Committee because they have substantial significance for people living outside of the relevant Area.

Applications falling into Category B will be determined by the Planning Committee.

**NB:** A 'major' application is as described in the Government's quarterly statistical returns on development control performance. At present, a major application is:

- a residential development of 10 or more houses, or where the number of dwellings to be constructed is not given, a residential development with a site area of 0.5ha or more;
- any other development of 1,000 sq m of additional floorspace, or with a site area of 1ha or more.

12.3.2 Area committees' responsibilities in respect of "planning applications" within their competence shall include the discharge of the functions delegated to the Planning Committee listed in section 5.4 of Part 3 of the Constitution and numbered 1 to 26 from page 55.

12.3.3 The delegation of powers to area committees does not limit the powers delegated to Council officers in section 9 of Part 3 of the Constitution.

## 12.4 Parks And Recreation Services

12.4.1 Area committees will contribute to the scrutiny of local Parks and Recreation Services by considering parks and recreation issues which affect their area. In pursuit of this, area committees are asked to encourage links between themselves and local sports clubs and facility user forums, such as the Allotment Forum.

12.4.2 Area committees may recommend changes to the provision or management of local parks and recreation services, although any recommendations would need to be considered in the context of budgetary provision, overall parks and recreation policies and competing needs.

12.4.3 Area committees may be consulted on periodic reviews of Council policies and strategies affecting parks and recreation services (e.g. Parks Strategy, the Sports Development Strategy).

12.4.4 ~~Area committees may be consulted on, or asked to identify, schemes to be procured or funded through planning agreements. The relevant Executive Councillor may also delegate responsibility for the implementation of such schemes to area committees.~~

## 12.5 Community Development

12.5.1 Area committees will contribute to the Council's community development role by promoting public awareness and involvement, making the links between local communities, Housing Associations, Tenants Groups etc. and the area committees.

12.5.2 Area committees may consider the provision of community facilities at neighbourhood level, identify any gaps, and make recommendations on priorities for development.

12.5.3 ~~Area committees may be consulted on, or asked to identify, schemes to be procured or funded through planning agreements. The relevant Executive Councillor may also delegate responsibility for the implementation of such schemes to area committees.~~

12.5.4 Area committees may be consulted on applications for grants for community activities in their areas, and may monitor the use of grant aid by recipients.

12.5.5 The Executive Councillor for Community Development and [Leisure Health](#) may delegate a budget to area committees to enable area committees to award grants for community activities in their areas. In delegating a budget, the Executive Councillor may set criteria or conditions for its expenditure.

12.5.6 Area committees may monitor and review neighbourhood services in their areas for children and families; e.g. [Community and Neighbourhood Play Areas](#)~~Recey Ranger and Neighbourhood Play activities.~~

~~12.5.7 Area committees may monitor and review youth work in their areas; e.g. the Dec, detached teams, projects.~~

12.5.8 Area committees may extend the Council's [engagement with children and young people](#) ~~Youth Participation Strategy~~ by including a role for young people in the work of the committees.

## **12.6 Streetscene Services**

12.6.1 Area committees may consult local people about local priorities for streetscene services. (Street cleansing, public conveniences, grass cutting and maintenance of planted areas.)

12.6.2 Area committees may set local priorities for streetscene works subject to :

- Maintaining minimum statutory service standards;
- Accommodating changes within agreed budgets; and
- Not adversely affecting services in other areas.

12.6.3 Area committees may review and monitor the provision of streetscene services within their areas. They may make recommendations for changes or enhancements to the Executive Councillor or to service managers.

12.6.4 Area committees may review and monitor the provision of the Ranger Service within their areas. They may make recommendations for changes or enhancements to the Executive Councillor or to service managers

~~12.6.5 Area committees may be consulted on, or asked to identify, schemes to be procured or funded through planning agreements. The relevant Executive Councillor may also delegate responsibility for the implementation of such schemes to area committees.~~

## **12.7 Decision-making on Projects Funded by Developer Contributions**

12.7.1 Area committees are to be given delegated budgets and delegated decision-making powers in respect of projects funded by developer contributions in the following terms:

12.7.2 The projects funded by developer contributions within the scope of area committees are projects relating to:

- Public Art
- Public Realm
- Community Facilities
- Open Spaces

12.7.3 Any decisions by area committees about the use of developer contributions for projects will be made in accordance with Council policy and budgeting

procedures and, with the exception of public art, will take account of area needs assessments to be adopted by each area committee.

12.7.4 Funding from developer contributions will be given to area committees on the following basis:

- Where developer contributions derive from a planning application determined by an area committee, the use of contributions made for the purposes set out in paragraph 12.7.2 shall be determined by that area committee.
- Where developer contributions derive from a planning application determined by the Planning Committee, the Executive Councillor for the relevant service area shall determine the proportion of the developer contributions to be made available for the use of the area committee with a presumption that 50% of contributions made for the purposes set out in paragraph 12.7.2 shall be made available.
- If a developer contribution given to area committees is not committed to be spent within three years of receipt by the Council, the Executive Councillor may decide how the contribution is to be spent.

12.7.5 The area needs assessments referred to in paragraph 12.7.3 shall be made in accordance with the following principles:

- An area needs assessment will be produced every three years for each area committee and will be based on a desk top analysis.
- The assessment will seek to do the following:
  - Quantify the existing population within the area, split by age structure;
  - Estimate new development taking place within the area over the next three years and assess its impact on the existing population;
  - Summarise existing provision of facilities etc with commentary on the potential for enhancing or modernising them;
  - Identify the need or scope for new provision of facilities etc or new projects.
- The area committee will consult on its area needs assessment before approval.
- The area needs assessment will be used by officers to develop and cost projects and to identify the extent to which they may be funded by developer contributions, for the purpose of preparing a report for the area committee.
- This report will form the basis of area committee decisions to approve projects.

12.7.6 The area needs assessment may be used to identify projects not funded by developer contributions but funding for these would be subject to the Council's regular budgeting procedures.

12.7.7 Area committee decisions on public art projects funded from developer contributions will be made on the basis of officer reports submitted from time to time.

## **12.8 Safer City Grants**

12.8.1 The Executive Councillor responsible for safer city grants (the Executive Councillor for Community Development and Health) may allocate a budget to area committees for making grants.

12.8.2 Area committees shall determine applications for grants in accordance with any policies or other guidance set by the Executive Councillor.

12.8.3 Officers shall advertise the availability of grants and invite applications. Applications shall be reported to the area committees, according to the area in which grant aided works are proposed, in ~~March or April~~ May onwards depending on Area Committee dates, each year for consideration.

12.8.4 If funds remain after the “bidding round” described in 21.8.3, further grant applications may be made. These shall be determined by Director of Community Services after consultation with the Chairs of Area Committees, relevant Ward Councillors and Opposition Spokes Persons as and when the applications are received and outside of Area Committees.

12.8.5 Any safer city grant allocation unspent by an area committee by 1 December in any year shall be returned to the Executive Councillor ~~for reallocation to any area committee that has suitable unfunded grant applications for inclusion in the ‘Citywide’ pot for re-distribution to other areas, if appropriate applications have been made.~~

12.8.6 Grant applications that relate to the area of more than one area committee shall be determined by the Executive Councillor in consultation with the Chair and Opposition Spokespersons of the Community Services Scrutiny Committee.

## **12.9 Tree Works**

12.9.1 The Executive Councillor for Arts, Sport and Public Places may delegate decisions on tree works to area committees.

## **12.10 General**

### **12.7 General**

~~12.7.1~~12.10.1—The Council, its committees, Executive Councillors and officers may, from time to time, delegate such further functions to area committees as they judge appropriate.