

## Surbiton Neighbourhood Committee

13 June 2018

### Neighbourhood Working Arrangements

Report by Director, Corporate and Commercial

#### Purpose

To enable the Committee to determine arrangements for managing its business for the new municipal term (ie the period to May 2022).

#### Recommendations

To **resolve** that -

1. the arrangements for public participation set out in paragraphs 6 to 12 be agreed, subject to any changes the Committee may wish to make;
2. licensing matters (within the remit of the Neighbourhood Committees) be dealt with at the Neighbourhood Committee meeting wherever possible but, when necessary, a Licensing Sub-Committee be established by the Neighbourhood Committee to deal with particular cases which arise; and
3. a Chair and Vice Chair for the 2018-19 municipal year be appointed.

The Committee is also invited to consider any additional changes it may wish to make to its working arrangements.

#### Key Points

- A. Within the constitutional framework, Neighbourhood Committees decide their own arrangements for chiring, public participation at meetings and determine how they deal with regulatory functions within their responsibilities – eg street café and sexual entertainment licences. The aim of the arrangements is to enable Committees to work effectively, enable public participation and avoid overly long agendas and meetings.
- B. At the beginning of each four year Municipal term, it is customary for each Neighbourhood Committee to review its working arrangements.
- C. Neighbourhood Chairs and Vice Chairs are appointed annually by the relevant Neighbourhood Committee at the beginning of the new Municipal Year.

#### Context

1. The current constitutional arrangements for Neighbourhood Committees are reproduced in **Annex 1** to this report.
2. Key elements of Neighbourhood responsibilities are summarised below:
  - Neighbourhood powers over highways and traffic management schemes relate to all roads other than “A” roads and strategic routes managed by Transport for London and where proposals concern no more than two roads, or a junction of up to four roads within a single Neighbourhood. Neighbourhood Committees can continue to consider and propose schemes of wider application but these must be referred for approval to the Environment and Sustainable Transport Committee.
  - Each member, through the Neighbourhood Manager, may allocate £2,000 for bids and award to community initiatives within their Ward or Neighbourhood.

- Neighbourhood Committees may determine planning applications if the scheme is for no more than 10 units of accommodation and either:
    - a) there are a minimum of 10 valid objections *and* the Chair has requested that the application be reported to Committee,
    - b) all relevant ward Members request that the application be submitted to Committee, or
    - c) at the request of the Chair and with the agreement of the Head of Planning and the Chair of the Development Control Committee.
  - Consultations on major planning applications will be submitted to Neighbourhoods where the Head of Planning, in consultation with the Chairs of Development Control and the relevant Neighbourhood Committee, considers it appropriate.
  - Specific direction to place a greater focus on community consultation, engagement and leadership, empowering the local communities and building capacity and resilience within them.
  - Encouragement to promote and support local health and public health provision, cultural, artistic and sporting initiatives and community assurance and cohesion. Responsibilities for the provision of policies and services within these areas remain with the relevant Strategic Committee.
3. Neighbourhood Committees meet on five occasions per municipal year and there is a further single date in the 2018-19 municipal calendar reserved for Community Forums (see paragraphs 14 and 15 below).
  4. Neighbourhood Committees have responsibility for licensing functions (Annex 2) covering street cafes, sexual entertainment venues, markets and street trading. It is proposed that, where possible, these are dealt with as part of the usual agenda. In complex/ lengthy cases a sub-committee could be established to deal with these.
  5. Information items and update reports for Strategic and Neighbourhood Committees are generally circulated to all members via a regular pack of information papers and published on the Council's website. There are arrangements for reports presented in this way to be referred to Committee by Members if required.

## **Public Participation**

6. Participation by residents and other members of the public is encouraged. There are separate arrangements for speaking on planning applications which are explained in paragraph 11.
7. To date, the arrangements at all Neighbourhoods have been broadly similar and have been:
  - a 30 minute question and answer session at the start of the meeting. (Whilst advance notice of questions is encouraged, questions can be raised on the night but not necessarily answered at the meeting.)
  - contributions during the debate on items at the discretion of the Chair of the meeting.
  - the opportunity to present petitions at the start of the meeting
8. In terms of Community Forums, these will be open forums and as such no formal public participation arrangements will be required and the Forums will be open to all.

9. The Neighbourhood Committee will annually appoint a Chair to manage the meetings and ensure that everyone has a fair and equal opportunity to participate.
10. The Committee may also appoint non-voting Advisory Members with appropriate expertise to assist it with its work in its formal decision making role. The number of Advisory Members must not be more than a third of the membership of the Committee.

### **Speaking on planning applications**

11. The scheme for planning applications gives registered objectors and applicants the right to speak, in that order, for a maximum of five minutes each. If there is more than one person either objecting or supporting the application, then they will need to share the five minutes or decide amongst themselves on a spokesperson. In addition, the Committee may ask questions of each side for a maximum of five minutes.
12. There are similar arrangements for enforcement items.

### **Other Sub Committees/ Working Groups**

13. The Committee may establish small sub-committees/ working groups to deal with specific issues. Sub Committee members can only be drawn from the Neighbourhood Committee. An example is working parties of Councillors and residents to consider issues such as revitalisation schemes and/or traffic issues. These would meet as and when required.

### **Community and Street Forums**

14. In accordance with changes to the Neighbourhood Committees agreed by Council in 2015 the Neighbourhood Committees may host themed Community Forums arranged by the Community Managers and Ward based Street Forums. In the current Municipal Calendar one themed Community Forum is scheduled and up to two Street Forums per year, per ward may be held.
15. Community Forums (or 'Neighbourhood Conversations') provide the key focus for engagement, a local point of access to the Council for the community, and enable Ward Members to act as community champions. The format enables flexibility, the ability to identify solutions to local needs and working together with the community to resolve issues. Community Forums are themed on an area of concern to local people. Topics can include parks and open spaces, anti social behaviour, planning, policing, health, employment and environmental matters.
16. Ward based street forums can be held up to twice a year in each ward, the arrangements for each ward will be agreed between the Ward Councillors and Community Manager. Street Forums provide opportunity for residents across the Neighbourhood to engage at a local level, on their doorstep, on the streets and at pre existing community events as appropriate. Local Neighbourhood issues identified can then be fed into the Community Plan, passed to service areas for resolution or addressed at future Community Forums.

### **Resource Implications**

17. Establishing other bodies such as working groups which meet on a regular basis places additional demands on Members and staff. These need to be borne in mind and a balance achieved in managing the volume of business efficiently, avoiding overload and, indeed, a proliferation of meetings which are poorly attended by residents.

18. The financial and environmental costs are hire of venues, audio support and setup, paper, printing, and postage. An additional Neighbourhood meeting costs an average of £1,700 including staff time associated with planning, engineering or other staff who may be required to provide reports/attend the meeting.
19. The current budget allocation does not include promotional costs and Neighbourhood Committees may need to set aside funds to cover such costs. The only discretionary budget that Neighbourhoods currently have are the Ward Funding allocations.
20. Decisions on any commitments to the Ward funding allocations budgets will be reported at Committee and updates on any remaining funds included as part as the Neighbourhood Manager's updates as required.

### **Legal Implications**

21. None arising from this report.

### **Risk Assessment**

22. Not required.

### **Equalities Considerations**

23. Accessibility and suitability for those with disabilities or impairments are considered when selecting meeting venues. Large print copies of the agenda are available on request and audio recordings of the meeting are placed on the Council's website for those unable to attend meetings.

**Background papers** – none

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### Extract from the current Constitution

#### 1. NEIGHBOURHOOD COMMITTEES

Details of the Neighbourhood structure are set out in Article 10 of the Constitution and the functions for which Neighbourhood Committees are responsible are set out below. Each Neighbourhood Committee is composed of the Councillors representing the electoral wards within the Neighbourhood.

The role of the Neighbourhood Committees broadly comprises three distinct but complementary elements; to exercise the formal powers and duties of the Council in respect of certain services and functions, to support and complement the work of the Strategic Committees and to use their positions of leadership and influence to actively engage with and empower the respective local communities and build capacity and resilience within them.

#### POWERS

Each Neighbourhood Committee may exercise the following powers and duties of the Authority provided that:

- they are within Council policy / there is no conflict with Council policy;
- any decision taken is properly within the remit of the Neighbourhood Committee concerned;
- any financial implications of decisions taken are capable of being contained within the approved budget;
- they do not involve matters of a highly controversial nature as identified by the Chief Executive in consultation with the Chair of the Neighbourhood Committee concerned.

#### The Local Environment

1. Responsibility for Development Control matters, excluding the determination of those categories of planning applications which are the responsibility of the Development Control Committee. (Matters that, for whatever reason (e.g. where a significant number of Members have a pecuniary interest) cannot be dealt with at Neighbourhood level to be dealt with by the Development Control Committee.)

#### Street based issues

2. Responsibility for Area revitalisation and minor environmental improvement schemes within the Area, including local shopping centres. The exercise of the powers relating to untidy land under Section 78 of the Public Health Act 1936 and Section 34 of the Public Health Act 1961.
3. Highway and verge maintenance, street signs, traffic signs and furniture, land drainage; the approval of traffic management schemes on all roads, other than 'A' roads and strategic routes managed by Transport for London, where the proposals concern no more than two roads or a junction of up to four roads within a single Neighbourhood\* and for the recommendation of schemes with wider coverage to the Environment and Sustainable Transport Committee for approval; schemes for public realm and other pedestrian spaces where they intersect several roads; and the recommendation of traffic management schemes of wider application to the relevant Strategic Committee; and agreements for the execution of highway works.

\*Where traffic management scheme proposals cross Neighbourhood boundaries, the approval of each relevant Neighbourhood Committee be required. In circumstances where it is not possible to reach agreement on the outcome the matter shall be referred to the Residents Committee for determination.

4. The making and implementation of on street parking restrictions; the approval of advisory parking bays for people with disabilities; and the exemption of roads from the footway parking ban.
5. The maintenance of Coombe Estate roads (under the Maldens and Coombe UDC Act 1933) (Maldens and Coombe).
6. The provision and location of recycling facilities; the control of litter; the provision and maintenance of highway trees and policy on Neighbourhood Community Noticeboards and managing community information sharing in the Neighbourhood.
7. Town Centre Management, including Shopmobility.
8. The management and operation of caravan sites.
9. All the miscellaneous powers under the Highways Act, 1980, the Acquisition of Land Act, 1981, the Wildlife and Countryside Act, 1981, the Cycle Tracks Act, 1984, the Housing Act, 1981, the Town and Country Planning Act, 1990 and the Countryside and Rights of Way Act 2000, relating to Public Footpaths, Highways, Bridleways and Rights of Way (as set out in Part 1 of the Schedule to the Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2001).

#### Leisure and Recreation

10. The management of public parks and the promotion and control of events therein and the management of playgrounds within parks.
11. Operation and management of community halls and the Market House (Kingston Town).

#### Licensing and Regulation

12. Responsibility for Licensing and Regulation functions that do not fall to be dealt with under the Licensing Act 2003. (Set out at **Annex 2**)
- 13 a) To undertake any necessary consultation on, and recommend to the Treasury (Partnerships) Committee any proposals for making or revoking Public Place Protection Orders (PSPOs) under the Anti-Social Behaviour Crime and Policing Act 2014 for their respective Neighbourhoods.
- 13 b) Recommending to the Treasury (Partnerships) Committee any proposals for revocation of Designated Public Places Orders made under S13 of the Criminal Justice and Police Act 2001 and still in force under the transitional provisions of the Anti-Social Behaviour, Crime and Policing Act 2014.

#### Community

14. To oversee the operation of a scheme for the allocation of Community Grants to voluntary organisations by the relevant Neighbourhood Manager in consultation with the Chair and individual Members as appropriate.

## COMMUNITY LEADERSHIP, INFLUENCE, EMPOWERMENT AND ENGAGEMENT

In addition to the exercise of its formal powers and duties, each Neighbourhood Committee is expected to:

1. engage with and respond to local residents, businesses, campaign groups and voluntary and community sector organisations in order to give them a voice and enable them to effectively participate in and influence the development of local services and policies and to identify solutions to local needs.
2. act as a conduit for consultation with and feedback from the local community and to develop and maintain an annual Community Engagement Plan and a Communications Plan
3. work with the local community in order to identify local priorities and approve and maintain a Community Plan.
4. empower the community, build capacity and resilience within it and encourage self-help schemes and volunteering programmes and opportunities, and to promote and engage the voluntary sector on community issues.
5. facilitate access by local residents to the decision making process and to regularly host community forums to which Portfolio holders, partner agencies and other community leaders, including representatives of schools, social care services, residents associations, the Police and health providers, will be invited to participate alongside Neighbourhood Members. The Forums, which will not be formal meetings of the Committee, will provide an opportunity for discussion of issues of local concern and for the creation of action plans and policies to meet the locally identified vision for the area.
6. have a local community leadership role and to empower and support individual Members to act as community leaders.
7. be responsible for representing the interests of residents of the Neighbourhood in relation to the effectiveness and demand lead provision of services by other public agencies.
8. act as a conduit for bringing together the community and providers of educational, children's and youth services. Within Community Forums and Community Panels, to focus on opportunities for young people around social activities provision, employment and engagement.
9. include Young People representation and views in all aspects of Neighbourhood work building communities for the future.

## SUPPORT FOR CORPORATE FUNCTIONS AND SERVICES

Each Neighbourhood Committee may support, promote and assist the work of the Council and its Strategic Committees in the following ways (responsibility for the management and implementation of the respective services and functions remains a matter for the relevant Strategic Committee)

1. Within such discretionary budget as may be allocated, the ability to incur expenditure for the general benefit of the Neighbourhood. This could be for example, the promotion or subsidy of courses and activities at leisure facilities, the promotion of community use of facilities or other appropriate activities.

2. Scrutiny of the provision of Council services within the area, including the monitoring and use of Neighbourhood service data.
3. To comment on proposed specifications for any Borough wide contracts where service delivery is likely to impact on the Neighbourhood and to monitor performance of the contractor where appropriate.
4. To promote and support Local health provision, campaigns and GP engagement and to promote, support and engage with public health services to achieve greatest benefit to residents.
5. Encourage and support and promote existing and new community lead local cultural, artistic and sporting initiatives, events and participation by public agencies to strengthen community wellbeing.
6. Support and promotion of emergency services community safety campaigns and initiatives providing Ward based community assurance during incidents and encouraging community cohesion and building community resilience.

### Strategic Matters

1. Where any matter under consideration by a Neighbourhood relating to Kingston Town Centre or the District Business Centres is deemed by the Committee to be strategic (i.e. with implications extending significantly beyond the town centre and impacting on other neighbourhoods) it shall be referred to the Treasury Committee for final decision along with any recommendation for action by the Neighbourhood Committee.
2. Cross Neighbourhood Boundary issues should be considered by both Neighbourhoods with the Neighbourhood where most impact and cost will fall having the overall and final decision.
3. In cases of doubt as to whether a particular matter under consideration falls within the definition of “strategic”, and where at least three Members of the Committee so request, advice shall be sought from the Monitoring Officer. In such cases no further action will be taken in respect of the matter until the Committee has met and considered the Monitoring Officer’s advice.
4. This procedure shall not apply to:
  - development control matters where there is already provision within the terms of reference of both the Committee and the Development Control Committee for significant planning matters to be dealt with by the Development Control Committee; or
  - Licensing and regulation matters where there is already provision within the terms of reference of the Committee and the Licensing Committee for significant licensing and regulatory matters to be dealt with by the Licensing Committee.

### NEIGHBOURHOOD LICENSING AND REGULATION FUNCTIONS

1. To consider reports from officers where it is considered that the most appropriate course of action in respect of a dwelling is the making of a demolition Order or the declaration of a clearance area and to determine the most appropriate course of action in respect thereof subject to the receipt of any representations;
2. To consider representations from any person, including tenants, having an interest in a property where hazards exist and which may be the subject of a demolition order and to determine the course of action to be taken under the Housing Acts;
3. To consider representations from any persons having an interest in the buildings which may be included within a clearance area and to determine the declaration of such an area under the Housing Acts;
4. To consider and determine appeals from any person aggrieved by a decision under the Council's Housing Renewal Policy (as revised):
  - a) appeals against a decision by officers that a grant be withheld, repaid, recalculated or redetermined or where the applicant is aggrieved by any of the discretionary conditions applied as a prerequisite to grant approval;
  - b) whether to demand repayment where there has been a breach of grant conditions, and, if so, how much;
5. To consider and determine applications for licences, registrations and other consents (other than in respect of the Licensing Act, 2003 and the Gambling act, 2005) where the appropriate officers feel unable to grant such consents under their delegated authority, this to include the consideration of representations;
6. To exercise the Authority's final discretion as to the showing of films, where appropriate;
7. To determine applications for the grant of sex establishment licences for the first time in respect of any premises and to consider applications for the renewal or transfer of licences where there are objections;
8. To consider and determine any statutory appeal against the rejection of an application for the grant or renewal of a consent under the Marriage Act, 1994;
9. To review decisions made by the appropriate officers in relation to the Access to Personal Files (Housing) Regulation 1989, where the tenant is, or under the Act is treated as, the subject of relevant information held by the Authority and where he or she or a member of his or her family is aggrieved by any decision concerning access to, or correction or erasure of, that information;
10. Responsibility for markets and street activities, including the allocation of stalls and pitches, and the issue of licences for street trading and street cafes. This to include:
  - a) to hear and determine appeals by market traders against suspension;
  - b) to determine the allocation of Market Stalls where this is necessary;

- c) to consider and determine appeals by street traders against the refusal, revocation or suspension of a licence;
  - d) to consider and determine applications for street cafés where objections have been received following public consultation;
11. Registration of Births, Deaths and Marriages including Civil Partnerships;
  12. The Council's Health and Safety at work functions where the Council is regulating other businesses, including the issue of Licences for storage of petroleum and to licence and close premises for the keeping and selling of explosives; and
  13. Environmental Protection functions in respect of control of pollution, (air, land and water) regulation of statutory nuisances and other such environmental protection functions.