

Agenda

Corporate and Communities Overview and Scrutiny Panel

Monday, 23 July 2018, 10.30 am
County Hall, Worcester

All County Councillors are invited to attend and participate

This document can be provided in alternative formats such as Large Print, an audio recording or Braille; it can also be emailed as a Microsoft Word attachment. Please contact Democratic Services on telephone number 01905 844963 or by emailing democraticservices@worcestershire.gov.uk

DISCLOSING INTERESTS

There are now 2 types of interests:
'Disclosable pecuniary interests' and **'other disclosable interests'**

WHAT IS A 'DISCLOSABLE PECUNIARY INTEREST' (DPI)?

- Any **employment**, office, trade or vocation carried on for profit or gain
- **Sponsorship** by a 3rd party of your member or election expenses
- Any **contract** for goods, services or works between the Council and you, a firm where you are a partner/director, or company in which you hold shares
- Interests in **land** in Worcestershire (including licence to occupy for a month or longer)
- **Shares** etc (with either a total nominal value above £25,000 or 1% of the total issued share capital) in companies with a place of business or land in Worcestershire.

NB Your DPIs include the interests of your spouse/partner as well as you

WHAT MUST I DO WITH A DPI?

- **Register** it within 28 days and
- **Declare** it where you have a DPI in a matter at a particular meeting
 - you must **not participate** and you **must withdraw**.

NB It is a criminal offence to participate in matters in which you have a DPI

WHAT ABOUT 'OTHER DISCLOSABLE INTERESTS'?

- No need to register them but
- You must **declare** them at a particular meeting where:
You/your family/person or body with whom you are associated have a **pecuniary interest** in or **close connection** with the matter under discussion.

WHAT ABOUT MEMBERSHIP OF ANOTHER AUTHORITY OR PUBLIC BODY?

You will not normally even need to declare this as an interest. The only exception is where the conflict of interest is so significant it is seen as likely to prejudice your judgement of the public interest.

DO I HAVE TO WITHDRAW IF I HAVE A DISCLOSABLE INTEREST WHICH ISN'T A DPI?

Not normally. You must withdraw only if it:

- affects your **pecuniary interests** **OR** relates to a **planning or regulatory** matter
- **AND** it is seen as likely to **prejudice your judgement** of the public interest.

DON'T FORGET

- If you have a disclosable interest at a meeting you must **disclose both its existence and nature** – 'as noted/recorded' is insufficient
- **Declarations must relate to specific business** on the agenda
 - General scattergun declarations are not needed and achieve little
- Breaches of most of the **DPI provisions** are now **criminal offences** which may be referred to the police which can on conviction by a court lead to fines up to £5,000 and disqualification up to 5 years
- Formal **dispensation** in respect of interests can be sought in appropriate cases.

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Membership

Councillors:

Mr C B Taylor (Chairman), Mrs M A Rayner (Vice Chairman), Mr A D Kent, Mr R J Morris, Mr J A D O'Donnell, Prof J W Raine, Mr A Stafford, Mr R P Tomlinson and Mr R M Udall

Agenda

Item No	Subject	Page No
1	Apologies and Welcome	
2	Declarations of Interest and of any Party Whip	
3	Public Participation <i>Members of the public wishing to take part should notify the Head of Legal and Democratic Services in writing or by e-mail indicating the nature and content of their proposed participation no later than 9.00am on the working day before the meeting (in this case 20 July 2018). Enquiries can be made through the telephone number/e-mail address below.</i>	
4	Confirmation of the Minutes of the Previous Meeting	
5	Divisional Fund	1 - 4

Agenda produced and published by the Head of Legal and Democratic Services, County Hall, Spetchley Road, Worcester WR5 2NP. To obtain further information or hard copies of this agenda, please contact Samantha Morris 01905 844963 or Alyson Grice 01905 844962, email: scrutiny@worcestershire.gov.uk

All the above reports and supporting information can be accessed via the Council's website at [here](#)

Date of Issue: Friday, 13 July 2018

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CORPORATE AND COMMUNITIES OVERVIEW AND SCRUTINY PANEL 23 JULY 2018

DIVISIONAL FUND

Summary

1. The Head of Legal and Democratic Services has been invited to present the Worcestershire Councillors' Divisional Fund (WCDF) report. The CMR for Transformation and Commissioning has also been invited to attend the Panel meeting.

Background

2. The WCDF was launched on 1 August 2011 following agreement by Council and Leader. A regular report to Scrutiny on the operation of the WCDF is required and in the first two years since the launch of the scheme, these were considered by the Overview and Scrutiny Performance Board (OSPB). In April 2015 the OSPB agreed to ask this Panel to consider the report.

3. The report sets out the actual expenditure in each Division for 2017/18 together with any issues arising from the operation of the WCDF Scheme.

4. The WCDF Scheme is established under section 236 of the Local Government and Public Involvement in Health Act 2007 and allows Local Members to discharge the Council's functions in relation to the well-being of their local electoral Division (itself now included within section 1 of the Localism Act 2011). The Scheme has been agreed with the Leader of the Council in respect of executive functions and full Council in respect of non-executive functions. It is dependent on resource being set aside each financial year.

5. Members have considerable discretion in how they allocate funds in a way that would promote or improve economic, social and/or environmental well-being for the benefit of the whole or any part of their Division or those within it.

6. The WCDF Scheme has been established in such a way that it is intended to be, as much as possible, a self-regulating scheme with support and guidance provided by the Head of Legal and Democratic Services. Its day to day administration is done by Legal and Democratic Services.

7. Council initially approved the operation of the WCDF scheme from 1 August 2011 to 31 March 2012 and allocated £10,000 to each member for that financial year. Council has extended the WCDF Scheme for each financial year since then.

8. Local Member decisions under the WCDF Scheme are formal decisions on behalf of the Council. A transparent audit trail in respect of decisions under the

Scheme is essential in order to comply with the legislation. The individual Member is responsible for ensuring a record is made in writing of any decision or action she or he has taken in connection with this Scheme. A single page proforma is used to cover both the request to process a particular payment and also the record of that decision and reasons for it, to ensure the process is as streamlined as possible.

9. A record of each submission to the Scheme, detailing the amount, payee and brief rationale for each submission, is maintained by the Head of Legal and Democratic Services and published regularly on the Council's website. Records of expenditure under the Scheme (i.e. the request form and background documents) will be held for public inspection on request for 6 years at County Hall.

10. The main points of the year 2017/18 were:

- 722 submissions were authorised for payment
- £548,814 was spent, out of £580,208 made available
- £26,278 has been rolled forward to 2018/19

11. The stated purpose of the Scheme is to facilitate 'good works' for the benefit of the local Division whilst focusing on the environmental, economic or social well-being of the Division.

The organisations, events, individuals and groups who have benefited from the WCDF are many and varied and cover the breadth of Worcestershire life. They include social and sporting organisations, charities, community organisations and environmental schemes.

12. A full list of applicants and monies allocated is publicly available on the Council's website.

13. Joint submissions by members have also been received to support a community event or organisation which works or supports people across Divisions.

14. The Scheme requires the Head of Legal and Democratic Services to raise any issues arising from the operation of the scheme. The amount of administration to support submissions for payment should not be under-estimated; since the start of the Scheme 4,760 applications have been processed and £3,918,427 spent.

15. Points to note include:

(i) Code of Conduct

The Members' Code of Conduct applies to the exercise of the Scheme by individual members and the Scheme was updated to reflect the new Code of Conduct. Members are reminded that they will not be able to act where they have a Disclosable Pecuniary Interest in the matter, or a disqualifying Other Disclosable Interest (ODI). Members must ensure they expressly disclose any such interest on the form (e.g. if they are a governor of a school, or trustee of a charitable trust which is to benefit from a WCDF grant) and be aware that some close interests will disqualify them from involvement.

(ii) Financial viability

It is for the Member to consider the financial viability of a potential recipient (such as a local voluntary body). There is no benefit in handing public money over to an organisation which ceases to function before the benefit can be delivered. Members are encouraged to seek advice from the Chief Financial Officer should there be any cases of uncertainty or concern.

(iii) Completion of the Proforma

Positive feedback has been received as to the ease and simplicity of completing the single page proforma. Members can (and are encouraged to) complete the form electronically and send it via their WCC email account or can complete it by hand if they prefer. Members are however reminded that a clear rationale needs to be included as to how the monies will help improve or promote the economic, environmental or social well-being of the Division or those in the Division. It is a formal decision of the Council and the discretion must be exercised lawfully. If the rationale is not clear, the submission will have to be revised, introducing additional administration and delay. Members are also reminded that officers are not able to process banking information noted on a proforma as these details need to be received via separate formal documentation.

(iv) Monitoring and Evaluation

Members are reminded that these are Member decisions and officers do not actively monitor or evaluate the monies allocated from the Scheme to the applicants. Members are to assure themselves that the public monies have been spent in the way intended and as indicated on the proforma. Any proposed change in spend would need to be agreed by the Councillor in advance and the updated position noted appropriately on the original proforma and on the public record, or the grant recovered.

(v) Cross-Division Applications

Councillors may support joint applications for organisations (or similar) or events which lie outside the geographical boundary of their Division provided that their own Division will benefit so that it is a decision in relation to it. In order to comply with the Scheme and the law, it is important that the proforma's rationale articulates clearly how people from within the Councillor's Division would benefit from the monies being spent in another Division. The councillor cannot involve him or herself as a local member in any matter relating to another councillor's electoral Division without his/her prior knowledge and consent. An example of cross-divisional boundary spend includes events for looked after children supported by a number of members in individual District areas of the County.

(v) Social benefit

It is for the individual member to consider and be accountable for the proportionate benefit to residents arising from the spend from the public purse.

(vi) Purdah

Members are reminded that no decision can be taken or spend made during purdah. This includes District Council purdah where the member is likely to be a candidate.

Purpose of the Meeting

The Panel is asked to:

- consider and comment on the operation of the WCDF
- discuss whether allocating funding to Members is an effective and efficient use of the Council's resources
- determine whether it wishes to make any comments on the WCDF.

In doing so, Members may wish to consider:

- how decisions are made on where to allocate funding
- is giving money to Councillors the best way to allocate public funds?
- what happens to any unspent funds.

Supporting Information

Details of the scheme and payments made under it published on the Council's [website](#)

Contact Points

Specific Contact Points for this report

Alyson Grice/Samantha Morris, Overview and Scrutiny Officers Tel: 01905 844962/844963

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Simon Mallinson, Head of Legal and Democratic Services Tel: 01905 846670

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Background Papers

In the opinion of the proper officer (in this case the Head of Legal and Democratic Services) the following are the background papers relating to the subject matter of this report:

Worcestershire County Council [Divisional Fund Scheme](#)