

# **Briefing Paper – To Chair of Overview and Scrutiny**

## **Subject - Bromsgrove Ward Councillor Fund Pilot Scheme**

The Governance Review which took place over the summer and reported back to Council in September 2023 set out as a design principle that there needed to be more active participation from Members (backbenchers). One way to help this is to create Ward Budgets where they are empowered to help their local communities. Other Councils have this approach, including Worcestershire County Council and Worcester City Council. I have used the Worcestershire County Council scheme as a basis for the principles, however these schemes are all very similar.

In this draft scheme each of Bromsgrove's 31 members of the Council will have an allocation of £2,000 (per financial year), to spend on locally-determined initiatives within their Ward. They have reasonable discretion as to how to spend their allocation, as long as they are lawful for the Council, rational and are properly recorded.

The Bromsgrove Ward Councillor Fund (BWCF) is aimed at one-off items of expenditure or supporting community activity, local and national charities or voluntary organisations within the local Division.

Formal applications for bids to the BWCF can only be submitted by the Ward Councillor; however, individuals or organisations can contact their local Councillor and seek support from the Fund. The public will be encouraged to contact their Ward Councillors for support, in order to provide them with information on how support from the BWCF would promote or improve the economic, social or environmental well-being of the local area, or those people within it.

The Pilot Scheme will run for three years with a review after year 2 to evaluate its effectiveness and suitability for ongoing funding.

The cost of the scheme is £62,000 a year, which over the three year period would be a cost of £186,000. There is the requirement to administer the scheme which is estimated to cost circa £16k a year (25% of expenditure) linking to finance, procurement, legal and service specific support.

The scheme could be funded in 2 different ways:

- 1) Including a Budget for the Bromsgrove Ward Councillor Fund of £78k a year for the next 3 years and have this approved as part of the budget process.
- 2) As part of the budget process, approve the setting up of an earmarked reserve of £234k in order to fund the scheme.

## **1. Guiding Principles**

1.1 The purpose of the Bromsgrove Ward Councillors' Fund (BCWF) is to enable Councillors to allocate funds to facilitate 'good works' in and for the benefit of their respective Wards and thereby become more closely involved in their communities.

1.2 Members have considerable discretion in how they allocate funds.

1.3 Allocations of public money from the Fund must be done lawfully and transparently ie within the Council's legal powers, on a rational basis, and a formal public record made of the spending decision. The Fund must not be used in a way contrary to Council policy.

1.4 The BWCF is intended to be, as much as possible, a self-regulating scheme. If Members are unsure about the propriety of their intended allocation or whether it adheres to guidelines they should seek guidance from the Council's Section 151 Officer or Monitoring Officer or their staff. If still unsure: don't!

1.5 Members should ensure that their use of the WCDF adheres to legislation and District Council guidelines (either set out within this Scheme or as given from time to time) and that it is made very clear that any funding which is provided originates from District Council public resources.

## **2. Scheme principles**

2.1 The Scheme operated for a trial period from 1 April 2024 until 31 March 2027. The Scheme will be reviewed at the end of the second year for it's ongoing support.

2.2 The Scheme is established under s236 of the Local Government and Public Involvement in Health Act 2007 which allows local Members to discharge the Council's well-being functions in relation to their local electoral Division (now included within s1 of the Localism Act 2011) and has been agreed by the Leader of the Council in respect of cabinet functions and full Council in respect of non-executive functions.

2.3 Members are being given wide discretion as to how the economic, social or environmental well-being of their Ward may be promoted or improved by their use of the BWCF for the benefit of the whole or any part of their Ward or those within it.

2.4 The BWCF enables each Member to decide items of expenditure which are for the well-being of their Ward. This expenditure will be drawn from a specific BWCF budget allocated to each Member and which may not be exceeded.

2.5 This BWCF budget will be a maximum of £2,000 per financial year for each Member to spend on 'good works' within their Ward. The Scheme will only allow individual Members to carry forward to the following financial year any underspent amount if it has been agreed 3 months before the end of the financial year (and is being earmarked as part of a wider scheme either within the Ward or across a number of Wards (see point 3.7 below)).

2.6 There must be a transparent audit trail in respect of decisions under this Scheme. In compliance 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 and must ensure that record is provided to the Monitoring Officer within 1 month of the decision or action. The rationale must be clear – any that are unclear will be referred back to the Member, thus causing delay. A standard template will be supplied for this purpose which will form both the request to process a particular payment and also the record of that decision and reasons for it. Any electronic communication about the Scheme (forms, confirmation of joint Scheme) etc. must be sent from an authorised email address.

2.7 The Section 151 Officer will keep a record of WCF expenditure in respect of each Ward and either they or the Monitoring Officer will inform Members on request of the balance remaining. The Section 151 Officer or Monitoring Officer will also make an annual report to the Overview and Scrutiny Committee, setting out the actual expenditure in each Ward and any issues arising from the operation of the Scheme. Financial Monitoring Reports to Cabinet may also refer to expenditure under the Scheme.

2.8 Priority will be given to maintaining a high profile for the BWCF and the records of expenditure under the Scheme (ie a summary of the member request form above) will be publicly viewable on the Council's website and will be held for public inspection on request for 6 years by the Council.

### **3. Scheme Specifics**

3.1 Any decision under this scheme must not be contrary to Bromsgrove District Council policy, and the Council must have legal powers to make the decision and incur the expenditure proposed.

3.2 The Members' Code of Conduct applies to the exercise of the Scheme. Members must declare any Disclosable Pecuniary Interest (DPI) or Other Disclosable Interest (ODI) in the proposal. No proposal may be put forward in which the Member has a DPI or ODI which would require the Member to have withdrawn from a meeting. Where there is any doubt over the legality or propriety of the expenditure, either the Section 151 Officer or the Monitoring Officer will determine whether the expenditure is lawful and proper, and their decision as statutory officers will be final. Accordingly, where there is any potential concern about the lawfulness or propriety of the proposed expenditure, no firm commitment for expenditure should be made or promised until such advice has been sought and a determination made as needed.

3.3 Members may wish to have regard to any Community Profiling in respect of their Ward in relation to proposals for the BWCF.

3.4 The BWCF should not be used to provide grant-support to commercial enterprises (such as Private Care Homes, Private or Public Limited Companies). The BWCF may be used to support local or national charities or voluntary bodies working

within a Member's Ward if for the specific well-being of the Ward. The BWCF may be used to purchase goods or services from commercial enterprises in order to promote public well-being through use of those goods or services in the local community (see below).

3.5 The BWCF should be used for one-off items of expenditure and not for expenditure that would create an on-going financial commitment.

3.6 The BWCF cannot be used for direct employment of staff or for gifts or hospitality payments.

3.7 Two or more Members may agree on a joint proposal for the whole or part of their WCDF budgets - formal confirmation will be required from all Members involved in the joint proposals. Note that a joint proposal must be of benefit to the Wards of all Members putting it forward.

3.8 Proposals to use the BWCF for road repairs and highway schemes will be referred by the Member to the Environmental Services Directorate to determine the feasibility and cost. Funding for speed cameras is permissible if the camera is used under the guidance, authority and training of the Police.

3.9 Members should consider the financial viability of a potential recipient (such as a local voluntary body) in order to reduce the risk of public money being wasted, and in cases of uncertainty or concern are encouraged to seek advice from the Section 151 Officer.

3.10 Members will be responsible for organising and facilitating any publicity in relation to expenditure from the BWCF which should, where possible, clearly state the link to Bromsgrove District Council. Any publicity must be non-party political and in accordance with legal restrictions on the Council, with the periods before elections particularly sensitive.

3.11 Where a proposal is for a project that requires funding from more than one source (and not all sources are the BWCF) members are advised to allocate funding to a specific part of the project (e.g. new carpets, disabled toilets, painting etc) rather than put monies into a larger pot. If the payee is VAT registered and can recover VAT on goods or services to be funded, the BWCF grant should be net of VAT.

3.12 Under the rules of HM Revenue and Customs, if the grant is to be paid to an individual (rather than a group or committee) to provide a service as opposed to purchasing goods, it is necessary to consider whether the recipient should be classed as an employee of the District Council or self-employed. Only if it has been established that the work to be undertaken is one of self-employment can a payment be made. It is not permitted to engage anyone as an employee using the BWCF. Advice on this can be obtained from Human Resources.

3.13 Where a grant is in excess of £1,000 and the payment is to be made directly to a supplier (e.g. to buy football kit on behalf of a team), Financial Regulations must be

followed and competitive quotations obtained. Advice on this can be obtained from Financial Services and Strategic Procurement within the Resources Directorate.

3.14 If for any reason the project for which the BWCF has been used does not go ahead, the recipient of the funding must contact the Member in question to discuss alternative proposals for the use of the funding and ensure that any allocation is returned to the Council. Members must ensure that any funding for such projects must be made subject to these conditions, should ensure the BWCF grant has been used for the intended purpose and must update the record supplied to the Section 151 Officer to reflect any subsequent variation.

3.15 Authorisation of expenditure from the BWCF must be made on the pro-forma provided and returned to the Monitoring Officer who will arrange publication of the decision and forward it to the Section 151 Officer. Orders will be placed, where appropriate, using the Council's usual procurement arrangements (for which details can be obtained from Strategic Procurement), or alternatively a cheque will be produced in the name of the recipient.

3.16 In the year of a Council election, no commitments, payments or related publicity may be undertaken once the Notice of Election has been published until after the date of the election. In a year of County Council elections the presumption would be the same if the member is likely to be a candidate.

#### **4. Review**

The Scheme operated for a trial period from 1 April 2024 until 31 March 2027. The Scheme will be reviewed at the end of the second year for its ongoing support.