

REVIEW OF THE COUNCIL'S POLICY FRAMEWORK

Standards Committee

20 November 2023

Previously considered by:

Constitutional Review Working Party 9 November 2023

Report Author

Committee Service Manager

Portfolio Holder

Councillor Yates, Portfolio Holder for Corporate Services

Status

For Recommendation

Classification:

Unrestricted

Executive Summary:

As part of the review by the Independent Monitoring Officer, it was recommended:

“To review the scheme of delegation to ensure that it is clear and easy to understand and also includes appropriate conditions requiring engagement of Cllrs in strategic and high-risk decisions.”

This report allows the Council to review the content of its Policy Framework, thereby defining the decisions the Council considers to be so significant, strategic or high-risk that only Full Council may take them. By defining the most important decisions, it allows for clarity on what can then be retained by Cabinet or Committees and in turn what can be delegated to the Head of Paid Service.

The report recommends updating the Council's policy framework by removing the Housing Investment Programme, the Food Law Enforcement Service Plan and the Local Transport Plan from its Policy Framework and replacing them with the Housing, Homelessness and Rough Sleeping Strategy, Housing Assistance Policy, HRA Business Plan and the Treasury Management Strategy. The reasoning for these changes are outlined in paragraph 2.6 of the body of the report.

Recommendation(s):

Members are asked to consider the recommendation from the Constitutional Review Working Party (CRWP) and make a recommendation to the Full Council regarding content of the Council's Policy Framework.

Corporate Implications

Financial and Value for Money

There are no financial implications to the report.

Legal

The Local Government Act 2000 requires the Council to periodically review and update its written Constitution. The proposals to amend the policy framework as set out in this report are congruent with those requirements. Any decision in relation to the Council's Policy Framework must be taken by Full Council.

Risk Management

There are no risks associated with this report.

Corporate

It is important for the Council to regularly review elements of its constitution to ensure that it remains up to date.

Equality Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

This report relates to the following aim of the equality duty: -

- To eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act.
- To advance equality of opportunity between people who share a protected characteristic and people who do not share it
- To foster good relations between people who share a protected characteristic and people who do not share it.

CORPORATE PRIORITIES

This report relates to the following corporate priorities: -

- Communities

1.0 Introduction and Background

1.1 As part of the review by the Independent Monitoring Officer, it was recommended:

“To review the scheme of delegation to ensure that it is clear and easy to understand and also includes appropriate conditions requiring engagement of Cllrs in strategic and high-risk decisions.”

- 1.2 The Council has recently published revised Officer delegations as another strand of addressing this recommendation via the General Purposes Committee. This report allows the Council to review the content of its Policy Framework, thereby defining the decisions the Council considers to be so significant, strategic or high-risk that only Full Council may take them.
- 1.3 This report along with the officer delegations report referenced above and the Key decision definition report elsewhere on this agenda together will complete the work needed to satisfy the recommendation of the Independent Monitoring Officer.
- 1.4 The report shows the Council's current Policy Framework and the changes proposed to it.

2.0 The Current Situation

- 2.1 The Council's Policy Framework consists of a number of plans and strategies which have been adopted by the Council. Some of these are required to be part of the Council's framework under the Local Government Act 2000. The Council can also decide to add further plans and strategies to its Policy Framework if it wishes.
- 2.2 When considering an item from its policy framework the associated report must be considered by the Council's Overview and Scrutiny Panel, its Cabinet and the final decision must be made by Full Council.
- 2.3 The Council's current policy framework is as follows:
 1. Community Safety Plan;
 2. Local Transport Plan;
 3. Plans and strategies which together comprise the Local Plan
 4. Council's Corporate Plan
 5. Housing Investment Programme
 6. Food Law Enforcement Service Plan;
- 2.4 The Council's management team reviewed the existing policy framework and made the following suggested changes:
 1. Community Safety Plan;
~~Local Transport Plan;~~
 2. Plans and strategies which together comprise the Local Plan
 3. Council's Corporate Plan;
~~Housing Investment Programme~~
~~Food Law Enforcement Service Plan;~~
 4. Housing, Homelessness and Rough Sleeping Strategy
 5. Housing Assistance Policy
 6. HRA Business Plan
 7. Treasury Management Strategy

2.5 The Local Transport Plan, the Housing Investment Plan and the Food Law Service Plan have all been removed from the plan and have been replaced by the Housing, Homelessness and Rough Sleeping Strategy, Housing Assistance Policy, HRA Business Plan and the Treasury Management Strategy.

2.6 The reasoning for this is set out below:

Item	Reason
Local Transport Plan - removal	The Local Transport Plan is part of the Local Plan which is already listed as part of the framework, so it is not necessary to list it separately.
Housing Investment Programme - removal	This term is no longer used, so is meaningless in the context of the plan, it has been replaced by a selection of other significant housing policies.
Food Law Enforcement Service Plan; - removal	The plan is still required, but it is not required to be part of the framework, so it is being recommended for removal.
Housing, Homelessness and Rough Sleeping Strategy	This is a significant housing policy that is deemed sufficiently important to be considered as part of the framework.
Housing Assistance Policy	This is a significant housing policy that is deemed sufficiently important to be considered as part of the framework.
HRA Business Plan	This is a significant housing policy that is deemed sufficiently important to be considered as part of the framework.
Treasury Management Strategy	Part of the statutory guidance that we must have regard to states that the Treasury Management Strategy should be approved by Full Council.

2.7 It is important to note that the policy framework is not an exhaustive list of items that should be considered by Full Council, there are still many items that by law have to be taken to Council, but are not required to be part of the framework.

2.8 Cabinet have reviewed the suggested changes and have raised no issues with them.

3.0 Recommendation from the Constitutional Review Working Party

3.1 The Constitutional Review Working Party considered this paper at its meeting on 9 November and made the following recommendation:

“To recommend the proposed changes as they are to the Standards Committee”.

4.0 Options

- 4.1 Members are asked to consider the recommendation from the CRWP and agree one of the following options:
- a) To recommend the proposed changes as they are to the Full Council.
 - b) To amend the proposed changes and recommend alternative proposals to the Full Council.
 - c) To recommend to the Full Council that no changes are made to the Council's Policy Framework.

5.0 Next Steps

- 5.1 Once a recommendation has been agreed by the Standards Committee this will be submitted to Full Council.
- 5.2 If agreed by Council the changes to the Policy Framework would be amended in the Council's Constitution and would become effective from the date of the Full Council decision.

Contact Officer: Nick Hughes, Committee Services Manager

Reporting to: Ingrid Brown (Head of Legal and Democracy & Monitoring Officer)

Annex List

None

Background Papers

None

Corporate Consultation

Finance: Matthew Sanham (Head of Finance and Procurement)

Legal: Ingrid Brown (Head of Legal and Democracy & Monitoring Officer)