

Wiltshire Council

Full Council

20 October 2020

Proposed Changes to the Constitution – Part 3B of the Constitution

Summary

This report sets out proposed changes to Part 3B of the Constitution (Policy Framework and Audit Committee).

Proposals

That Full Council approve the proposed changes to Part 3B of the Constitution as detailed in Appendix C.

Reason for Proposals

To ensure the council's constitution is up to date, clear and effective.

Ian Gibbons, Monitoring Officer

Wiltshire Council

Full Council

20 October 2020

Proposed Changes to the Constitution: Part 3B of the Constitution

Purpose of Report

1. This report asks the Standards Committee to consider recommendations of the Constitution Focus Group in relation to Part 3B and Protocol 2 of the Constitution including:
 - Paragraphs 1.1 and 1.2 of Part 3B – Policy Framework
 - Paragraph 2.8 – Audit Committee

Background

2. The Standards Committee has responsibility for oversight of the Council's constitution. It has established a cross party working group, known as the Constitution Focus Group, to advise and assist in carrying out this function.
3. The Focus Group met on 15 January 2020 to review sections of the Constitution set out above, and made recommendations to Standards Committee, which approved the recommendations for consideration at Full Council at a meeting on 7 July 2020. The notes of the relevant meetings are contained at **Appendix A**.
4. Following discussion at the meeting of Full Council on 21 July 2020, further work has been undertaken as requested to ensure the terminology included in the proposed amendments is accurate and consistent with the relevant legislation.
5. The Focus Group met on 28 September 2020 to further consider the sections and made additional recommendations. The Standards Committee considered the recommendation at its meeting on 7 October 2020 and agreed to recommend the changes to Full Council. The notes of the relevant meetings are contained at **Appendix B**.

Main Considerations

Policy Framework

6. The Policy Framework is a list of key documents and policies which are required to be approved by Full Council. This is either because it is statutorily required, or by previous decision of Full Council.
7. As legislation and strategies change, the policy framework requires periodic review and updating. A review was therefore undertaken by the Corporate Governance Working Group.
8. The review identified a number of items which were no longer required to be approved by Full Council, or had been added to the required list, and a number of items were proposed to be removed as Full Council approval was not the most appropriate method for their review and approval.

9. The review approach taken was as follows:

Routes to updating the constitution

Six routes to achieving the aim of this work have been identified

- I. Validation of cited legislation and strategies in the constitution as current*
- II. Addition of emerging legislation and strategies to the constitution*
- III. Deletion of redundant legislation and strategies from the constitution*
- IV. Removal of redundant legislation and strategies from the constitution through consultation with the Constitution Focus Group*
- V. Existing or emerging strategies which have not yet been signed off as per the constitution which can either be removed from 3B or signed off correctly*
- VI. Existing or emerging strategies which may make more sense for full council to sign off*

Items to update by appropriate route

I. Validation of cited legislation and strategies in the constitution as current

- *Emergency plans and civil contingency plans, as required by the Civil Contingencies Act 2004;*
- *Local Transport Plan, as required by the Transport Act 2000;*
- *Local development documents (including supplementary planning documents) which together comprise the Local Development Framework, as required by Planning and Compulsory Purchase Act 2004;*
- *Corporate Equality Plan, pursuant to the Public Sector Equality Duty under s149 of the Equality Act 2010;*
- *Homelessness Strategy, as required by the Homelessness Act 2002;*
- *Licensing Authority Policy Statement, as required by the Licensing Act 2003;*
- *Gambling Act Statement of Principles, as required by the Gambling Act 2005;*
- *Pay Policy Statement, as required by the Localism Act 2011;*
- *Enforcement Policy, as required by the Legislative and Regulatory Reform Act 2006.*
- *Corporate Parenting Policy for Looked After Children and Young People in Wiltshire;*
- *Business Plan*

II. Addition of emerging legislation and strategies to the constitution as statutory plans (rather than under the non-statutory section)

- *Air Quality Strategy, as required by the Environment Act 1995;*
- *Contaminated Land Strategy, as required by Part 2A Environmental Protection Act 1990;*

III. Deletion of redundant legislation and strategies from the constitution

- *Wiltshire Children and Young People's Plan, as required by the Apprenticeships, Skills, Children and Learning Act 2009;*

- *Joint Strategic Assessment of Crime and Policing, as required by the Crime and Disorder Act 1998;*
- *Child Poverty Strategy, as required by the Child Poverty Act 2010;*

IV. Removal of redundant legislation and strategies from the constitution through consultation with the Constitution Focus Group

- *Adult Learning Plan*
- *Customer Access Strategy*
- *Young Carers' Strategy*
- *Adult Care Transformation*
- *Food Safety, Food Standards and Food Law Enforcement Service Plan, as required by the Food Standards Agency*
- *Housing Strategy*

V. Existing or emerging strategies which have not yet been signed off as per the constitution which can either be removed from 3B or signed off

- *Youth Justice Plan, as required by the Crime and Disorder Act 1998; The annual [Youth Justice Plan](#) has currently been signed off by the cabinet member and YOT Board not full council (suggest removal);*
- *Housing Renewal Strategy, as required by the Housing Act 2004; this strategy is currently under development (suggest retention);*
- *Corporate Asset Investment Strategy and Corporate Property Strategy; the equivalent of the [Corporate Asset Investment Strategy/ Corporate Property Strategy](#) was signed off by cabinet not full council (suggest removal)*

VI. Existing or emerging strategies which may make more sense for full council to sign off

- *Treasury Management Policy*
- *Capital Investment Strategy*
- *Household Waste Management Strategy*

10. A query raised at Full Council had asked whether a change in the wording of the Local Development documents item meant that, in effect, some of the documents currently to be approved by Full Council would no longer need to be decided there. This was not the intention of the Focus Group or the Standards Committee, but at the request of Council the sections were reviewed further, and the wording left unchanged.

11. Therefore, following the completion of the six routes above and reconsideration by the Focus Group, who further clarified that the document including reference to carbon reduction which they had previously recommended by included in the policy framework should be listed as the Climate Strategy (including carbon reduction), it was recommended that Part 3B of the constitution would read as below:

*Adopting the following **statutory plans**, strategies and documents as part of the policy framework of the Council:*

- *Emergency plans and civil contingency plans; Civil Contingencies Act 2004*
- *Local Transport Plan; Transport Act 2000*

- *Local development documents (including supplementary planning documents) which together comprise the Local Development Framework, as required by Planning and Compulsory Purchase Act 2004;*
- *Corporate Equality Plan; Public Sector Equality Duty under s149 of the Equality Act 2010*
- *Homelessness Strategy; Homelessness Act 2002*
- *Housing Renewal Strategy; Housing Act 2004*
- *Licensing Authority Policy Statement; Licensing Act 2003*
- *Gambling Act Statement of Principles; Gambling Act 2005*
- *Pay Policy Statement; Localism Act 2011*
- *Enforcement Policy; Legislative and Regulatory Reform Act 2006*
- *Air Quality Strategy; Environment Act 1995*
- *Contaminated Land Strategy; Part 2A Environmental Protection Act 1990*

Adopting the following **non-statutory plans**, strategies and documents which also form part of the policy framework of the Council:

- *Corporate Parenting Policy*
- *Business Plan*
- *Treasury Management Policy*
- *Capital Investment Strategy*
- *Household Waste Management Strategy*
- *Climate Strategy (inc. Carbon Reduction)*

Audit Committee

12. The Focus Group agreed to recommend that the name of the Audit Committee be amended to the Audit and Governance Committee, to better reflect its remit. There would be no other changes to the terms of reference of the Committee, and it was common for such committees to reference Governance in their title.
13. The proposed changes to the Policy Framework and Audit Committee terms of reference are shown at **Appendix C**.

Safeguarding Implications

14. There are no safeguarding issues arising from this report.

Equalities Impact of the Proposal

15. There are no equalities impacts arising from this report.

Risk Assessment

16. There are no risk issues arising from this report.

Financial Implications

17. There are no financial implications arising from this report.

Legal Implications

18. The recommendations in this report are consistent with the council's duties under relevant legislation.

Public Health Impact of the Proposals

19. There are no public health impacts arising from this report.

Environmental Impact of the Proposals

20. There are no environmental impacts arising from this report.

Proposal

21. **That Full Council approve the revisions to Part 3B of the Constitution as set out in Appendix C.**

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Appendices

Appendix A – Constitution Focus Group notes –15 January 2020 and Standards Committee Minutes Extract 7 July 2020

Appendix B – Constitution Focus Group notes –28 September 2020 and Standards Committee Minutes Extract 7 October 2020

Appendix C – Proposed changes to Part 3B

Background Papers

[Current Part 3 of the Constitution](#)