

Wiltshire Council

Standards Committee

7 October 2020

Recommendations of the Constitution Focus Group: 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, with the notes contained at **Appendix A**.
4. Following discussion at the last meeting of Full Council, 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 consider the sections, with the notes contained at **Appendix B**.
6. The Health and Wellbeing Board has also requested a change to its terms of reference to include additional members.

Main Considerations

Policy Framework

7. 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.
8. As legislation and strategies change, the policy framework requires periodic review and updating. A review was therefore undertaken by the Corporate Governance Working Group.
9. 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.
10. 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)*

There is scope to remove these from part 3B or take the documents through full council for sign off.

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*

11. Following the completion of these six routes which was presented to the Focus Group, who also requested the Carbon Reduction Strategy should be included as policy framework item, 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)*

Health and Wellbeing Board

12. Under the Health and Social Care Act 2012, the Health and Wellbeing Board may appoint such additional persons to be members of the Board as it thinks appropriate, subject to approval by the local authority.
13. The Health and Wellbeing Board discussed at its meeting on 24 September 2020 that an additional member (a representative from Wiltshire Health and Care) be added to its membership as a non-voting member. It is proposed this member will be a non-voting member of the Board since Wiltshire Health and Care are a provider of community health services, rather than a commissioner.
14. The objective of this appointment is to include this key stakeholder in the discussions about health and wellbeing, in particular to help develop the Integrated Care System. In addition, it is proposed a representative from Dorset and Wiltshire Fire Service also be added as a non-voting member, the DWFS have been a long-standing attendee at the Health and Wellbeing Board and it is requested this position ratified to confirm the ability for the Fire Service to participate as a partner supporting public health.

Audit Committee

15. 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.

Safeguarding Implications

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

Equalities Impact of the Proposal

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

Risk Assessment

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

Financial Implications

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

Legal Implications

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

Public Health Impact of the Proposals

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

Environmental Impact of the Proposals

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

Proposal

23. **To recommend Full Council approve the revisions to Part 3B of the Constitution as set out in Appendix C.**

Ian Gibbons, Director, Legal and Governance

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Appendices

Appendix A – Constitution Focus Group notes –15 January 2020
Appendix B – Constitution Focus Group notes –28 September 2020
Appendix C – Proposed changes to Part 3B

Background Papers

[Part 3 of the Constitution](#)