

## **Wiltshire Council**

### **Standards Committee**

**7 July 2020**

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## **Recommendations of the Constitution Focus Group: Part 3B of the Constitution – Policy Framework**

### **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

### **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**.

### **Main Considerations**

4. 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.
5. As legislation and strategies change, the policy framework requires periodic review and updating. A review was therefore undertaken by the Corporate Governance Working Group.
6. 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.
7. 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;*
- *Housing Renewal Strategy, as required by the Housing Act 2004; this strategy is currently under development*
- *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.*

*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*

8. 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 Framework; 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*
- *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*
- *Housing Renewal Strategy; Housing Act 2004*
- *Youth Justice Plan; Crime and Disorder Act 1998*

*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*
- *Corporate Asset Investment Strategy and Corporate Property Strategy*
- *Treasury Management Policy*
- *Capital Investment Strategy*
- *Carbon Reduction Strategy*

### **Safeguarding Implications**

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

### **Equalities Impact of the Proposal**

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

### **Risk Assessment**

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

### **Financial Implications**

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

### **Legal Implications**

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

### **Public Health Impact of the Proposals**

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

### **Environmental Impact of the Proposals**

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

### **Proposal**

16. **To recommend Full Council approve the revisions to Part 3B of the Constitution relating to the Policy Framework as set out at Paragraph 8 of this report**

### **Ian Gibbons, Director, Legal, Electoral and Registration Services**

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### **Appendices**

Appendix A – Constitution Focus Group notes –15 January 2020

### **Background Papers**

[Part 3 of the Constitution](#)