

# GOVERNANCE COMMITTEE

## Agenda Item 28

Brighton & Hove City Council

<b>Subject:</b>	<b>Review of Policy Framework</b>	
<b>Date of Meeting:</b>	<b>20 September 2011</b>	<b>Governance Committee</b>
	<b>20 October 2011</b>	<b>Full Council</b>
<b>Report of:</b>	<b>Monitoring Officer</b>	
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<b>Ward(s) affected:</b>	<b>All</b>	

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report invites Governance Committee to review the content of the council's existing policy framework and to recommend amendments to Full Council.

#### 2. RECOMMENDATIONS:

- 2.1 That Governance Committee review the council's existing policy framework which is set out in Part 3.1 of the constitution and reproduced at Appendix 1, by considering whether the list of plans and strategies that comprise the framework is correctly worded and up to date; and
- 2.2 That, in light of their review, Governance Committee agree the amended policy framework set out in Appendix 2, reflecting the analysis in paragraphs 3.4 and 3.5 below, and recommend its adoption by Full Council.

#### 3. RELEVANT BACKGROUND INFORMATION

- 3.1 The Local Government Act 2000 and associated regulations provide that certain local authority functions may only be exercised by Full Council. One such function is that of approving or adopting certain plans and strategies collectively known as 'the policy framework'.
- 3.2 The plans and strategies comprising the policy framework fall into one of two categories:
- (i) those which must by law be approved or adopted by Full Council;
  - (ii) those which the council has determined are to be approved or adopted by Full Council
- 3.3 The existing content of both categories are set out in Part 3.1 of the constitution and, for ease of reference, reproduced at Appendix 1.

3.4 It is recommended that the following amendments be made to the list of plans and strategies in the first category above (i.e. paragraph 3.2(i)). These amendments merely update the list to reflect the current statutory position. The council has no power to determine which plans and strategies are included.

- (i) 'Best Value Performance Plan' be deleted. The requirement to produce the plan was abolished when the Comprehensive Performance Assessment was replaced by the Comprehensive Area Assessment (CAA). In June 10 the government announced that the CAA itself would be abolished.
- (ii) 'Children and Young People's Plan' be deleted as the statutory basis for this plan has been revoked.
- (iii) 'Community Strategy' be amended to 'Sustainable Community Strategy'
- (iv) 'Plans with Development Plan Document status which together comprise the Local Development Framework and the Waste and Minerals Development Framework' be amended to 'Plans with Development Plan Document status'

3.5 It is recommended that the following amendments be made to the list of plans and strategies in the second category above (i.e. 3.2(ii)). Full Council has complete discretion over which plans and strategies are included in this list.

- (i) 'Food Law Enforcement Service Plan' be amended to 'Official Feed and Food Controls Service Plan' to reflect the current name for this plan.
- (ii) 'The plan and strategy which comprise the Housing Investment Programme' be deleted, as the requirement for this programme no longer exists.
- (iii) 'Adult Learning Strategy' be deleted. This plan is produced by the Brighton & Hove Learning Partnership and largely relates to services which are not council-specific and therefore not appropriate for approval by Full Council.
- (iv) 'Sustainability (Local Agenda 21) Strategy' be amended to 'Sustainability (Local Agenda 21) Strategy (or the successor to this strategy)' as the name of original document is obsolete. A replacement strategy relating to sustainability is under consideration, and the end product will be an important document given that making Brighton & Hove the most sustainable city in the UK is a council priority, of sufficient corporate significance to warrant Full Council approval.
- (v) 'Inclusive Council Policy' be amended to 'the Council's Equality Policy and Action Plan'. What was the Inclusive Council Policy is now known as the Council's Equalities & Inclusion Policy. This itself is being revised to combine it with the Council's Single Equality Scheme and is expected to become the Council's Equality Policy and Action Plan to reflect the public sector equality duty and other obligations in the Equality Act 2010.

(vi) 'Local Area Agreements' be deleted as such agreements are now obsolete.

3.6 The proposed policy framework, as amended in accordance with paragraphs 3.4 and 3.5 above, is set out in Appendix 2.

#### **4. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

4.1 There are no financial implications of any significance associated with this series of amendments to the council's constitution.

*Finance Officer Consulted: Anne Silley Date: 19/08/11*

##### Legal Implications:

4.2 One of the functions of Governance Committee is to consider proposed changes to the constitution and to make recommendations, based on those changes, to Cabinet or Full Council as appropriate. In this instance, since all the amendments relate to council functions, the recommendations are to be referred to Full Council.

Those functions which are the preserve of Full Council are specified in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000. Those referred to in paragraph 3.2(i) above are governed by regulation 4(1) and set out in Schedule 3 of the regulations; those referred to in paragraph 3.2(ii) above are governed by regulation 5(1) and set out in Schedule 4, paragraph 1 of the regulations

*Lawyer Consulted: Oliver Dixon Date: 18/08/11*

##### Equalities Implications:

4.3 The inclusion of the council's equality policy and action plan in the proposed list of plans and strategies for approval by Full Council confirms its corporate importance.

##### Sustainability Implications:

4.4 Under the proposed amendments to those plans and strategies which the council has determined should be approved by Full Council, the corporate strategy relating to sustainability (regardless of what title is adopted for it) will continue to require Full Council endorsement.

##### Crime & Disorder Implications:

4.5 The list of plans and strategies that must by law be adopted or approved by Full Council include a number that relate to crime and disorder:

- The Crime and Disorder Reduction Strategy
- The Youth Justice Plan
- Statement of Licensing Policy pursuant to the Licensing Act 2003

There are no proposals in this report to delete or change the names of these documents

Risk and Opportunity Management Implications:

4.6 None associated with this report

Public Health Implications:

- 4.7 The list of plans and strategies which the council has determined should be adopted or approved by Full Council include the following documents that relate to public health:
- Official Feed & Food Controls Service Plan
  - Health & Safety Annual Service Plan

There are no proposals in this report to delete or change the name of these documents.

Corporate / Citywide Implications:

4.8 The Council's Corporate Plan is one of the plans which the council has determined should be adopted or approved by Full Council. There are no proposals in this report to change that arrangement.

**SUPPORTING DOCUMENTATION**

**Appendices:**

1. Transcript of policy framework from Part 3.1 of the constitution
2. Proposed policy framework, as amended

**Documents In Members' Rooms**

None

**Background Documents**

None

Extract from Part 3.1 of the council's constitution, setting out the council's existing policy framework

**Policy Framework**

The policy framework means the following plans and strategies:

**(i) those required by law to be adopted by Full Council**

- Annual Library Plan
- Best Value Performance Plan
- Children and Young People's Plan
- Community Strategy
- Crime & Disorder Reduction Strategy
- Local Transport Plan
- Plans with Development Plan Document status which together comprise the Local Development Framework and the Waste and Minerals Development Framework
- Youth Justice Plan
- Statement of Licensing Policy pursuant to the Licensing Act 2003
- Statement of Gambling Policy pursuant to the Gambling Act 2005

**(ii) those which the Council has determined should be adopted by Full Council as part of the Policy Framework:**

- Food Law Enforcement Service Plan
- The plan and strategy which comprise the Housing Investment Programme
- Adult Learning Strategy
- City Employment and Skills Plan
- Sustainability (Local Agenda 21) Strategy
- The Council's Corporate Plan
- Inclusive Council Policy
- Health and Safety Annual Service Plan
- Local Area Agreements

Proposed policy framework, as amended

**Policy Framework**

The policy framework means the following plans and strategies:

**(i) those required by law to be adopted by Full Council**

- Annual Library Plan
- Sustainable Community Strategy
- Crime & Disorder Reduction Strategy
- Local Transport Plan
- Plans with Development Plan Document status
- Youth Justice Plan
- Statement of Licensing Policy pursuant to the Licensing Act 2003
- Statement of Gambling Policy pursuant to the Gambling Act 2005

**(ii) those which the Council has determined should be adopted by Full Council as part of the Policy Framework:**

- Official Feed and Food Controls Service Plan
- City Employment and Skills Plan
- Sustainability (Local Agenda 21) Strategy (or the successor to this strategy)
- The Council's Corporate Plan
- The Council's Equality Policy and Action Plan
- Health and Safety Annual Service Plan