

## Policy Framework – Review of the Governance Working Group and Proposed Changes.

### Report of the Director of Legal and Democratic Services

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Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.

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#### **1) Recommendation**

(a) that Council be recommended to amend Article 4 of the Constitution as outlined in section 4 of the Report (with the additions to the policy framework shown in red);

(b) that further work be undertaken in relation to sign off processes for the (Sustainable) Community Strategy and Crime and Disorder Reduction Strategy following further discussions with the partnerships regarding current arrangements; and

(c) that Council delegates Authority to the Director of Legal and Democratic Services in consultation with the Governance Working Group to further amend the policy framework after the work at (b) is undertaken.

#### **2) Background / Introduction**

The Council recently, following the need to undertake some checks and balances on the policy framework, agreed to ask the Governance working group to review the Council's current Policy Framework in its entirety.

The Council's current Policy Framework is outlined in Article 4 in the Constitution. Below shows those plans currently requiring Council sign off.

##### Article 4 - The Full Council

##### 4.1 Meanings

(a) Policy Framework (the policy framework means the following plans and strategies (or successor documents):

- The Council's Strategic Plan;
- Minerals and Waste Development Plan documents;
- Local Transport Plan;

- Municipal Waste Management Strategy;
- Pay Policy Statement

Schedule 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 lists those functions not to be the sole responsibility of an Authorities Executive, as outlined below.

- Annual Library Plan - S1(2) of the Public Libraries and Museums Act 1964
- Best Value Performance Plan - S6(1) of the Local Government Act 1999
- Children and Young People's Plan- Children and Young People's Plan (England) Regulations 2005
- Crime and Disorder Reduction Strategy – S's 5 and 6 of the Crime and Disorder Act 1998
- Development Plan Documents - Section 15 of the 2004 Act
- Plans and alterations which together comprise the Development Plan - S54 of the Town and Country Planning Act 1990
- Licensing Authority Policy Statement - Section 349 of the 2005 Act
- Local transport Plan - Section 108(3) of the Transport Act 2000 (c. 38)
- Sustainable Community Strategy - S4 of the Local Government Act 2000
- Youth Justice Plan - S40 of the Crime and Disorder Act 1998.

Whilst it is recognised that some of these plans and strategies have been superseded or no longer exist, it is also noted that the Council have previously signed off additional Strategies or matters not currently reflected in the Policy Framework, such as the Member Development Strategy and Members Allowances.

The plans relating to Development Management and Local Transport are already covered by the Policy Framework.

It is also the case that some of the above plans do not relate to the functions of the County Council, for example licensing and Development Plans under the Town and Country Planning Act 1990.

### **3) Consultations / Representations / Technical Data**

Views were sought from the Governance Working Group and benchmarking across other Authorities as well as a review of Regulation 4 of the 'Local Authorities (Functions and Responsibilities) (England) Regulations 2000'.

Listed below are a number of other plans and Strategies that other Authorities have detailed which relate to the functions of the County Council and comments as to whether these should be included, notwithstanding current arrangements with regard Executive Functions in relation to matters concerning economic development, education and adult social care.

Education Strategy – No - Executive Function  
Strategic Economic Plan – No - Executive Function  
Health and Wellbeing Strategy – No - Executive Function currently delegated to the Health & Wellbeing Board  
Schools Sufficiency Strategy (planning of places) – No - Executive Function  
Early Help Strategy – No - Executive Function  
Corporate Parenting Policy / Plan – Yes, to be included as Council responsibility - [Corporate Parenting Strategy 2022-24 - Devon Children and Families Partnership \(dcfp.org.uk\)](#)  
Best Value Performance Plan – Yes, as forms part of the regulations and Leadership Team recently agreed to an annual performance plan / summary to go to Council in May each year – so needs adding to policy framework.  
Children and Young People’s Plan – Yes, to be included as per regulations- the current plan is here - [Children and Young People's Plan 2019-2023 - Devon Children and Families Partnership \(dcfp.org.uk\)](#).  
Community Care Plan – No - Executive Function.  
(Sustainable) Community Strategy – TBC (the setup requires further discussion as to sign off of plans and strategies).  
Crime and Disorder Reduction Strategy – TBC (the CSP setup is complex and requires further discussion as to sign off of plans and strategies)  
Early Years Development Plan – No - Executive Function  
Education Development Plan – No - Executive Function  
Youth Justice Plan – Yes, to be included as per the regulations

It would also be prudent for the Policy Framework to have a degree of flexibility to allow Council approval for other matters or issues, which due to their significance, should require Council approval, for example the forthcoming Devolution Deal.

#### 4) Main Body / Proposal

It is proposed that the Article 4 be amended as follows, with amendments shown in red.

- The Council’s Strategic / **Corporate** Plan;
- **Performance Plan and Summary**
- Minerals and Waste Development Plan documents;
- Local Transport Plan;
- Municipal Waste Management Strategy;
- Pay Policy Statement
- **Youth Justice Plan**
- **Corporate Parenting Policy / Plan**
- **Children and Young People’s Plan**
- **Member Development Strategy**
- **Members Allowances**
- **Constitution (except those minor updates which MO has delegated power to authorise as outlined in Article 15)**

Any other Plan, Strategy or matter (whether statutory or non-statutory) in respect of which the Council from time to time determines that the decision on its adoption or approvals should be taken by full Council rather than the Cabinet.

There is also a need to consider the (Sustainable) Community Strategy and Crime and Disorder Reduction Strategy following further discussions with the partnerships and current arrangements.

## **5) Strategic Plan**

Whilst this is not directly aligned to the Council's Strategic Plan 2021 – 2025, the proposal supports the commitment of being a trusted and inclusive Council that hears the voices of all our communities, listens and learns and makes good decisions.

## **6) Financial Considerations**

There are no financial considerations.

## **7) Legal Considerations**

There is a requirement for Council's to be compliant with the requirements of Regulation 4 of the 'Local Authorities (Functions and Responsibilities) (England) Regulations 2000'.

## **8) Environmental Impact Considerations (Including Climate Change, Sustainability and Socio-economic)**

There are no environmental related issues.

## **9) Equality Considerations**

There are no equality related issues.

## **10) Risk Management Considerations**

No risks have been identified.

## **11) Summary / Conclusions / Reasons for Recommendations**

The revisions to the Policy Framework ensure that the Council is compliant with the requirements of the 'Local Authorities (Functions and Responsibilities) (England) Regulations 2000'.

In addition, the inclusion of those matters previously signed off by Council but not reflected in the framework ensures clarity of decision making and the addition of plans and strategies on Corporate Parenting for example, highlight the focus on the Authority on this crucial area.

### **Name**

Director of Legal and Democratic Services – Maria Price

**Electoral Divisions:** All

### **Local Government Act 1972: List of background papers**

NIL

### **Contact for enquiries:**

Name: Karen Strahan

Telephone: 01392 382264

Address: G31, County Hall, Exeter, EX2 4QD