

REPORT TO CONSTITUTION COMMITTEE

REPORT OF: Head of Legal and Democratic Services

REPORT NO: LDS097

DATE: 8th July 2013

TITLE:	CONSTITUTION REVIEW – ARTICLE 4 - MEANING OF POLICY FRAMEWORK	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Council Decision	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Councillor Paul Carpenter – Portfolio Holder for Governance and Communication	
CONTACT OFFICER:	Lucy Youles – Head of Legal and Democratic Services e-mail: l.youles@southkesteven.gov.uk Tel: 01476 4016105	
INITIAL IMPACT ANALYSIS: Equality and Diversity	Carried out and Referred to in paragraph (7) below Not applicable	Full impact assessment Required:
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	The Constitution http://www.southkesteven.gov.uk/index.aspx?articleid=1974	

1. RECOMMENDATIONS

It is recommended that the Constitution Committee recommend to Council the adoption of an updated Article 4.1 of the Constitution as follows:

4.1 Meanings

Policy Framework

The policy framework means the plans and strategies required to be adopted by the Council:

- The Corporate Plan
- The Medium Term Financial Strategy
- The Core Strategy and Development Plan Documents
- The Sustainable Communities Strategy
- The Pay Policy
- The Gambling Statement of Licensing Principles

2. PURPOSE OF THE REPORT

- 2.1 The purpose of the report is to inform members of the proposed update to the Constitution at Article 4 - page 40 of the Constitution for recommendation to Council to approve those policy framework documents which must be adopted by full Council.

3. DETAILS OF REPORT

- 3.1 The Council are required to have in place, and available for public view, a constitution which meets the requirements of the Local Government Act 2000 and all relevant, subsequent legislation. The Constitution should set out those matters which the Council considers are matters for the full Council to determine. The current matters are as set out at Article 4 of the Constitution. This Article sets out the meaning of policy framework documents which require approval/adoption by full Council. This list is out of date and requires updating.
- 3.2 The current list includes reference to:
- a best value performance plan,
 - community strategy,
 - crime and disorder reduction strategy and;
 - plans and strategies which together comprise the Development Plan.
- 3.3 Until 1 April 2008, local authorities were required to draw up an annual Best Value Performance Plan to demonstrate how they will satisfy their best value duty and to show how their progress is measured against best value performance indicators. The requirement to produce the plan was abolished when the Comprehensive Performance Assessment was replaced with the Comprehensive Area Assessment (CAA). In June 2010 the government announced that the CAA would be formally abolished and no similar provision is currently in place.

- 3.4 The community strategy has been replaced by the requirement for a Sustainable Community Strategy by virtue of an amendment to the Local Government Act 2000.
- 3.5 The District Council is not a responsible authority for provision of a crime and disorder reduction strategy. This is a statutory responsibility of county councils. The District Council has a responsibility in accordance with s.17 of the Crime and Disorder Act 1998 to consider crime and disorder implications. This is done as a matter for consideration on reports made to Council, Cabinet, Committees and Policy development Groups.
- 3.6 The provision of a pay policy statement was introduced by the Localism Act 2011. It is a requirement of the Act that the policy statement must be approved by resolution of the authority before it comes into force.
- 3.7 It is a requirement of the Gambling Act 2005 that each authority adopts a gambling statement of licensing principles every 3 years. The Council last adopted a statement of principles in December 2010.
- 3.8 Council adopted the Core Strategy in 2010. The Core Strategy and Development Plan Documents are the current terminology for the documents which make up the Local Development Framework.
- 3.9 The Medium Term Financial Strategy is approved by Council for a specified period.

4. OTHER OPTIONS CONSIDERED

The proposed meaning of policy framework document must be updated and continue to be reviewed to take account of legislative and other changes. No other options have been considered.

5. RESOURCE IMPLICATIONS

There are no resource implications relating to this report.

6. RISK AND MITIGATION

Risk has been considered as part of this report and any specific high risks are included in the table below:

Category Risk	Action / Controls
No specific high risks have been identified	

7. ISSUES ARISING FROM IMPACT ANALYSIS

None

8. CRIME AND DISORDER IMPLICATIONS

None

9. COMMENTS OF FINANCIAL SERVICES

There are no financial implications related to this report.

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

These proposed amendments are part of a wider review of the whole Constitution. All decisions made in respect of the documents listed have been made by full Council.

11. COMMENTS OF OTHER RELEVANT SERVICES

None

12. APPENDIX: None