

REPORT TO COUNCIL

REPORT OF: CORPORATE MANAGER – DEMOCRATIC AND LEGAL SERVICES

REPORT NO. DLS45

DATE: 8th September 2005

TITLE:	CHANGES TO THE CONSTITUTION – LOCAL CHOICE FUNCTION
FORWARD PLAN ITEM:	NOT RELEVANT
DATE WHEN FIRST APPEARED IN FORWARD PLAN:	NOT RELEVANT
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	POLICY FRAMEWORK AMENDMENT

COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:	NOT APPLICABLE
CORPORATE PRIORITY:	CORPORATE GOVERNANCE
CRIME AND DISORDER IMPLICATIONS:	NOT RELEVANT
FREEDOM OF INFORMATION ACT IMPLICATIONS:	THIS REPORT IS PUBLICLY AVAILABLE VIA THE COUNCIL'S WEBSITE – WWW.SOUTHKESTEVEN.GOV.UK UNDER “LOCAL DEMOCRACY – AGENDA AND MINUTES”
BACKGROUND PAPERS:	THE COUNCIL'S CONSTITUTION AND REPORT NO. DLS42

1. INTRODUCTION

- 1.1 The Constitution and Accounts Committee at its meeting on 26th July 2005 considered a report, namely DLS42, which proposed various options regarding the approval by Council of plans and strategies set out in article 4 of the Council's Constitution.
- 1.2 Currently, the Council's Constitution requires not only the adoption of statutory plans and documents recommended by the ODPM but, additionally, a number of other plans and strategies under its local choice function.
- 1.3 The report considered options for amending the requirement for the Council to consider such a large number of policy documents. The arrangements approved at other authorities were also considered in the report and the options considered were:
- That the Constitution remains as it is
 - That the Constitution be amended to transfer some of the local choice documents to Cabinet for adoption
- Or
- That the Constitution be amended to transfer all but the statutory documents to the Cabinet for adoption.

2. DETAILS OF THE REPORT

- 2.1 The current arrangements within article 4 of the Constitution are as follows. The four documents required by statute to be adopted by the Council are:
- Best Value Performance Plan
 - Community Strategy
 - Crime and Disorder Reduction Strategy
 - Plans and strategies which together comprise the Development Plan
- 2.2 Documents recommended by ODPM to be adopted by the Council also include:
- The Council's Corporate Plan (if any)
 - Food Law Enforcement Service Plan
 - The Planning strategy which comprises the Housing Investment Programme

- Local Agenda 21 Strategy

2.3 In addition to these, the Council has also chosen to include in its policy framework a number of other plans and strategies under its local choice function and has considered other such documents over the last 12 months. These include: -

- Economic Development Plan
- Welland Economic Development Strategy
- Housing Strategy
- Tourism Strategy
- Arts Strategy
- Sports Strategy
- Play Strategy
- Cycling Strategy
- Equal Opportunities Policy
- Health and Safety policy
- Data Protection Policy
- Freedom of Information Publication Scheme
- Environmental Health Enforcement Policy
- Regulation of Investigatory Powers Act Policy
- Supporting People Five-year Strategy
- Generic Equality Scheme
- Licensing Policy
- People Management Strategy
- Risk Management Strategy
- Consultation Strategy

3. RECOMMENDATION

3.1 After considering the report and the comments of members of the Committee and another member, the Committee resolved to recommend to the Council that the Constitution is amended to transfer all but the statutory documents to the Cabinet for adoption in the following terms:

Decision

That the Constitution and Accounts Committee recommends to Council that Article 4.1(iii) be removed from the Constitution and amends section 2.4 of the Executive Procedure Rules in Part 4 of the Constitution to read as follows:

“All reports to the cabinet from any member of the cabinet or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant development and scrutiny panels, and the outcome of the consultation. Unless in the case of urgency, the Cabinet will consult with the relevant development and scrutiny panel(s) on the following plans and strategies to be adopted by Cabinet as a matter of local choice:

- ***Economic Development***
- ***Welland Economic Development Strategy***
- ***Housing Strategy***
- ***Tourism Strategy***
- ***Arts Strategy***
- ***Sports Strategy***
- ***Play Strategy***
- ***Cycling Strategy***
- ***Equal Opportunities Policy***
- ***Health and Safety Policy***
- ***Data Protection Policy***
- ***Freedom of Information Publication Scheme***
- ***Environmental Health Services Enforcement Policy***
- ***Regulation of Investigatory Powers Act Policy***
- ***All other future plans and strategies that feature in the Forward Plan as Policy Framework Proposals not within the Council’s Policy Framework according to Article 4.1 of this Constitution***

Reports about other matters will set out the details and outcome of consultation where appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.”

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