
EXCERPT FROM THE MINUTES OF THE EXECUTIVE HELD ON 25 OCTOBER 2010

EX.171/10 POLICY FRAMEWORK
(Key Decision)

Portfolio Cross-cutting

Subject Matter

The Assistant Director (Governance) submitted report GD.54/10 concerning the Council's Policy Framework. He drew Members' attention to Appendix 1 to the report which set out where the Policy Framework sat in the Council's constitutional arrangements and the number of policies and strategies presently comprising that framework.

He outlined the relevance of the Policy Framework in the authority's governance arrangements, commenting that the policies within the framework, along with the budget, were the fixed parameters set by Council within which the Executive must act. Short of that, the Executive were entitled to take whatever decisions they deemed appropriate in respect of virtually all the functions of the Council vested in them. He added that the purpose behind the legislation which brought in the new governance arrangements was to streamline and speed up decision making and, more particularly, to produce greater clarity as to where responsibility for actual decisions rested by vesting the decision making powers in a small, identifiable body (the Leader and Executive) or, where there was an elected Mayor, in that individual personally. Details of the intended checks and balances on the Executive's powers were provided. It should be noted that the legislation provided for a strict compartmentalisation of Council functions and responsibilities; and if the wrong body took a decision it would be ultra vires and potentially challengeable. It was also important to be able to identify clearly whether a decision was inside or outside the Policy Framework, since if it was inside then the Executive could take it but if it was outside then it would be a matter for full Council. The number of policies and strategies within the Policy Framework obviously had a bearing on the ease of identifying whether a potential decision was within or outwith the framework and thereby down to the Executive or the Council.

The Assistant Director (Governance) explained that the legislation set out a limited number of core strategies which must be within the Policy Framework and therefore approved by full Council. Those were intended to be the most important governing strategies which went to the root of the authority's policy direction and aims, and must be included as part of the Policy Framework by law. For the purposes of the City Council those included the Crime and Disorder Reduction Strategy; Licensing Authority Policy Statements; Sustainable Community Strategy; and Plans and alterations which together comprised the Development Plan.

The legislation also allowed authorities to include other plans and strategies within its Policy Framework definition over and above the basic statutory core plans, the intention being to allow some local discretion in elevating a particular plan or strategy into their Policy Framework to reflect local preference and give some measure of local autonomy. When Carlisle first adopted its Constitution it took the view that all the authority's plans and strategies should be deemed to be part of the Policy Framework and thereby approved by full Council to reflect both their importance and the sovereignty of Council in setting policy. The thinking at that time was that, on top of the statutory core plans, there would be very few additional plans and strategies which would require to be adopted and so the governance arrangements could cope with their adoption. That had proved not to be the case since, as Appendix 1 indicated, there were currently 80 plans listed in the authority's framework which number was growing annually.

The Assistant Director (Governance) further outlined the consequences of having a large policy framework, as set out in the report. He drew Members' attention to Appendix 2 which specified what must be included within the Policy Framework, together with what the Government guidance recommended be included. It was also recommended that a sentence be added to the Constitution to clarify that the term 'Budget' included documents such as the Medium Term Financial Plan; Capital Strategy; Asset Management Plan and Treasury Management Strategy Statement, Investment Strategy and Minimum Revenue Provision Strategy (one document), the effect being that Council would retain the decision making authority over those documents.

It was proposed that the content of Appendix 2 became the Council's new Policy Framework as specified within Article 4 of the Constitution. In addition, there would be other policies, for example the Council's Gambling Policy, which were required by their respective enabling legislation to be dealt with by Council irrespective of what was specified in the Authority's Policy Framework. The table at Section 2.6 of the report illustrated, for comparison purposes, the number of policies reserved to District Councils rated as 'excellent' for CPA purposes and having gained a score of 4 in Use of Resources. There was no doubt that the leaner policy base assisted the Councils in achieving excellence.

In conclusion, the Assistant Director (Governance) reported that, for the reasons mentioned, the case for reviewing the number of policies and strategies presently comprising the authority's Policy Framework was compelling, particularly given that the Transformation Programme was leading to a leaner Officer corps and would necessitate a much sharper focus by both Members and Officers on what was important to the authority and a more economical use of their time. A way forward would be to consider limiting the Policy Framework only to the statutory core strategies with (possibly) the addition of any other strategies which the authority concluded were of sufficient importance to warrant their inclusion, although the Council may be content to include only the statutorily prescribed strategies and nothing more. Although it was not possible to give a definitive estimate of what a smaller Policy Framework designation would save in monetary terms it should, apart from any other advantage, reduce the time demands

on both Members and Officers and enable the reduced Officer establishment to service the authority's decision making processes from a lower staffing base.

He added that all of the Overview and Scrutiny Panels had asked to consider the matter, following which it would be brought back to the Executive on 17 January 2011. Thereafter, if deemed appropriate, a report with a recommendation would be presented to the Council at its meeting on 1 March 2011.

The Performance and Development Portfolio Holder was pleased to see the report, commenting that the Policy Framework should have been reviewed some time ago.

Summary of options rejected None

DECISION

That the Executive:

1. Noted the content of Report GD.54/10 and indicated that they were minded to recommend to Council the amendment to Article 4 of the Constitution and revision of its Policy Framework to those policies as specified in Appendix 2; and
2. Referred the report to all of the Council's Overview and Scrutiny Panels for comment.

Reasons for Decision

As detailed in Report GD.54/10, the proposed changes would lead to a streamlined Policy Framework which would streamline the decision making process and improve clarity of decision making and, in particular, the responsibility for decisions