
EXCERPT FROM THE MINUTES OF THE COMMUNITY OVERVIEW AND SCRUTINY PANEL HELD ON 25 NOVEMBER 2010

COSP.87/10 POLICY FRAMEWORK

The Assistant Director (Governance) (Mr Lambert) submitted report GD.61/10 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.

Mr Lambert 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.

Mr Lambert 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, Mr Lambert 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 would 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.

The matter had been considered by Executive on 8 November 2010 (EX.171/10).

The Executive resolved that:

‘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.’

In considering the report Members raised the following comments and questions:

- A Member of the Panel stated that they had been on the working group which worked on the new constitution 7 years ago. There was the emphasis that Council was the sovereign body and Members were keen to reserve that decisions on Council policy remained with Council. Members agreed that there were currently too many policies. However the list of high achieving Council's indicated in the report that had fewer policies were largely under single party control so the comparison was not like with like. Most of the policies were largely operational but there was some concern over those listed under Article 4. Members did not want to delegate the decision making to the Executive when the whole Council may want some input. With regard to policies such as the Tullie House transfer, what was involved? Would a decision such as the transfer to Trust status be taken by the Executive? Members recognised that while they could call in decisions call-in meetings were not always easy to organise and were usually used as a last resort.
- If there was only one date on the Forward Plan for a matter to be considered by the Executive, and that was not close to a Scrutiny meeting, it would make it difficult for Panels to scrutinise issues. In the past Panels would only call in a decision reluctantly if it was necessary.

Mr Lambert advised that the call-in mechanism existed for the Panels to use as they thought necessary and was there to hold the Executive to account.

- How can policies develop if they were not available for discussion before going to the Executive?

Mr O'Keeffe advised that although many of the policies listed were single items many, if not all, of them would be covered by those on the Article 4 list. They would be seen as part of current working procedures.

In response to a Member's question Mr Lambert advised that Agenda 21 was so called under legislation.

- How inclusive are the new policies?

The Town Clerk and Chief Executive (Ms Mooney) advised that they were fully inclusive.

Mr O'Keeffe confirmed that the action planning part of the Corporate Plan would review or support the policies and where previously there would have been proposed policies presented to Panels, the new scheme would give Panels the opportunity to scrutinise proposed policies as part of the Corporate Plan.

- Are all of those under Article 4 covered by the revised Policy Framework?

Mr Lambert advised that a lot of the policies under Article 4 were operational. He confirmed that while the Executive were free to make decisions they had to be held accountable and it had to be clear who had made specific decisions with Overview and Scrutiny as the check and balance.

- A Member was less comfortable with call-ins to hold the Executive to account. Members were pleased that the number of policies that would go through scrutiny was being reduced as Members relied on scrutiny picking up issues as well as the call-in process. Policies were operational, strategic or some that the Council doesn't own, such as consultation. With regard to the strategic documents scrutiny should be made aware of the dates that they would be going to the Executive via the Forward Plan. The Member believed that the Executive might appreciate some input from scrutiny rather than a confrontational meeting following a call-in.

Mr Lambert believed that the Scrutiny Panels would have to work differently as well as the Executive and that call-ins would have to be done more regularly. The Forward Plan mechanism already existed and Mr Lambert stated that the Executive may ask the opinion of the Panels. The Executive are aware that they would be responsible for decisions made and would want views of other Members.

- There was still some confusion about how Members would play a part in policy development if Members did not get the opportunity to look at new or revised policies.

Mr Lambert advised that if Members were not happy with a decision they could call in that decision.

Mr Crossley advised that having worked in one of the Councils named in the report success was reliant upon the right culture within the authority. Scrutiny would consider the Corporate Plan that would look at policy development annually. He was confident that the Executive would liaise with Scrutiny.

Councillor Ellis advised that within the current process the matter was discussed by the Executive then the policy changed at Council. Under the new scheme a policy matter would be scrutinised then a decision made. Decisions could be marked as policy related matters and referred to the Executive.

- There could be a resource issue as call-in meetings require officers and Members to be present and the meetings to be minuted. The Member still felt uncomfortable with the proposed new scheme and stated as an example the Asset Management Plan as it was such an important document not to go through scrutiny.

Mr Lambert assured Members that documents may be raised that may be part of policies within the policies proposed in the revised Policy Framework (as the Asset Management Plan was), and that they would be included in the Corporate Plan and the Medium Term Financial Plan before consideration at Council.

- There has to be a balance. Overview and Scrutiny have to be involved in policy development as call-in has not always been the best method of dealing with an unsatisfactory decision. There needs to be some protection for Scrutiny for what it was meant to be doing.
- The key to success is the relationship between the Executive and Scrutiny. Mr Crossley had stated that there had been a culture change in the authority where he had worked and an informal relationship. The Member believed that there should be a workshop for the Executive Members and Members of Scrutiny. The Member asked Councillor Ellis to mention to the Executive that a change of culture would be needed within the Executive.
- The Scrutiny Chairs group would like to have a meeting with the Executive to discuss the issues raised at the meeting.

RESOLVED – 1) That the Executive and Scrutiny acknowledge that a change is required in their relationship so that the Executive are more willing to inform Scrutiny of policy developments and advance notice of items which will be contained in the Forward Plan.

2) That the Panel endorse the suggestion from the Scrutiny Chairs Group that a meeting be arranged between Executive Members and the Scrutiny Chairs Group to look at building a good relationship and establishing a clear process for both informing of, and involvement in, policy development.

