



Agenda Item Introduction

Committee

CORPORATE SCRUTINY COMMITTEE

Date

7 MARCH 2023

Topic

THE COUNCIL'S POLICY FRAMEWORK

BACKGROUND

At the Corporate Scrutiny Committee meeting in May 2022 a scoping document was approved by the committee for an item on the Council's Policy Framework to be added to the workplan.

FOCUS FOR SCRUTINY

- To review the Council's policy framework and ensure that a sound strategic policy framework exists so that council policy provides a clear strategic direction.
- To clarify the current list of policies shown in the Constitution as requiring approval by full council.
- To action concerns arising from an internal audit report on the annual governance framework which highlighted the risk of not having up-to-date policies and strategies.

APPROACH

A committee report to be submitted.

APPENDICES ATTACHED

Policy Framework Review

Appendix 1: List of Policies monitored through the Annual Governance Statement

Appendix 2: Policy Framework List of Full Council Approval Policies

Contact Point: Melanie White, Scrutiny Officer, ☎ 821000 ext 8876

e-mail melanie.white@iow.gov.uk



Committee report

Committee	CORPORATE SCRUTINY COMMITTEE
Date	7 MARCH 2023
Title	POLICY FRAMEWORK REVIEW
Report of	CHIEF EXECUTIVE

EXECUTIVE SUMMARY

1. At the Corporate Scrutiny Committee meeting on 10 May 2022 a scoping document was approved by the committee for an item on the Council's Policy Framework to be added to the workplan.
2. The required outcome of the review was to ensure that a sound strategic policy framework exists so that council policy provides a clear strategic direction, supported by realistic action plans thereby enabling priorities to be set and choices to be exercised by councillors in the allocation of finance and other resources. And to assist the Council's scrutiny function of reviewing and developing policy and its subsequent implementation

RECOMMENDATIONS

3. That the content of the report and the list of policies required to be approved/adopted at full council be noted.
4. The scrutiny committee requests that the refreshed policy is brought to scrutiny for comment prior to sign off.
5. The scrutiny committee confirms it is satisfied that the concerns arising from an internal audit report on the annual governance framework, which highlighted the risk of not having up-to-date policies and strategies, are being addressed.

BACKGROUND

6. The review requirement is made up of three parts:
 - To review the Council's 'Policy Framework'
 - To clarify the current list of policies shown in the Constitution as requiring approval by full council, showing when those policies are updated/due for update

- To action concerns arising from an internal audit report on the annual governance framework which highlighted the risk of not having up-to-date policies and strategies.

Each of these will be taken in turn in the report.

7. **Review the Council's Policy Framework**

8. The 'Policy Framework' consists of the policy part of the 'Budget and Policy Framework' set out in the local authority's constitution in Part 3 'Responsibility for Functions' Section 5 ('Budget and Policy Framework Rules' [PART 3 - Budget and Policy Framework Rules.pdf \(moderngov.co.uk\)](https://www.moderngov.co.uk/policy-framework-rules)). Work has started to review the 'Policy Framework' and supporting documentation. The supporting documentation provides guidance to staff when developing policies across the council and includes a checklist of the process requirements, .
9. The review will require the Monitoring Officer's input to ensure that the process behind the relevant policy is in place and reflective of the requirements.
10. **To clarify the current list of policies shown in the Constitution as requiring approval by full council.**
11. The Monitoring Officer has reviewed the list of policies in the constitution to confirm the plans and strategies in the 'Policy Framework' (as defined) which are subject to full council approval or adoption.
12. Those policies which require approval by full council (full details attached in Appendix 2).
- Children and Young People's Plan
 - Corporate Plan
 - Crime and Disorder Reduction Strategy
 - Licensing Authority Policy Statement (Gambling Policy)
 - Local Development Plan
 - Local Transport Plan
 - Pay Policy Statement
 - Plan or strategy for the control of the local authority's borrowing, investments or capital expenditure
 - Plan or strategy for determining the local authority's minimum revenue provisions
 - Youth Justice Plan
13. Any other plan or strategy that is required by law or which the Full Council determines should be a 'Policy Framework' document and adopted or approved by Full Council. The Corporate Plan has been added to the 'Policy Framework' (please see Legal implications section).
14. **To action concerns arising from an internal audit report on the annual governance framework which highlighted the risk of not having up-to-date policies and strategies.**

15. The internal audit team undertook their annual review of the Annual Governance Statement (AGS) in January 2023. This review included a revisit of the concerns relating to out-of-date policies and strategies that underpin the AGS.
16. Following Internal Audit's assessment of this area was rated "limited assurance" in 2021/22. Fieldwork focussed on an agreed subset of 30 policies (see appendix 1.), most relevant to the AGS. Of the 30 documents checked eight, primarily in Finance, have currently passed their identified review dates. However, where this is the casework is underway to review and update documents in the next three months.
17. While documents remain in effect until superseded, having documents 'live' with review dates which have passed both reduces their credibility and introduces ambiguity. Addressing this will help to strengthen the policy portfolio with underpins the AGS. Overall, this area is now rated "reasonable assurance".
18. There is work still to do to ensure that document owners are aware of their responsibilities to keep council policies up to date either on their anniversary for review or as legislative or other changes in requirements take place. The policy framework provides staff with the requirements and process that they need to follow to make sure that this takes place. Work to refresh the framework is currently being undertaken and will address concerns raised. Once complete, it will be launched with an appropriate communications campaign to make sure that it is understood by staff.
19. In addition, the council is seeking to introduce a new document management system that will assist staff in the operational management of electronic policy storage and updating.

CORPORATE PRIORITIES AND STRATEGIC CONTEXT

20. Within the [Corporate Plan 2021 – 2025](#) there are key areas of activity that will be our main areas of focus for the lifetime of this plan which will need to be central to everything we do as a council. These areas MUST be addressed in committee reports.

Responding to climate change and enhancing the biosphere

21. There are no direct impacts on the [Council's Climate and Environment Strategy](#), nor the [UNESCO Biosphere](#) and the biodiversity, environment, and sustainable growth.

Economic Recovery and Reducing Poverty

22. There are no direct impacts.

Impact on Young People and Future Generations

23. There are no direct impacts.

Corporate Aims

24. This report underpins the [Corporate Plan 2021 - 2025](#) core value of “Being fair and transparent - This means making decisions based on data and evidence and in an open and accountable way.”
It supports the Alliance aspirations and priorities which are set against a clear vision to work together openly and with our communities to support and sustain our economy, environment, and people.

CONSULTATION

25. No external consultation has taken place at this point in time. When the Policy Framework has been finalised and agreed there may be a requirement for external consultation at that time.

SCRUTINY COMMITTEE OR PANEL VIEW

26. At the Corporate Scrutiny Committee meeting on 10 May 2022 a scoping document was approved by the committee for an item on the Council’s Policy Framework to be added to the workplan. This report provides an update on that requirement.

FINANCIAL / BUDGET IMPLICATIONS

27. There are no financial implications as a result of this report.

LEGAL IMPLICATIONS

28. Responsibility for a plan or strategy (with a ‘policy’ being regarded as interchangeable) depends upon the relevant legislative framework.
29. In the absence of any legislative provision placing responsibility for adoption or approval of a particular plan or strategy on the Full Council, such adoption or approval is, by default, an executive responsibility (see section 9D(2) of the Local Government Act 2000 and see, for example, R (on the application of 007 Stratford Taxis Ltd. v. Stratford on Avon District Council [2011] EWCA Civ 160).
30. Some plans or strategies are shared responsibilities, with the working up being an executive responsibility and the adoption or approval being for the Full Council (see e.g., regulation 4 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853 as amended). Under the Local Authorities (Standing Orders) (England) Regulations 2001 as amended, there is a conflict resolution procedure in certain circumstances where the executive has submitted a draft plan or strategy for approval (defined in regulation 2 of the 2001 Regulations, in effect, by reference to reg. 4(1) of the 2000 Regulations) giving a cooling off period for reconsideration before Full Council can reach its decision (see reg. 3 of and Part II of Schedule 2 of the 2001 Regulations).
31. Whether adoption or approval of a plan or strategy can be delegated by law is also dependent upon the particular legislative context.

32. Turning to the fundamental expression of the 'Policy Framework', this is narrowly used throughout this report to mean those policies or strategies which are subject to full council approval or adoption (see reg. 4 (8)) whether by virtue of regulation 4 and Schedule 3 or regulation 5 and paragraph 1 of Schedule 4 of 2000 Regulations. This is the definition used by the Government guidance.
33. The list within the Constitution is directly drawn from the updated Schedule 3 (with the Early Years Development and Childcare Plan being replaced by the Children's and Young People's Plan) – see regulation 4(1)(a) of the 2000 Regulations. The only exception being the Corporate Plan which has been added by choice in conformity with the Secretary of States' recommendation in the then Department for the Environment Transport and the Regions (DETR) Guidance (dated 6 October 2000): 'Local Government Act 2000: Guidance to English Local Authorities' – Chapter 2 – The Full Council and Members' Roles – see para. 2 – 21. The Annual Library Plan needs to be added back into that list. Regulation 4(1)(b) of the 2000 Regulations also includes any policy or strategy for the control of the local authority's borrowing or capital expenditure as policies and strategies for which adoption is the responsibility of the Full Council (see reg. 4 (8)).
34. The reference to regulation 5 and Schedule 4 relates to the option for the Full Council to take away the responsibility for adoption or approval of a plan or strategy (whether statutory or non-statutory) if such adoption or approval presently rests with the local authority's executive. Where Full Council wishes to exercise such option in such a particular circumstance, then the Council would need to formally resolve that the decision whether the particular plan or strategy should be adopted or approved should be taken by the Full Council (see reg. 4(1) (c) and reg. 5(1) and (5) of the 2000 Regulations). NB. This is not obviously needed in respect of plans or strategies already covered under reg. 4(1) (a) and (b) above.
35. In the absence of such a 'transfer of responsibility' resolution (in circumstances where the adoption or approval of a plan or strategy is an executive responsibility), it will remain a matter for the local authority's executive to agree the relevant plan or strategy and to be accountable for such plan or strategy as envisaged under the Executive Leader and Cabinet model of local governance under the Local Government Act 2000.
36. Where however Full Council does pass such a 'transfer of responsibility' resolution, then responsibility for adoption or approval passes directly to the Full Council (see reg. 5(5) of the 2000 Regulations). The practical consequence of this is that where an intended executive decision is contrary to, or not wholly within, any Full Council adopted or approved policy, then it ceases to be an executive decision to be made (unless the decision is urgent and prior written consent is obtained from the chairman of the relevant overview and scrutiny committee chairman or other person specified in reg. 5(2)(b)) and becomes one for the Full Council itself to make.

EQUALITY AND DIVERSITY

37. This report recommends the revision of the current Policy Framework. As part of the process for reviewing and updating the framework, an equality impact assessment will be undertaken and provided when the policy is presented to committee.

SECTION 17 CRIME AND DISORDER ACT 1998

38. There are no direct crime and disorder implications arising from this report,

OPTIONS

39. Option 1: The corporate scrutiny committee notes the content of the report
40. Option 2: The corporate scrutiny committee requests that the refreshed policy is brought to scrutiny for comment prior to sign off
41. Option 3: The corporate scrutiny committee confirms it is satisfied that the concerns arising from an internal audit report on the annual governance framework, which highlighted the risk of not having up-to-date policies and strategies, are being addressed.

RISK MANAGEMENT

42. Effective policy management assures that the council develops its policies in a consistent way, so employees understand what they're supposed to do. The council's Policy Management Framework ensures that consistent and uniform approach.

EVALUATION

43. Options 1 to 3 are recommended to meet the required outcome of the review, that is to ensure that a sound strategic policy framework exists so that council policy provides a clear strategic direction, supported by realistic action plans thereby enabling priorities to be set and choices to be exercised by councillors in the allocation of finance and other resources. And to assist the Council's scrutiny function of reviewing and developing policy and its subsequent implementation.

BACKGROUND PAPERS

44. Appendix 1 – List of policies monitored through the Annual Governance Statement
45. Appendix 2 – List of policies required for sign off at Full Council

Contact Point: Debbie Downer – Strategic Manager – Organisational Intelligence,
☎ 821000 e-mail debbie.downer@iow.gov.uk

WENDY PERERA
Chief Executive

COUNCILLOR CHRIS JARMAN
*Cabinet Member for Strategic Finance,
Transformational Change and Corporate Resources*