
Recommendations from the Constitutional Review Working Party

Relevant Portfolio Holder	Councillor Luke Court
Portfolio Holder Consulted	
Relevant Head of Service	Claire Felton, Head of Legal, Democratic and Property Services
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Wards Affected	N/A
Ward Councillor(s) consulted	N/A
Relevant Strategic Purpose(s)	An Effective and Sustainable Council
Non-Key Decision	
If you have any questions about this report, please contact the report author in advance of the meeting.	

1. RECOMMENDATIONS

Council is asked to RESOLVE that:-

the Policy Framework be updated, as detailed in Appendix 1 to the report, to remove reference to policies that no longer exist or which are considered in an alternative forum and to add reference to the HRA 30-year Business Plan and the Housing Asset Management Strategy.

2. BACKGROUND

- 2.1 A meeting of the Constitutional Review Working Party took place on Thursday 13th July 2023.
- 2.2 During this meeting, a range of issues were discussed by Members of the group and changes were recommended to the content of the Council's Policy Framework, which is included in the Articles at Part 2 of the Council's constitution.
- 2.3 The report provides further information about the background to this recommendation and Council is asked to consider whether to approve the changes proposed to the content of the Policy Framework.

3. OPERATIONAL ISSUES

Policy Framework

- 3.1 Redditch Borough Council has a Leader and Cabinet model of decision making. Within this structure of decision making, there are some decisions that must be taken by full Council, some decisions that must be taken by the Executive Committee, some decisions where there are shared responsibilities and some “local choice” functions, whereby the authority determines whether the decision is taken by the Executive Committee or Council.
- 3.2 The Council is required to have a policy framework, comprising a list of important policies and strategies. Only full Council can make decisions about policies and strategies included in the Policy Framework.
- 3.3 A list of items currently included in the Council’s Policy Framework can be found at Paragraph 4 in the Articles of the constitution (see also Appendix 3).
- 3.4 The content of the Policy Framework can be reviewed by the Council from time to time to ensure that it remains suitable for the authority. When reviewing the content of the Policy Framework, Members should take into account the legal requirements in respect of responsibilities for functions, as detailed in the Responsibilities for Functions at Part 3 of the Council’s constitution.
- 3.5 Items that form part of the Policy Framework can only be determined by Council, although will be debated at a prior meeting of the Executive Committee. This is a lengthier decision-making process than that in place for items that can be determined by the Executive Committee alone, items which have been delegated to officers, or items which have been delegated to other Committees. This can cause delays to implementation. It is therefore important for Members to ensure that the most appropriate items, including those items where there is a legal requirement to do so, are included in the Policy Framework.
- 3.6 Where items are removed from the Policy Framework, they still form the basis of reports to the Executive Committee unless delegated authority is granted to officers to determine particular matters.
- 3.7 The items that are debated at both Executive Committee and Council meetings are advertised in advance on the Executive Committee’s Work Programme, which is published on the Council’s website. The Overview and Scrutiny Committee can select items from the work

programme to pre-scrutinise and this will continue, regardless of any changes to the Policy Framework.

- 3.8 The Constitutional Review Working Party reviewed the content of the Council's current Policy Framework at a meeting held on 23rd January 2023. In considering the content of the Policy Framework, Members were advised that a number of items no longer existed whilst other items in the framework were or could more appropriately be considered via alternative routes.
- 3.9 At that meeting, a number of changes were recommended to the Policy Framework and these proposed changes were considered at the Council meeting held on 27th February 2023.
- 3.10 However, there were some items in the Policy Framework that the Constitutional Review Working Party agreed to consider in further detail at their next meeting. This included the following items in the current Policy Framework:
- Emergency Plan
 - Enforcement Policy
 - Sustainable Community Strategy
- 3.11 In addition, at the Council meeting held on 27th February 2023, Members requested that the Single Equalities Scheme item should also be reviewed further by the Constitutional Review Working Party.
- 3.12 The Constitutional Review Working Party subsequently held a meeting on 13th July 2023 at which these items in the Policy Framework were discussed in detail.
- 3.13 The following updates were considered in relation to each of these items in turn:
- 3.14 Emergency Plan
- 3.14.1 The Emergency Plan and associated and related documents include the Business Continuity plans, Cyber Security response framework and Rest Centre plans.
- 3.14.2 Having received advice and guidance on these plans from Emergency Planning and Civil Contingencies officers, the Council considers these to be internal strategic and operational plans and, whilst there is a requirement for the authority to hold these, (and ensure they are current via regular updates), to accord with the Council's duties under the Civil Contingencies Act as Category One

Responders, this would not require Council endorsement for the response plans.

3.15 Enforcement Policy

- 3.15.1 There are a number of different Enforcement Policies for Council services, so it is not accurate to refer to an “Enforcement Policy.”
- 3.15.2 Worcestershire Regulatory Services (WRS) has a single policy that covers all partnership activities for all six district Councils ensuring a relatively uniform approach. This is reviewed and renewed at joint WRS Board meetings approximately every three years to ensure new members are familiar with the content. Redditch Borough Council’s appointees to the Board this year are Councillors Lucy Harrison and Joanna Kane. The WRS policy sits alongside any general policy that partners operate for retained criminal regulation. Although strictly speaking it is not necessary for aspects not caught by the regulator’s code, it is generally regarded as good practice to have a policy on all aspects of enforcement.
- 3.15.3 Planning Enforcement Reports are reported to Planning Committee. The Planning Enforcement Concordat is due to be updated and will be reported through to the Executive Committee in due course.

3.16 Sustainable Community Strategy

- 3.16.1 The duty for local authorities to have a Sustainable Community Strategy (SCS) was repealed as part of the Deregulation Act 2015. However, in Worcestershire there was a single SCS 2011-2021 which contained a chapter for each District.
- 3.16.2 As a result of an overview and scrutiny review completed in 2010, the Overview and Scrutiny Committee receives an annual update on the work of the Redditch Partnership, including in relation to the SCS, which ensures ongoing transparency in the process.

3.17 Single Equalities Scheme

- 3.17.1 The Council has an Equalities Strategy, not a Single Equalities Scheme. Equalities policies often need to be updated relatively frequently in a fast-changing environment.
- 3.18 Based on the updates provided on these items, the Constitutional Review Working Party agreed to recommend that the Emergency Plan, Enforcement Policy and Sustainable Community Strategy should be removed from the Council’s Policy Framework.

3.19 In respect of equalities, the Constitutional Review Working Party agreed that this subject should be included in the Policy Framework but referred to using the accurate title “Equalities Strategy”.
Proposed Additions to the Policy Framework

3.20 During the Constitutional Review Working Party meeting held on 13th July 2023, Members also considered proposals to incorporate additional items into the Council’s Policy Framework.

3.21 The suggestion was made that the Housing Revenue Account (HRA) 30 Year Business Plan and the Housing Asset Management Strategy should both be added to the Policy Framework. This suggestion was made due to the importance of both of these documents to the Council’s Housing Service and the HRA.

3.22 Based on the information provided in the updates in respect of these matters, the Constitutional Review Working Party agreed to recommend that these two items should be added to the Policy Framework.

4. FINANCIAL IMPLICATIONS

4.1 No specific financial implications have been identified.

5. LEGAL IMPLICATIONS

5.1 Review and revision of the Constitution is governed by Article 15 of the Constitution.

5.2 The Local Government Act 2000, in particular Section 13 (Functions which are the responsibility of an executive) details the matters which are the responsibility of the Executive.

5.3 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) gives effect to section 13 of the Local Government Act 2000 by specifying in Schedule 1 to the regulations which functions are not to be the responsibility of the Executive. In other words, the Executive Committee cannot by law make the decision on those matters.

5.4 The areas that the Executive cannot determine, so instead are the preserve of full Council, fall under the following headings:

- Functions relating to town and country planning and development control (planning policies)

- Functions relation to Licensing and Registration (many of which are delegated in Redditch to the relevant regulatory Committees)
- Functions relating to health and safety at work
- Functions relating to elections (many of which are delegated to the Electoral Matters Committee)
- Functions relating to the name and status of areas and individuals
- Power to make, amend, re-enact or enforce byelaws
- Power to promote or oppose local or personal Bills
- Functions relating to pensions
- Miscellaneous functions

6. OTHER - IMPLICATIONS

Relevant Strategic Purpose

- 6.1 It is important to review the Council's Policy Framework from time to time to ensure that the content enables the authority to continue to be 'An Effective and Sustainable Council'.

Climate Change Implications

- 6.2 No specific climate change implications have been identified.

Equalities and Diversity Implications

- 6.3 The Constitutional Review Working Party concluded that equalities should be included in the Policy Framework due to the importance of equalities and diversity matters to the Council and the communities it serves.

7. RISK MANAGEMENT

- 7.1 Where the Council does not regularly review and update the Policy Framework the content becomes out of date. This can hold up the efficiency of the decision making process.

8. APPENDICES and BACKGROUND PAPERS

Appendices

Appendix 1 – Extract from the Articles – Suggested Changes to the Policy Framework (clean version)

Appendix 2 - Extract from the Articles – Suggested Changes to the Policy Framework (in track changes)

Appendix 3 – Extract from the Articles – Current Policy Framework

Background Papers:

Redditch Borough Council's constitution

9. REPORT SIGN OFF

Department	Name and Job Title	Date
Portfolio Holder	Councillor Luke Court	
Lead Director / Head of Service	Pete Carpenter, Interim Section 151 Officer	
Financial Services	Pete Carpenter, Interim Section 151 Officer	
Legal Services	Claire Felton, Head of Legal Democratic and Property Services	
Policy Team (if equalities implications apply)	Deb Poole, Head of Business Transformation, Organisational Development and Digital Strategy	