

HARBOROUGH DISTRICT COUNCIL

REPORT TO THE COUNCIL MEETING OF 27th September 2021

PUBLIC REPORT: Y

EXEMPT REPORT: N

Report Title	Council Functions – Policy Framework
KEY DECISION	Not applicable
Report Author	Verina Wenham Director, Law and Governance and Monitoring Officer
Purpose of Report	For members to consider the allocation of certain plans and strategies as part of the Councils Policy Framework and whether to make any amendments
Reason for Decision	For members to review the current allocation of functions set out in paragraph a) ii) of Appendix A to this report and to decide whether any of the plans and strategies currently reserved to full Council should be adopted by the Cabinet.
Portfolio holder	Not applicable
Corporate Priorities	C09: Responsive and accessible services
Financial Implications	None as far as this report is concerned
Risk Management Implications	None as far as this report is concerned
Legal Implications	The legal implications are set out in the body of this report.
Equality Implications	None as far as this report is concerned
Data Protection Implications	None as far as this report is concerned
Consultation	The decision as to which plans and strategies are reserved to Council under paragraph a ii) is a matter for the full Council to decide.
Appendices	Appendix A – Article 4 of Part 2 of the Constitution.
Background Papers	Local Government Act 1972 Local Government Act 2000 Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended)
Options	It is a matter for Council to decide which plans and strategies set out in paragraph a ii) are adopted by Council or are left to the Cabinet to adopt.
Recommendations	1. That Council consider the proposals set out in this report and; 2. Any agreed amendments to Article 4 come into effect on 28 September 2021; and 3. That the required amendments to the Constitution as a result of paragraph 2 above are considered by the Constitutional Review Committee for referral back to Council.

1. Key Facts

- 1.1 The Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) sets out which powers are the responsibility of full Council and which are executive functions, over which the Leader has the power to decide who makes the decision, either him/herself, the Cabinet, individual portfolio holders or officers.
- 1.2 Article 4 of Part 2 of the Constitution sets out the functions that are currently exercised by full Council. The full Council takes those decisions that form part of the Budget and the Policy Framework. Those plans and strategies that form part of the Policy Framework are detailed in paragraph 4.01.
- 1.3 A number of functions are the sole responsibility of Council and these are detailed in paragraph a) i). These are reserved to Council by legislation.
- 1.4 There is a second category of plans and strategies that the government guidance recommends should be reserved to full Council are these are set out in paragraph a) ii) of Appendix A.
- 1.5 However, the functions set out in paragraph a) iii) are plans and strategies that the Council has discretion to decide whether they are adopted by full Council or the Cabinet, and the Council has decided that they should be adopted by Council as part of the Policy Framework.
- 1.6 These have not been reviewed for a number of years, and it is suggested that members may want to consider whether some of the policies and strategies should be adopted by Cabinet.
- 1.7 There are a number of strategies, that could be considered as more detailed and operational, and as such it could be more appropriate for the Cabinet to adopt. The Housing Strategy for example, currently requires Council to adopt the work plans, which would be classed as a day to day operational function and more appropriate for the Cabinet to consider.
- 1.8 The Contaminated Land Strategy is currently reserved to council, however all other functions related to contaminated land, are a local choice function allocated as an executive function, and as such, decisions are made by Cabinet.. As such therefore it makes sense that the Cabinet should also adopt the Strategy as well.
- 1.9 In conclusion it is proposed that members consider that the following strategies and plans are left to the Cabinet to adopt:

Housing Strategy (including associated work plans)
Information and Communications Technology Strategy
Training management strategy and policy
Equalities Strategy

Contaminated Land Strategy.

- 1.10 The proposed amendments have been shown as tracked changes in Appendix A.

Appendix A - HDC Constitution – Article 4 – The Full Council – Policy Framework