

**TO: GOVERNANCE AND AUDIT COMMITTEE
23 SEPTEMBER 2015**

**AMENDMENT TO THE CONSTITUTION
Director of Corporate Services – Democratic & Registration Services**

1 PURPOSE OF REPORT

- 1.1 This report seeks approval to amend the Council's Constitution to remove reference to a Sustainable Community Plan from the Policy Framework.

2 RECOMMENDATION

- 2.1 **That Council is recommended to authorise the Monitoring Officer to remove reference to the Sustainable Community Plan from the Policy Framework set out in Part 2: Section 3 of the Constitution, and to make any consequential changes to the Constitution that might be required.**

3 REASONS FOR RECOMMENDATION

- 3.1 Only Council can adopt or make changes to the Constitution.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 None.

5 SUPPORTING INFORMATION

- 5.1 The Council's Constitution sets out the requirement for the Council to approve and adopt the Policy Framework which includes plans, policies and strategies that the Council is required to produce. The Sustainable Community Plan currently forms part of the Policy Framework, set out in Part 2: Section 3 of the Constitution.
- 5.2 Section 4 of the Local Government Act 2000 imposed a duty on local authorities to produce a Sustainable Communities Strategy. On 13 April 2011 the statutory guidance to local authorities on preparing a Sustainable Communities Strategy was withdrawn and at the same time the Government announced its intention to repeal section 4 of the Local Government Act 2000 as soon as a suitable legislative vehicle had been identified.
- 5.3 Section 100 of the Deregulation Act 2015 (other measures to reduce burdens on public authorities) repeals section 4 of the Local Government Act 2000. The effect of these provisions is to remove the duty for local authorities to prepare a Sustainable Community Strategy and the linked duty to, when preparing or modifying their Sustainable Community Strategy, consult with and seek the participation of their partner authorities and such other persons as they consider appropriate. The repeal has been made as part of the localism agenda and gives local authorities the freedom to decide whether or not a Sustainable Community Strategy is needed for their area.
- 5.4 The Sustainable Community Plan was intended to set the overall strategic direction and long-term vision for promoting or improving the economic, social and

environmental well-being of the local area and the Plan formed the overarching strategy for the Council's Performance Framework. The new Performance Framework which the Council is working to introduce in April 2016 will have the Council Plan as the highest overarching Council strategy and a Sustainable Community Plan will not be part of the new Performance Framework. Partnership working is now well established in areas where organisations need to work together and there is no need for a separate overarching partnership strategy.

- 5.5 As a result it is proposed that this strategy no longer forms part of the Council's Policy Framework.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The Policy Framework consists of statutory documents that have to be adopted or approved by the Council as well as locally determined policies and strategies that form an integral part of the decision making process. In this instance the statutory requirement to maintain a Sustainable Community Plan has been repealed.

Borough Treasurer

- 6.2 There are no financial implications arising from this report.

Equalities Impact Assessment

- 6.3 Not applicable.

Strategic Risk Management Issues

- 6.4 Not applicable.

7 CONSULTATION

Principal Groups Consulted

- 7.1 Not applicable.

Method of Consultation

- 7.2 Not applicable.

Representations Received

- 7.3 Not applicable.

Background Papers

None

Contact for further information

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