



# Report to Cabinet

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| <b>Date:</b>                | <b>7<sup>th</sup> June 2022</b>   |
| <b>Title:</b>               | <b>Harmonisation of Strategies, Policies &amp; Charges</b>  |
| <b>Cabinet Member(s):</b>   | Martin Tett, Leader   |
| <b>Contact officer:</b>     | Hannah Thynne, Head of Policy & Partnerships  |
| <b>Ward(s) affected:</b>    | N/A   |
| <b>Recommendations:</b>     | <b>To note the strategies, policies and charges that have been harmonised since 1 April 2020 and those expected to be reviewed before April 2023.</b> |
| <b>Reason for decision:</b> | N/A   |

## 1. Background

- 1.1 Following vesting day the new Council inherited a significant number of statutory duties, together with the five former Council's existing strategies, policies, plans, reviews, schemes and statements. These are key to service delivery or to provide clarity to residents, members, staff or other stakeholders by outlining what we will do, how and why.
- 1.2 The Government's transitional regulations stipulated three key dates by which 15 of the new council's statutory policies had to be harmonised and implemented. These are detailed in Appendix A together with the statutory deadline set for harmonisation.
- 1.3 All other policies including any statutory ones not listed in Appendix A continue to have effect (over the geographical area they previously applied) as if made by Buckinghamshire Council, until they are substituted/replaced. There were no timescales set by the regulations for the new council to prepare substitutes/replacements for these.
- 1.4 For these policies the council is left to consider the practical impacts on the delivery of services if policies are not harmonised and existing statutory plans continue,

although there is also a need to consider whether these existing arrangements comply with any specific legislative requirements of that service.

## **2. Current Policy Harmonisation Status**

- 2.1 Work did begin prior to vesting day to harmonise some of the strategies and policies which were identified as vital in the delivery of services and work has continued on harmonisation since and we have now harmonised 50 strategies and policies, which are detailed in Appendix B.
- 2.2 Looking at these:
  - a) 34 are statutory (including 14 of the 15 with a specified deadline for harmonisation) and 16 non-statutory.
  - b) 21 are cross cutting across Directorates, whilst 29 are service specific.
- 2.3 The 14 statutory policies that the Council was obliged to harmonise by 1<sup>st</sup> April 2022 have been completed, albeit the Homelessness Strategy wasn't agreed until 27<sup>th</sup> April 2022.
- 2.4 At the time of writing this report we are progressing the local plan development documents under section 23 of the Planning and Compulsory Purchase 2004. The Council is obliged to harmonise this by 1<sup>st</sup> April 2025 which we are on track to do.

## **3. Current Fees and Charges Harmonisation Status**

- 3.1 When Buckinghamshire Council became a unitary council there was no blanket obligation from the regulations to harmonise fees and charges. However, legal advice received during the transition stated the Council should consider if the differential area charges for the same or similar service could pose a reputational and legal risk of residents raising lawsuits especially if there is a prolonged continuation of differential charges after vesting day.
- 3.2 The legal advice also stated it could be difficult for the Council to defend charging different fees for the same service depending on the geographic area after 1<sup>st</sup> April 2020 unless it can be proven an additional charge can be clearly, and directly linked to a specific service provided which is provided through a former district specific contract subsequently transferred to Buckinghamshire Council.
- 3.3 It should be noted not all fees and charges are going to be harmonised as some will have a specific and valid reasons not to be harmonised, for example the council cemeteries operate differently with different arrangements in place for the services that are provided.

3.4 Appendix C summarises the fees and charges that are yet to be harmonised and the currently expected timescales for harmonisation where known. These are:

- a) Garden Waste Charging
- b) Body Piercings / Tattooing Licences
- c) Stray Dogs
- d) Parking Charges
- e) Leisure
- f) Pest Control
- g) Cemeteries

#### **4. Policies/strategies due to be updated in 2022-23**

4.1 As we still have many strategies and policies to harmonise, we have listed in Appendix D a further 70 strategies and policies the council is planning to harmonise or update by April 2023.

#### **5. Other options considered**

5.1 N/A

#### **6. Corporate Policy Register**

6.1 A corporate policy register is being developed which will create a single central database to hold information on each of the Council key policies, including dates of review.

6.2 It is expected this will be in place by Autumn 2022. Once established, this will provide a mechanism to share details more easily and regularly on the suite of Council policies and the upcoming review schedule.



## **7. Legal and financial implications**

- 7.1 There is a legal obligation to harmonise a specific set of policies within set timeframes following the creation of Buckinghamshire Council and to have in place a number of statutory policies. In addition, there is additional, less definitive legal guidance on the harmonisation of fees. This report is based on legal advice provided through the unitary transition programme.
- 7.2 This paper does not include the financial implications of all strategies, policies or charges listed in this paper, this will be picked up as required in each individual policy, strategy and charge.

## **8. Corporate Implications**

- 8.1 The corporate implication of harmonising and updating our strategies, policies and plans will be picked up through individual changes.

## **9. Local councillors & community boards consultation & views**

- 9.1 Local councillor & community board consultation will be undertaken as individual strategies, policies and plans are reviewed and updated or replaced as appropriate.
- 9.2 In a number of cases member task & finish groups are in place to support policy development. Once draft policies, plans or strategies are drafted select committees have an important role in reviewing them and in due course assessing their impact.

## **10. Communication, engagement & further consultation**

- 10.1 Communications, engagement and consultation activity will be undertaken for as required as each strategy, policy and charge is brought forward for harmonisation.

## **11. Next steps and review**

- 11.1 To continue to track and monitor the progress of the four outstanding statutory policies which have a specified deadline to be harmonised.
- 11.2 The development of Corporate Policy Register to have a single central database to hold information on each of the Council key policies, to provide a mechanism to share details on the suite of Council policies and the upcoming review schedule.

## **12. Background papers**

- 12.1 N/A



### **13. Your questions and views**

- 13.1 If you have any questions about the matters contained in this report, please get in touch with the author of this report. If you have any views that you would like the cabinet member to consider, please inform the democratic services team. This can be done by telephone 01296 382343 or email [democracy@buckinghamshire.gov.uk](mailto:democracy@buckinghamshire.gov.uk).

