

Standards and Governance Committee

Minutes of a meeting held at County Hall,
Colliton Park, Dorchester on 22 October 2013.

Present:-

County Councillors

Mike Byatt
Andrew Cattaway
Janet Dover
David Jones
John Wilson (Chairman)

Independent Members

Judith Anstice
Elizabeth Bird
Ronald Manley

Officers attending: Jonathan Mair (Head of Legal and Democratic Services and Monitoring Officer), Catherine Charnley (Specialist Services Manager), Grace Evans (Principal Solicitor and Deputy Monitoring Officer), Jonathan French (Corporate Complaints Officer), Lee Gallagher (Democratic Services Manager), Mark Taylor (Head of Internal Audit, Insurance and Risk Management) and Fiona King (Senior Democratic Services Officer).

(**RECOMMENDED** in this type denotes that approval of the County Council is required.)

(Note: These minutes have been prepared by officers as a record of the meeting and of any decisions reached. They are to be considered and confirmed at the next meeting of the Standards and Governance Committee on **27 January 2014**.)

Apology for Absence

53. An apology for absence was received from Peter Wharf.

Code of Conduct

54. There were no declarations by members of any disclosable pecuniary interests under the Code of Conduct.

Minutes

55. The minutes of the meeting of the Standards and Governance Committee held on 8 July 2013 were confirmed and signed.

Matters Arising

Minute 43.1 - Terms of Reference

56. The Monitoring Officer advised members that a report on the revised terms of reference to address the governance work of the Committee would be presented at the meeting on 27 January 2014.

Minute 45.4 - Constitutional Changes

57. The Monitoring Officer confirmed to members of the Committee that elected members could serve on both the Audit and Scrutiny Committee and the Overview Committees and undertook to address the wording to reflect this in the Constitution.

Code of Conduct Update

58.1 The Monitoring Officer advised members that he had been in receipt of a series of complaints relating to one member arising from the same situation. He would assess the complaints with the Chairman to determine if an investigator needed to be appointed.

58.2 As the member concerned was also a member of a District and local council, the Monitoring Officer would also be liaising with the Monitoring Officers in those specific authorities.

Noted

Designation of Deputy Monitoring Officer

59. The Monitoring Officer advised members that following a competitive process Grace Evans, Principal Solicitor, had been designated with the Deputy Monitoring Officer role.

Noted

Annual Compliments and Complaints 2012/13

60.1 The Committee considered a report by the Chief Executive which presented an analysis of the complaints recorded under the County Council's complaints procedure in 2012-13 and included details of learning points and improvements made as a result of complaints made. Members of the Audit and Scrutiny Committee had also considered this report at their meeting on 17 October 2013.

60.2 The Monitoring Officer reminded members that within their terms of reference there was the provision for Ombudsman complaints to be presented to this committee for members to focus upon lessons learned.

60.3 In response to a question from the Vice-Chairman about the withdrawal of a stage 2 complaint, the Corporate Complaints Officer advised that it concerned the complaints process itself and that the Local Government Ombudsman (LGO) had confirmed that officers were right to cancel the investigation.

60.4 One of the independent members felt it was important to note that half of the complaints received were either justified or partly justified so although complaints were moving in the right direction there was still some way to go.

60.5 In response to a comment from the Chairman, the Monitoring Officer confirmed that Freedom of Information responses were not captured within this report but were included in a report to the Audit and Scrutiny Committee.

Noted

Forward Together

61.1 Members received a presentation from the Monitoring Officer on the Forward Together Programme and the Peer Review. He advised members that a seminar on the Forward Together transformation change programme would be held for all elected and independent members following the meeting of the County Council on Thursday 14 November 2013.

61.2 The Monitoring Officer advised members that the transformation change programme aimed to change the culture of the County Council and was essential in these times of austerity as the County Council needed to find new ways of providing services.

61.3 In response to a comment from one of the independent members about the low number of residents interviewed during the peer review, the Monitoring Officer agreed that this was a low sample but added that a number of representative bodies and partners were also interviewed.

61.4 One member commented that he was encouraged with the way things were progressing. The Monitoring Officer referred to the inclusive approach from the Chief Executive who was encouraging feedback and ideas from the whole organisation.

61.5 Following a number of member's comments about risk, the Head of Internal Audit, Insurance and Risk Management confirmed that there was a corporate risk register and there were also directorate; service/team; and project risk registers. The councils' corporate performance monitoring reports also incorporated risk and these were reported on a quarterly basis. Work to further develop the councils risk management processes was continuing. It is important that this sits at the heart of transformational change and provides timely information to ensure informed and robust decision making. Officers welcomed the active engagement with members of the Audit and Scrutiny Committee who were specifically focussed on this area of work.

Noted

Review of the Scheme of Delegation and Contract Procedure Rules

62.1 The Committee considered a report by the Monitoring Officer which proposed a new scheme of delegation and updated version of the contract procedure rules. The report is attached as Appendix 1 to these minutes, which includes amendments made at this meeting.

62.2 The Monitoring Officer highlighted the clear distinction between elected members in setting the Council's policy framework and direction and the role of staff to managing the delivery of services within that framework. He added that the Corporate Management Team (CMT) supported the approach taken in the document.

62.3 In response to a question from a member about the delegation responsibilities in respect of partnerships, the Monitoring Officer advised the aim was to translate the rules of the County Council across to the relevant partnerships.

62.4 One member commented that it would be helpful to have a matrix to show the new governance arrangements to avoid any confusion internally and to aid public perception to ensure transparency.

62.5 In response to a question from a member in respect of the reporting mechanism for the Growing Places Fund, the Monitoring Officer advised that the County Council was the accountable body for the Local Enterprise Partnership (LEP) and the Director for Environment carried out the decision maker role. He agreed that in instances of issues being reported back to the Cabinet, they had not been properly captured in the scheme of delegation and undertook to amend this.

62.6 Following discussion of para 4.3 within the Monitoring Officer's report, members agreed that the following sentence be amended to read: 'Key decisions are those where the financial implications for the County Council exceed £500,000 or which are likely to have a significant effect on a division or divisions represented by at least two members'.

62.7 The Deputy Monitoring Officer presented the revised contract procedure rules to members and highlighted the comments made by CMT in relation to procurement, which Members were content with.

62.8 In relation to para 5.1 of the contract procedure rules one member felt the term 'significant other' for transparency should be replaced with 'partner or other close family member' instead. The Monitoring Officer undertook to check with the Staff Code of Conduct for an appropriate definition.

62.9 One member asked a question relating to local members who attempted to find out certain information with regards to tender operations and whether officers were comfortable that there was sufficient protection in place for them. The Monitoring Officer confirmed that a two way process was in place and commercial confidentiality would not be breached.

RECOMMENDED

63. That the proposed new scheme of delegation and contract procedure rules as amended by CMT and members of the Standards and Governance Committee be adopted.

Reason for Recommendation

64. To support the transformation programme.

Policy Development Panel on Engaging and Consulting Local Members

65.1 The Committee considered a report by the Lead Cabinet Members which advised members that the Policy Development Panel had met three times and had redrafted the protocol for involving local members in matters affecting their electoral divisions.

65.2 Members of the Audit and Scrutiny Committee had received the proposed protocol at their meeting on 17 October 2013 and their comments were circulated to members. Comments on the protocol had also been received from CMT. The Monitoring Officer advised members the Policy Development Panel had proposed holding a seminar after the County Council meeting in February 2014 to launch the revised protocol.

65.3 In response to a question from the Vice-Chairman about the process to be followed if a local member finds out they should have been informed about a matter and had not been, a member from the Policy Development Panel advised that the view of the Panel was that this should be resolved at Director level and if not then taken forward with the Chief Executive and Group Leaders.

65.4 Following discussion members agreed the following changes:

- Para 2.6 of the Protocol to read '..... mechanisms agreed between Group Leaders and the Chief Executive'.
- Para 6.3 of the Protocol to read 'Officers need to consider the range of possible impacts and divisions which would be affected by proposed changes elsewhere'.

65.5 In response to a member's question about the timeliness of amendments of press releases by the Cabinet Member for Communications, the Monitoring Officer advised that the Communications team had agreed a timescale of response with the Cabinet Member and that if no response was received within this limit the release would go ahead as drafted by officers.

RECOMMENDED

66. That the new protocol on engaging and consulting with local members (attached as Appendix 2 to these minutes), including the additions from members of the Audit and Scrutiny, members of the Standards and Governance Committee and

CMT, and the proposed arrangements to embed and monitor the protocol to bring about cultural change be approved.

Reason for Recommendation

67. In order to bring about a culture of consultation and engagement with local members of the County Council.

Constitutional Changes

68.1 The Committee considered a report by the Monitoring Officer which proposed a number of changes to the County Council's Constitution which would be considered by the County Council at its meeting on 14 November 2013 (attached as Appendix 3 to these minutes, which includes amendments made at this meeting).

68.2 Following the peer review in July 2013 a meeting had been held with the Head of Legal and Democratic Services, the Cabinet Member for Education and Communications and the Chairman of the Council to develop a more business-like approach to meetings of the County Council. Members' attention was drawn to a proposed draft agenda for the County Council meeting at Appendix 2 of the Monitoring Officer's report.

68.3 The Vice-Chairman expressed concern that if the minutes from all of the committees (except those from the Cabinet) were removed from the agenda and only recommendations to Council included then members would lose the opportunity to question significant aspects of council business. She felt that having these minutes in one place provided members with a full record of what had happened in the County Council over the last quarter.

68.4 One member commented that one way for back benchers to get involved was to ask questions on the minutes and felt that members must have the opportunity to ask questions on the minutes and to be able to challenge the Executive. It was recognised that minutes from quasi-judicial committees, where business had been resolved and could not be changed, were different and that these could be left off the agenda.

68.5 Several other members also felt that there needed to be the opportunity for all members to raise questions and to challenge and that it was important not to build in constraints.

68.6 One of the independent members suggested a practical way forward could be send the minutes electronically to all members for information. A member from the Executive Advisory Panel on Member Development commented that the Panel would be recommending a more accessible way of providing this information for members in the future.

68.7 The Chairman concluded that he felt that minutes from the Audit and Scrutiny Committee, the Dorset Health Scrutiny Committee and the Overview Committees in their entirety should continue to be included on the agenda and noted that there was a members' question time built into the agenda for any member to be able to raise any other matter. He added that members of the peer review group sat in on the County Council meeting in July and were taken aback by the number of members presenting many different minutes. Following this he had looked at how other authorities dealt with this matter and found that no other authorities operated their full council agenda this way.

68.8 Members discussed proposed time limits for questions on other business and felt that the 45 minutes allocated should be tried to see how it worked and that answers should be provided by the Lead Member with a time limit of 2 minutes for the question and 3

minutes for the response. They also felt a time limit of 15 minutes be proposed for after the Leader speaks during his own item.

68.9 Following discussion members felt that there should be a Dorset County Council logo on the front of the agenda and that the names of all members remain on the front sheet to aid with public perception now that deputations had been removed.

68.10 One of the independent members felt that in relation to public participation at meetings 100 words for a statement was a little unreasonable and it might be better to have it time constrained instead.

68.11 In relation to Standing Order 39 (2) (a) one member queried whether this was relevant for a 'member-led' council and asked for it to be removed. The Monitoring Officer responded that the potential for disciplinary action had been made quite clear in the protocol for consulting with members and in the context of the protocol it could be removed.

68.12 In relation to para 4.4 of the Petitions Scheme the reference to the independent person should be removed.

68.13 The Monitoring Officer noted that a number of the proposed changes could be introduced by the exercise of the Chairman's discretion but others could not take effect until all after November council even if agreed.

RECOMMENDED

69.1 That the Rules of Procedure in relation to County Council meetings, as amended, be approved.

69.2 That the Rules of Procedure in relation to Public Participation, as amended, be approved.

Reason for Recommendations

70. To contribute to the corporate aim to provide innovative and value for money services.

Localism Act: Secretary of State Guidance

71.1 The Committee considered a report by the Director for Corporate Resources, previously considered by the Staffing Committee at their meeting on 3 October 2013, which advised members on the requirements of the Localism Act and that local authorities should have due regard to any Secretary of State guidance that may be issued. The report detailed key provisions of the guidance for consideration in relation to full County Council having the opportunity to vote in respect of salary packages for appointments and severance payments in excess of £100,000. Current approaches employed by the County Council were outlined alongside future options for consideration.

71.2 Members from the Staffing Committee recommended that the County Council approve the continuation of the current arrangements that were in place which allowed for effective and efficient decision making.

71.3 One member commented that as a matter of practicality decisions on occasions had to be made quickly and felt that in this context and the arrangements in place in Dorset the Secretary of State's Guidance should not be followed.

71.4 The Chairman, who was also a member of the Staffing Committee, noted that the Staffing Committee was a cross party committee and that the recommendation was agreed unanimously.

71.5 Members supported the recommendation from the Staffing Committee which will go forward to the full County Council. Any decision reached by the County Council would be reflected in the revised pay policy statement for 2014/15.

Noted

Work Programme

72. The Committee considered and agreed its work programme for the year 2014.

Noted

Questions

73. No questions were asked by members under Standing Order 20 (2).

Meeting duration: 10.00am – 1.05pm

Agenda Item:

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Standards & Governance Committee

Dorset County Council



Date of Meeting	22 October 2013
Officer	Jonathan Mair, Monitoring Officer
Subject of Report	The Review of the Scheme of Delegation and Contract Procedure Rules
Executive Summary	<p>Earlier on the agenda for the 22 October meeting of the Standards and Governance Committee members will have received a presentation explaining the background to the County Council's transformation change programme, Forward Together and the outcomes from a recent peer review conducted by the Local Government Association and the leading members and officers from other local authorities.</p> <p>One of the key messages to emerge from the peer review was that we have a great deal of process that can be removed. At the same time acting on one of the key themes of the Forward Together programme work was already being taken forward to review:</p> <ol style="list-style-type: none"> 1. The scheme of delegation to officers, with a view to replacing it with a framework to ensure that decisions are made at the right level and not unnecessarily referred through tiers of managers. 2. The Council's contract procedure rules with a view to ensuring that we have in place a clear legal framework and the right thresholds of value above which formal tendering processes are necessary.

Proposed New Scheme of Delegation

A proposed new scheme of delegation is appended to this report. The old scheme of delegation has been in place since 2002. The scheme is very detailed, setting out in list form what staff are permitted to do, by reference to individual acts and regulations. The scheme was difficult to maintain and keep up to date and it was sometimes found that there were gaps, meaning that action could not be taken until a report was brought to elected members for approval because there was no specific authority to act.

The proposed new scheme of delegation is modelled upon the general power of competence in the Localism Act 2011 which gives local authorities a general power to do anything that an ordinary individual may do. In the same way the proposed new scheme of delegation takes as its starting point a presumption that officers are permitted to exercise functions and to make decisions in relation to the service areas for which they are responsible.

Having established a general presumption that officers are permitted to act in relation to their service areas the proposed scheme then goes on to set out a series of conditions and limitations upon the general power. First and foremost are requirements that officers must act in accordance with:

- The overall policies approved by the Council and the Cabinet
- The County Council's procedure rules
- The principles for good decision making

Section 4 of the new scheme sets out these limitations in some detail and schedule 8 to the scheme sets out financial limitations on the ability of different tiers of managers to act and commit the County Council. Financial thresholds have been applied consistently across the proposed new scheme of delegation and contract procedure rules.

In order to achieve this consistency it has been necessary to make one specific change to the financial threshold at which senior managers may sign contracts and commit the County Council. When the key decision threshold was lifted from £250,000 to £500,000 the threshold value for contract signing was not lifted in line with the new threshold for key decisions. This was an oversight and it will be necessary to make a consequential change to reflect this.

Necessarily there is a level of detail in these arrangements but the starting point is an expectation that officers have the freedom to get on with the business of delivering services.

One very important limitation is the requirement on officers to engage and consult with local members on matters affecting their electoral divisions. The revised protocol for engaging and

	<p>consulting with local members is included as a separate item on this agenda. There is a key interaction between that protocol and the new scheme of delegation and if members are to give staff greater freedom and flexibility to act through the scheme of delegation then staff must comply with the protocol.</p> <p>The current scheme of delegation gives specific delegations to the statutory officers (Chief Executive, Monitoring Officer and Chief Financial Officer) and Directors. These chief officers are then able to authorise others to exercise delegated authority on their behalf but these authorisations do not always necessarily result in decisions being made at the right level.</p> <p>The new scheme gives a wider delegation to senior managers, a group which includes heads of service. Again there is an ability for these officers to authorise others to exercise delegated authority on their behalf but this is coupled with an express expectation that decisions are made at the lowest appropriate level.</p> <p><u>Contract Procedure Rules</u></p> <p>Alongside work to prepare a revised Scheme of Delegation, work has also been carried out to review and update the Contract Procedure Rules.</p> <p>The Contract Procedure Rules are the County Council's rules for buying, renting and leasing of goods, services and works for the County Council. The aim of the Rules is to assist officers in achieving good and lawful procurement and to ensure that the County Council obtains value for money and fulfils its duty of best value in all its procurement activity. They also provide a basis for fair competition by providing transparent and auditable procedures to protect the County Council's reputation from any imputation of dishonesty or corruption.</p> <p>Consideration was given by the "How we work" Group, to preparing a much shorter set of Contract Procedure Rules, based on a set of key principles and associated guidance and template documents. The aim was to achieve refinements of process, as there are no financial savings to be gained from this revision.</p> <p>Such a "principles" based approach would not comply with the Local Government Act 1972, which requires a more substantial set of Contract Procedure Rules to be included in the Constitution.</p> <p>The current proposed revised Contract Procedure Rules:</p> <ul style="list-style-type: none">• comply with legislation;• provide a sufficient level of detail to be of assistance to officers in the Council (taking into account of an earlier consultation and greater responsibilities under the revised Scheme of Delegation);• take account of the recommendations of the Peer Review; and,
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	<ul style="list-style-type: none"> are similar in length and detail to the Contract Procedure Rules of the other local authorities who took part in the Peer Review. <p>The intention is for the revised Contract Procedure Rules to be part of a wider suite of documents, including a Glossary, a Guidance, template forms, standard contract terms, a quick reference Delegation Flow Chart/Table.</p>
Impact Assessment: <i>How have the following contributed to the development of this report?*</i>	<p>Equalities Impact Assessment: These proposed rules and procedures do not give rise to any equalities implications.</p>
	<p>Use of Evidence: The new proposed scheme of delegation and contract procedure rules have been arrived at following consultation with colleagues and have been discussed at the “How We Work Group” and Governance Group.</p>
	<p>Budget/ Risk Assessment: There are no direct budget implications arising from this report but new approach in the draft scheme of delegations is an important opportunity to empower staff and ensure that decisions are made at the right level.</p> <p>The proposed new contract procedure rules minimise an area of risk by setting out with greater clarity what is expected of staff involved in procurement activity on behalf of the County Council.</p>
Recommendation	That the Standards and Governance Committee comment on the proposed new scheme of delegation and contract procedure rules before they are recommended for adoption by the County Council.
Reason for Recommendation	To support the transformation change programme
Appendices	<ol style="list-style-type: none"> Proposed new scheme of delegation Proposed new contract procedure rules
Background Papers	Existing scheme of delegation and existing contract procedure rules.
Report Originator and Contact	<p>Name: Jonathan Mair, Head of Legal and Democratic Services Tel: 01305 224181 Email: j.e.mair@dorsetcc.gov.uk</p>

New draft scheme of delegation for Dorset County Council – August 2013

1. Foreword

- 1.1 A “peer review” commissioned by the Leader and the Chief Executive and undertaken in July 2013 provided valuable insight and an external view from leading members and officers of other local authorities and the LGA about how Dorset County works. The peer review confirmed our many strengths, in particular our people and our ambition to bring about necessary change. It also identified that we were process heavy and that we did not have the right framework to help ensure that decisions are made at the right level and are not unnecessarily referred through tiers of managers before anything can be done.
- 1.2 The new approach set out in this document is an attempt to tackle one specific problem, the very detailed, restrictive and list based scheme of delegation which has been in place from 2002 until the adoption of this new scheme.
- 1.3 Local authority decision making takes place within a sometimes complex legal framework within which staff are accountable to elected members and those members are accountable to the communities who elect them. This document describes how within a legal framework the Council has been able to move away from a very detailed scheme of delegations to one which is much more flexible and gives staff greater freedom to make decisions.
- 1.4 In place of a scheme of delegation listing very specific things that directors are permitted to do and are permitted to authorise others to do on their behalf this new scheme of delegation takes as its starting point:
- A presumption that senior managers have delegated authority to exercise functions and make decisions about the service areas for which they are responsible.
 - That senior managers will delegate functions and decision making to the most appropriate levels within their services so that staff are free to do their jobs without having to needlessly refer questions through tiers of management.
 - A requirement that all staff will operate within the overall policies approved by the County Council and the limitations described in the scheme of delegation.
- 1.5 Reviewing the scheme of delegation has also provided an opportunity to be clear about the respective roles of elected members of the Council and the staff. This has included reinforcing the crucial role of local members as the representatives of their communities by including very specific requirements on staff to engage and to consult with local members before exercising any delegated authority which would have a particular local impact.

2. How decisions are made

- 2.1 The County Council operates the Leader and Executive model of decision making under the Local Government Act 2000. Under this approach the County Council's budget and its overall policy framework are decided by the full County Council. The County Council also elects the Leader (for the four

year life of the Council) and is the forum for debate on the most important issues affecting Dorset. The full County Council is also responsible for agreeing any changes to the Council's constitution, of which this scheme of delegation is a part.

- 2.2 The Leader appoints other members to form a Cabinet (also known as the Executive) and the law requires that the Cabinet must comprise as a minimum the Leader and two other members and as a maximum the Leader and nine other members.
- 2.3 In appointing members of the Cabinet and allocating special areas of responsibility the Leader will be asked to have regard to the Council's directorate and service structure so that where possible individual Cabinet members have responsibility for the following portfolios:-
 - (a) Cabinet member for Adult Social Care
 - (b) Cabinet member for Children's Social Care;
 - (c) Cabinet member for Corporate Resources;
 - (d) Cabinet member for Communications;
 - (e) Cabinet member for Education;
 - (f) Cabinet member for Environment;
 - (g) Cabinet member for Public Health and Community Services.
- 2.4 Within the overall policy framework and budget framework set by the full Council the law provides that most functions are the responsibility of the executive. A list of functions which are not to be the responsibility of the executive (for instance planning decisions which are made by the Planning Committee) and the relevant decision making body in each case is Appendix 1 to this scheme of delegation. Appendix 2 comprises a separate list of functions which may (but need not be) the responsibility of the executive i.e. local choice functions and again the decision making body is listed in each case. Appendix 3 sets out the responsibility for those functions which are not to be the sole responsibility of the executive, mainly the approval of key plans and strategies, which are recommended by the Cabinet to the full Council.
- 2.5 Each Cabinet member with special responsibility for functions of the County Council has responsibility to exercise political leadership in relation to those functions and to be publicly accountable for them. Decisions are made collectively by the Cabinet under the Chairmanship of the Leader and so the Cabinet as a whole have a wider, shared responsibility for all Cabinet decisions.
- 2.6 Decisions are made by the whole Cabinet but recommendations are presented to Cabinet by the relevant portfolio holder. Each portfolio holder is expected to work closely with the relevant Director responsible for his or her portfolio service areas. Individually and collectively portfolio holders should take account of advice from senior managers before reaching their own decision.
- 2.7 Any action by a Cabinet member shall be in accordance with:-
 - (i) the overall policies approved by the County Council and/or the Cabinet;
 - (ii) the County Council's Procedure Rules.

2.8 Cabinet portfolio holders are also expected in appropriate cases to maintain clear communication with the Chairman of the relevant Overview Committee or other Committee.

3. Delegations to officers

3.1 Local authority decisions are made by elected members but in order for the Council to be able to function on a day to day basis the law enables the Leader (in relation to executive functions) and the Council (in relation to other matters) to delegate its functions to officers to exercise on behalf of the Leader and the Council. In addition there are some functions which the law says must be exercised by specific officers.

3.2 The Council's "statutory officers" are the Chief Executive as head of paid service, the Chief Financial Officer and the Monitoring Officer. They and the Council's directors and heads of service are the "senior managers" for the purposes of this scheme and are accountable to elected members for how functions are exercised and how decisions are made within the service areas for which they are responsible.

3.3 The Council's old scheme of delegation was very detailed, listing specific functions delegated to officers, often by reference to individual Acts and regulations. The scheme was difficult to maintain and keep up to date and it was sometimes found that there were gaps meaning that action could not be taken when it needed to be because there was no specific authority.

3.4 The Localism Act 2011 gave local authorities a general power of competence, that is a power to do anything that an ordinary individual may do, unless the law contains some prohibition or limitation on acting. This scheme of delegation is modeled on the general power of competence in the sense that its starting point is a presumption that the senior managers have delegated authority to exercise functions and make decisions in relation to the service areas for which they are responsible. This ability to act now gives staff great freedom and flexibility and is subject only to the requirements, financial thresholds and other limitations set out in section 4 and the remainder of this scheme.

3.5 Any power conferred upon a senior manager may be exercised by any other member of staff authorised by them in writing, the details of all such delegations to be contained in a register maintained by the relevant senior manager up to date copies of which shall be supplied to the Democratic Services Manager annually on 1 April and whenever the register is altered.

3.6 In giving the senior managers a general authority to act and in enabling them to authorise other officers to act on their behalf the intention is that the Council as a whole will become more effective and "fleet of foot", with decisions made at the appropriate level without having to be referred unnecessarily to elected members and through tiers of managers.

3.7 All delegated authority must though be exercised in accordance with the requirements in section 4 of this scheme, below.

4. Conditions and limitations on the exercise of delegated authority by officers

- 4.1 These conditions and limitations apply not only to senior managers but also to anyone else authorised by them to exercise delegated authority on their behalf. In authorising others to act on their behalf the senior managers must draw attention to the requirements of these conditions and limitations and through line management ensure that they are complied with.
- 4.2 Any action by a senior manager under delegated powers shall be in accordance with:-
- (i) the overall policies approved by the County Council, the Cabinet or a sub-committee of the Cabinet.
 - (ii) the County Council's Procedure Rules.
 - (iii) the principles for decision making in paragraph 4.6, below.
- 4.3 If authority to act has been reserved to the full Council, the Cabinet, a Committee or sub-committee then no member of staff may exercise delegated authority in relation to that matter without the approval of the decision making body.

The authorisations which are reserved are described in the appendices. In addition, and in accordance with Part 2, Article 13 of the Constitution, "key decisions" are executive decisions reserved to the Cabinet, in accordance with the Executive Procedure Rules set out in Part 4 of the Constitution. Key decisions are those where the financial implications for the County Council exceed £500,000 or which are likely to have a significant effect on a division or divisions represented by at least two members. Exceptionally the Chief Executive has delegated authority to act in cases of urgency, including making key decisions.

Deleted: two or more electoral divisions

- 4.4 Regulations now require that where officers exercise delegated authority and make executive decisions then the reasons must be recorded and published online. The County Council takes a proportionate approach to these requirements and only requires the recording of specific decisions under delegated powers and not routine activity where staff are simply doing their jobs. A record form and guidance are available from Democratic Services
- 4.5 Before exercising any delegated power staff must consider whether the decision to be made is of such a nature that it ought to be referred for a collective decision by the Cabinet. Through the Director clear communication must be maintained with the Cabinet member so that the Cabinet member may provide a "political steer" and if necessary require significant or sensitive issues to be referred to the Cabinet for decision. Similarly consideration must be given to the need in appropriate cases to consult the relevant overview committee or regulatory committee chairman. There may be instances where time pressures are such that decisions which might otherwise be referred to the Cabinet have to be made by Senior Managers after consulting a cabinet member. Such decisions must be reported to the next available Cabinet meeting.
- 4.6 Directors have responsibility for advising elected members and the Chief Executive on the strategic direction of the Council and they have an overall

responsibility for groups of services and are accountable to elected members for the performance of those services. Heads of service and their staff when considering the exercise of delegated authority must be alert to this accountability and consult with their director where decisions are likely to be sensitive or significant, such that the Director needs to consult with the relevant Cabinet member.

- 4.7 Before exercising any delegated power staff must also consider whether the decision to be made will have a particular local impact such that the local member should be consulted prior to any decision being made. The requirements in the County Council's scheme for engaging and consulting with local members must be complied with. If the local member consulted in this way so requires it then the matter must be referred to the Cabinet or appropriate Committee for decision.
- 4.8 Delegated decisions must not involve the adoption of a new policy or a major extension of an existing policy of the County Council and shall exclude any case where the magnitude or controversial nature of a proposal is such that responsibility for a decision should be taken by the County Council, the Cabinet or a subcommittee of the Cabinet. In particular key decisions are to be referred to the Cabinet.
- 4.9 All decisions made by Officers under delegated powers shall be in accordance with the County Council's principles of decision making, as follows:-
- (i) proportionality ie the action should be proportionate to the desired outcome.
 - (ii) due consultation and the taking of appropriate professional advice
 - (iii) respect for human rights and equalities law
 - (iv) presumption in favour of openness
 - (v) clarity of aims and desired outcomes
 - (vi) the decision reflects the balance of evidence or legal or financial position
 - (vii) the requirement to be able to provide reasons for decisions.
- 4.10 There are circumstances where the County Council may enter into partnership arrangements with other local authorities and with health bodies for the shared delivery of services. These arrangements may involve pooled budgets, delegations of the lead commissioning role and shared staffing and management structures. Under these arrangements it may be necessary for a senior manager to give delegated authority to act to someone employed by the partner body and not by the County Council. In such cases particular care must be taken to describe in writing the limits of the extent of delegated authority to act on behalf of the County Council and the details must be included in the register maintained by the relevant senior manager.
- 4.11 The County Council acts as lead authority or host for a number of partnerships involving the joint exercise of executive functions. Before

exercising any delegated power to act in relation to partnership activity staff must consider the appropriate consultation to be undertaken with elected members, including consultation with district local members. If necessary, this will involve consulting with the appropriate Chairman or lead member for the partnership in place of, or in addition to, consultation with the appropriate member of the County Council's Cabinet.

- 4.12 Where a proposed exercise of delegated authority is such that the Leader should be consulted and the Leader is absent or otherwise unavailable then the Deputy Leader is to be consulted. Similarly, in the absence of the Chairman of an Overview Committee or the Chairman of one of the regulatory committees the Vice-Chairman is to be consulted. In the absence of an individual portfolio holder the Leader should be consulted.

5. Delegations to fulfill the County Council's duties in the Civil Contingencies legislation

- 5.1 In order to comply with the statutory requirements of the Civil Contingencies Act which identifies the County Council as a category 1 responder in a declared emergency or major incident, the senior managers (when acting in a decision making capacity at the Local Resilience Forum Strategic Command Group or at Dorset County Council's own Gold emergency group) are authorised for the purposes of the declared emergency to commit the appropriate resources (regardless of whether the value would equate to a key decision) and to suspend aspects of business as usual to comply with the County Council's duties in the Act.
- 5.2 Owing to the nature of such decision making at a time of a declared emergency or major incident, all decisions will be made on best advice available to the decision maker at the time and on the basis that the decision is a reasonable one in the circumstances. Notification to the Chairman and Vice Chairman of the Cabinet, the portfolio holder for Corporate Resources, the relevant service portfolio holder and senior manager will be given as soon as is practicably possible in the context of the emergency or major incident. A schedule of decisions taken under the delegation will be reported to the next meeting of the Cabinet as is appropriate in the circumstances of the emergency.

6. General Indemnity

All elected members and staff involved in decision making on behalf of the County Council are protected by a "general indemnity" which protects each of them from personal liability for the consequences of action taken in good faith on behalf of the Council. The detail of this indemnity is set out in appendix 4, below.

7. Specific delegations

- 7.1 The starting point for the delegated authority to staff to act is the general authorisation in section 3, above given to the senior managers and other staff authorised by them in writing. There are though instances where the statutory officers and some other senior managers retain very specific powers to act. These are listed in Appendix 4, below.

8. Regulation of Investigatory Powers Act 2000(RIPA)

- 8.1 The power to authorise surveillance under RIPA is an instance where the law imposes very strict limitations on which senior managers are permitted to act. These are listed in Appendix 5.

9. Delegations of people management matters under Manager Self Service

- 9.1 The Scheme of Delegation operates on the basis that a post at a particular management level has delegated power for all matters which can be decided by any post at a more junior management level within line management to the post e.g. management level 1 posts also have delegated power within their line management structures for all matters delegated to managers at levels 2 through to 5.
- 9.2 Details of the people management delegations given to particular levels of managers are listed in Appendix 6.
- 9.3 There has been a tendency in the past for higher level managers to expect matters to be referred to them for decision even though others had delegated authority to act on their behalf. The clear expectation now is that decisions must be made at the appropriate level, as set out in the table in Appendix 6.

10. Delegations of decisions with financial implications

- 10.1 Delegations are to be exercised within the framework of financial regulations and contract procedure rules currently in operation.
- 10.2 As with the scheme of delegation for people management matters under manager self service, this scheme operates on the basis that a post at a particular management level has delegated power for all matters which can be decided by any post at a more junior management level within line management to the post. However, as with people management matters, the expectation is that decisions are made at the appropriate level in accordance with the table set out in Appendix 7 and that decisions should not be referred unnecessarily up the "chain of command".

11. Advice and interpretation

- 11.1 The intention is that this scheme of delegation should be readily understood by all. It is though a legal document and any questions about its interpretation should be referred to the County Council's legal service.
- 11.2 Where necessary a final decision on the meaning and interpretation of this document (which is part of the County Council's Constitution) will be made by the Monitoring Officer.

Appendix 1

Responsibility for functions which are not to be the responsibility of the executive.

Function	Decision-making Body
1. Functions relating to town and country planning and development control as specified in Section A, Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 As Amended by the Amendment Regulations 2001 (SI 2001 No. 2212) (together known as the Functions Regulations).	Planning Committee
2. All functions of the County Council relating to licensing and registration as set out in Section B, Schedule 1 to the Functions Regulations.	Licensing and Registration Committee
3. Functions relating to health and safety under any 'relevant statutory provision' within the meaning of Part 1 of the Health and Safety at Work Act 1971, to the extent that those functions are discharged otherwise than in the Council capacity as employer as specified in section C to Schedule 1 of the Functions Regulations.	Licensing and Registration Committee
4. All the functions of the County Council in relation to elections in Section D of Schedule 1 to the Functions Regulations.	Licensing and Registration Committee (other than powers delegated under the Scheme of Delegation to the Chief Executive)
5. All the functions of the County Council specified in Sections E, F and G to Schedule 1 to the Functions Regulations in relation to:- (a) the names and status of areas and individuals; (b) the making, amending, revoking or re-enacting of by-laws; (c) the promotion of or opposition to local personal Bills.	County Council
6. All the functions of the County	Personnel Appeals Committee (other

Council in relation to pensions in Section H of Schedule 1 to the Functions Regulations.	than the powers delegated under the Scheme of Delegation to the Chief Financial Officer on the advice of the Investment Advisory Panel). Staffing Committee for the Chief Executive and Directors.
7. All functions of the County Council relating to public rights of way and to applications for modification of the definitive Map (including creating rights of way, bridleways etc. and re-classifying roads as public paths) in Section I of Schedule 1 of the Functions Regulations.	Roads and Rights of Way Committee
8. The registration of common land or town and village greens and to register the variation of rights of common as set out in Schedule 1 to the Functions Regulations.	Roads and Rights of Way Committee
9. The exercise of powers relating to the regulation of the use of highways as set out in Schedule 1 to the Functions Regulations.	Roads and Rights of Way Committee
10. All functions of the County Council relating to Sea Fisheries under Sea Fisheries legislation.	County Council
11. Power to make Standing Orders and Standing orders as to contracts.	County Council (on recommendation from the Standards Committee)
12. The duty to approve the County Council's statement of accounts, income and expenditure and balance sheets.	County Council
13. Power to make payments or provide other benefits in cases of maladministration.	Standards Committee
14. The functions of the County Council to make limestone pavement orders.	Planning Committee
15. The functions of the County Council relating to the preservation of trees and protection of hedgerows.	Planning Committee
16. (a) Determination of terms and conditions on which staff hold office (including procedures for dismissal) (b) Appointment of Directors and	Staffing Committee

Deputy Chief Executive and recommendation of appointment of Chief Executive.	Staffing Committee
17. Confirmation of appointment of Chief Executive.	County Council
18. Appointment of all staff not covered by paragraphs 16 and 17 above.	Appropriate Director or his/her nominees under powers delegated under the Scheme of Delegation
19. Establishment of an Independent Remuneration Panel and approval of the Scheme for Members' Allowances upon recommendation of the Independent Panel.	County Council
20. Power to appoint officers for particular purposes (appointment of 'proper officer').	County Council
21. Duty to designate officer as the Head of the authority's Paid Service, and to provide staff etc.	County Council
22. Duty to designate officer as the Monitoring Officer, and to provide staff etc.	County Council
23. Duty to designate officer as the Chief Financial Officer and to provide staff etc.	Staffing Committee

Appendix 2

Responsibility for functions which may (but need not be) the responsibility of the executive, i.e. local choice functions

<u>Function</u>	<u>Decision-making Body</u>
1. Any function under a local Act other than a function specified or referred to in Regulation 2 or Schedule 1 to the Functions Regulations.	Cabinet
2. The determination of an appeal against any decision made by or on behalf of the County Council in respect of:- Personnel matters Children's and Adult Services matters	Personnel Appeals Committee Children's and Adult Services Appeals Committee
3. Any function relating to contaminated land.	Cabinet
4. The making of arrangements pursuant to sub-section (1) of Section 67 of, and Schedule 18 to, the 1998 Education Act (appeals against exclusion of pupils).	Cabinet
5. The making of arrangements pursuant to Section 94(1) and (4) of, and Schedule 24 to, the 1998 Education Act (admission appeals).	Cabinet
6. The making of arrangements pursuant to Section 95(2) of, and Schedule 25 to, the 1998 Education Act (children to whom section 87 applies: appeals by governing bodies).	Cabinet
7. The making of arrangements under Section 20 (questions on police matters at Council meetings) of the Police Act 1996 (b) for enabling questions to be put on the discharge of the functions of a police authority.	Cabinet

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<p>8. The making of appointments under paragraphs 2 to 4 (appointment of members by relevant councils) of Schedule 2 (police authorities established under Section 3) to the Police Act 1996.</p>	<p>County Council</p>
<p>9. Leading the County Council's search for efficiency.</p>	<p>Cabinet supported by the Overview Committees</p>
<p>10. Making arrangements for the execution of Highways work.</p>	<p>Director for Environment in accordance with the Scheme of Delegation</p>
<p>11. Appointment of any individual:-</p> <p>(a) to any office other than an office in which he is employed by the authority;</p> <p>(b) to any body other than:-</p> <p style="padding-left: 40px;">(i) the authority;</p> <p style="padding-left: 40px;">(ii) a joint committee of two or more authorities; or</p> <p>(c) to any committee or sub committee of such a body;</p> <p>and the revocation of any such appointment.</p>	<p>Cabinet in respect of bodies with Executive functions save that the County Council will reserve to itself the appointments to the following bodies:-</p> <p>(a) LGA;</p> <p>(b) South West Regional Assembly</p> <p>The County Council in respect of other outside bodies.</p>
<p>12. Making agreements with other local authorities for placing staff at the disposal of those other authorities.</p>	<p>Staffing Committee</p>

Appendix 3

Responsibility for functions, not to be the sole responsibility of the executive

FUNCTION APPROVAL OF THE FOLLOWING PLANS AND STRATEGIES	DECISION-MAKING BODY
1. Corporate Plan (Our Role in Dorset)	County Council
2. Children and Young People's Plan	County Council
3. Community Strategy	County Council
4. Crime and Disorder Reduction Strategy	County Council
5. Plans and strategies which together comprise the Development Plan including the Bournemouth, Dorset and Poole Waste Local Plan and the Bournemouth, Dorset and Poole Minerals Local Plan	County Council
6. Youth Justice Plan	County Council
7. Economic Development Plan	County Council
8. Lifelong Learning Development Plan (Adult Learning Plan)	County Council
9. The Dorset Waste Strategy	County Council
10. Food Law Enforcement Service Plan	County Council
11. Local Cultural Strategy	County Council
12. Local Transport Plan	County Council
13. Budget	County Council
14. Asset Management Plan	County Council
15. Treasury Policy Management Statement	County Council
16. Capital Programme	County Council
17. Approval for the purposes of public consultation in accordance with Regulation 10 or 22 of the Town and Country Planning (Development Plans) (England) Regulations 1999 of draft proposals associated with the preparation of alterations to, or the replacement of, a development plan	Planning Committee
18. Arrangements for school provision in Dorset	County Council

Appendix 4

1. General Indemnity

1.1 The County Council gave a general indemnity in 1992 to any member of staff acting in good faith in the course of their employment, in the following form. This indemnity was modified in 2005 to extend to members as well as employees of the Council. At the same time it was also extended to provide financial support for members and officers to enable them to:-

- (1) resist criminal proceedings
- (2) resist defamation proceedings

2. Exceptions

2.1 The indemnity will not extend to loss or damage directly or indirectly caused by or arising from:-

fraud, dishonesty or criminal offence committed by the member or employee;

any neglect, act, error or omission by the member or employee otherwise than in the course of his/her employment; and

2.2 The indemnity will not apply if a member or employee without the express permission of the authority, admits liability or negotiates or attempts to negotiate a settlement of any claim falling within the scope of this resolution.

2.3 In pursuance of the above indemnity, the Council undertake not to sue (or joint others in an action as co-defendant versus) a member or an officer of the Council in respect of any neglect, error or omission by him/her in the course of his/her role as a member or as an employee, but subject to the same exceptions as in 2 above.

2.4 The above indemnity and undertaking shall be without prejudice to the right of the Council: -

- (1) through the Standards and Governance Committee to take action in respect of a locally referred allegation of a breach of the Code of Conduct for Members or the breach of a local protocol, or
- (2) to take disciplinary action against an employee in respect of any neglect, act, error or omission.

The above indemnity and undertaking apply:

Retrospectively to any neglect, act, error or omission which may have occurred before this date; and after the retirement or resignation of the member or employee concerned, as well as during their term of office or employment with the council."

Appendix 5

1. Powers to be delegated to the senior managers

- 1.1 To make applications for planning permission, after consultation with the Director for Corporate Resources as Chief Financial Officer, the Monitoring Officer and the Director for Environment, through the Asset Management Group.
- 1.2 To appoint private consultants of any profession within his or her own service areas where the senior manager has insufficient staff or there is a need for particular specialist assistance. In making any such appointments the senior manager must comply with contract procedure rules and may not engage professional services where that discipline or profession is the responsibility of another senior manager.
- 1.3 To make decisions about making individual posts redundant, or agreeing to an individual's early retirement, subject to the approval of the Personnel Appeals Committee in respect of the award of discretionary payments in cases which involve the early introduction of pension benefit.
- 1.4 To submit applications for external funding in support of County Council priorities subject to the County Council's contribution being less than the threshold for a key decision (£500,000) and funding being included within an approved budget and where a change of the County Council's policy is not required.

2. Powers to be delegated to the Chief Executive

- 2.1 To be Head of Paid Service for the purposes of Section 4(1) of the Local Government and Housing Act 1989.
- 2.2 To be Proper Officer in relation to the following provisions in the Local Government Act 1972:
 - (a) Section 83(1)(2) and (3) - the officer to whom a person elected to the office of Chairman, Vice-Chairman or Councillor of the Council shall deliver a declaration of office.
 - (b) Section 84 - the officer to whom a person elected to any office under the Act may give written notice of resignation.
 - (c) Section 88(2) - the officer who may convene a meeting for the election of Chairman of the Council following a casual vacancy in that office.
 - (d) Section 89(1)(b) - the officer who receives notice of casual vacancies from two local government electors.
 - (e) Schedule 12, Part 1 Paragraph 4(2)(b) - the officer who shall sign a summons to attend a Council Meeting.
 - (f) Schedule 12, Part 1 Paragraph 4(3) - the officer to receive notices from members regarding the address to which summonses to meetings are to be sent.

- 2.3 To be **Proper Officer** in relation to the provisions of the Regulations under Sections 15 to 17 of the Local Government and Housing Act 1989 regarding:
- (a) the receipt of Notices from Members concerning:
 - (i) the constitution of political groups;
 - (ii) the membership of political groups;
 - (iii) the wishes of political groups;
 - (iv) the review of the allocation of seats to political groups;
 - (b) the notification to political groups of:
 - (i) the allocation of seats to political groups;
 - (ii) the vacation of a seat allocated to a political group.
- 2.4 To authorise in cases of urgency the acquisition or disposal of land or any other step or transaction (not limited to land and property matters) which she considers to be in the best interests of the County Council, (which shall include making “key decisions”) after consultation with the Chairman and Vice-Chairman of the Cabinet and after having taken advice from the Chief Financial Officer and the Monitoring Officer.
- 2.5 To act as County Returning Officer for County Council elections.
- 2.6 To decide requests from members for dispensations to speak and vote at meetings in accordance with the County Council's procedure approved by the County Council on 19 July 2012 to meet the requirements of the Localism Act 2011.
- 2.7 To decide on individual cases for exemptions from political restriction to meet the requirements of the Localism Act 2011.

3. Powers delegated to the Chief Financial Officer

- 3.1 To be Proper Officer in relation to the following provisions of the Local Government Act 1972:-
- Section 115(2) - the officer who shall receive all money due from every officer employed by the Council.
 - Section 146(1) - the officer in relation to transfers of securities on alteration of area, etc.
- 3.2 To be Proper Officer under Section 151 of the Local Government Act 1972 responsible for the proper administration of the County Council's financial affairs.
- 3.3 To be Chief Financial Officer for the purposes of Section 6 of the Local Government and Housing Act 1989.
- 3.4 To incur overdraft on the Council's bank accounts, the net pooled balance

not to exceed £10M overdrawn at any one time.

- 3.5 To be responsible for Internal Audit under the Accounts and Audit Regulations 1996.
- 3.6 To make investment decisions for the Dorset County Pension Fund in accordance with a strategy agreed by the Pension Fund Investment Committee.
- 3.7 To remit income in the following classes:-
 - (a) arrears of contributions in respect of children and young persons in care;
 - (b) charges to residents in homes, hostels and boarding establishments.
- 3.8 Superannuation
 - admission to the Scheme
 - application of interchange rules
 - surrender of allowances
 - re-introduction of child's pension
- 3.9 To agree to grant terms and conditions under Section 31 of the Local Government Act 2003 for and on behalf of the County Council.
- 3.10 To authorise sponsorship and advertisement arrangements for any County Council property.
- 3.11 (a) To make awards in accordance with the Superannuation Regulations (Injury Allowances) equal of 50% of:-
 - (i) the pension the employee would have received but lost completely because at the time of their enforced early retirement they did not have sufficient qualifying service for a pension;
 - (ii) the additional pension the employee would have received but for the enforced early retirement;
 - (iii) the additional pension the employee would have earned had they not had to take lower paid employment (involving a lower rate of pay and/or reduced hours) because of the injury.

In all cases such allowances, together with any State Injury Award, must not exceed the total pension the employee could have earned.

Where in any particular case and for whatever reasons, an allowance within these guidelines is considered inappropriate then the Director shall consult with the Cabinet Member for Corporate Resources before making a determination.

- 3.12 To approve applications under Regulation E5(6)(b) of the Superannuation Regulations 1986 where the second marriage is dissolved or the husband dies subject to the wife not being materially better off by reason of her second marriage.

4. Powers to be delegated to the Monitoring Officer

- 4.1 To act as the person specified by the County Council as administering authority, to consider disputes in respect of the Local Government Pension Scheme referred under the Local Government Pension Scheme (Amendment) Regulations 2004, for Stage two reconsideration (deputising to be undertaken by the Deputy Monitoring Officer).

To be 'proper officer'

- 4.2 In relation to the following provisions:-

- (i) The Local Government Act 1972:-
 - (a) Section 225(1) - the officer with whom documents shall be deposited.
 - (b) Section 229(5) - the officer who shall certify a photographic copy of a document in the custody of the Council or of a document which has been destroyed while in the custody of the Council, or of any part of such document.
 - (c) Section 234 - the officer who may authenticate documents on behalf of the Council.
 - (d) Section 236(10) - the officer who shall send copies of bylaws to district councils and receive the same from district councils.
 - (e) Section 238 - the officer who shall certify a printed copy of a bylaw of the Council.
- (ii) The Local Government (Access to Information) Act 1985 and the Local Government Act 2000 and associated regulations.

- 4.3 To act as "Monitoring Officer" under Section 5 of the Local Government and Housing Act 1989, and the Local Government Act 2000.
- 4.4 To institute, defend or settle legal proceedings or disputes in contemplation of legal proceedings on behalf of the County Council, to appear on behalf of the County Council, at public inquiries and at any other tribunal, to engage Counsel, and to take all necessary action in connection with such proceedings or contemplated proceedings.
- 4.5 To authorise the sealing or signature of any order, deed or other document necessary to give effect to a decision of the Council, or a committee, sub-committee or officer acting under delegated powers.
- 4.6 To authorise Trading Standards Officers within the Adult and Community Services Directorate to institute legal proceedings, lay informations and make complaints, and appear on behalf of the County Council before any Court of Summary Jurisdiction.
- 4.7 To issue on behalf of the County Council certificates under the provisions of the Local Government (Contracts) Act 1997 with the issue of any such certificate to be reported to the next following meeting of the Cabinet.
- 4.8 To determine applications to amend the register of common land and town and village greens (except applications to register or de-register land as common land and town and village greens).

- 4.9 After consultations with the Chairman of the Roads and Rights of Way Committee, to make public path diversion, extinguishment and creation orders where pre-order consultations relating to proposals give rise to no indication of opposition (in cases not involving County Council properties)
- 4.10 To confirm published public path orders to which no objections have been received (in cases not involving County Council properties).

5. Powers delegated to the Director for Children's Services and Chief Financial Officer

- 5.1 To authorise any arrangements concerning a licensed deficit for a school exceeding £50,000 or any extension of the period of three years within which a school must set a recovery plan to overcome a significant budget deficit.

6. Powers delegated to the Director for Environment and Chief Financial Officer

- 6.1 In exceptional cases of urgency, to modify the Capital Programme to incorporate:-
- (i) any significant change in the specification or scope of a capital scheme at any time;
 - (ii) any significant change in the estimated cost of a project prior to contract letting;
- after consultation with the Cabinet member for Environment, and subject to the changes being reported to the next meeting of the Cabinet.

7. Powers delegated to the Head of Human Resources and Exchequer Services

- 7.1 To act as the person specified by the County Council as a scheme employer under the Local Government Pension Scheme (Amendment) Regulations 2004 to consider disputes about first instance decisions on pension matters.

8. Powers delegated to the Head of Community Services

- 8.1 Proper Officer for Registration matters
- 8.2 Authorised to make arrangements for the implementation of Civil Partnership legislation under the Civil Partnership Act

9. Powers delegated to the Head of Planning

- 9.1 To make all development control decisions, subject to the following exceptions which would require the decision of the Planning Committee:-
- (i) Applications where the officers are recommending consent but the District Planning Authority has expressed a view that the application should be refused;

- (ii) Applications where the officers are recommending consent but the development does not accord with the Development Plan and/or the relevant Government policy;
- (iii) Applications where the applicant is the County Council and the application is for a major development as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2010;
- (iv) Application which requires an Environmental Impact Assessment;
- (v) All applications to which there is an objection from the local County Council member(s) be referred to the Planning Committee and not dealt with under delegated powers;
- (vi) Any application from which compensation is likely to arise from the determination of a review of the Mineral Planning Permissions (ROMPS) Application;
- (vii) Applications recommended for consent but where the Appropriate Assessment does not accord with the advice of Natural England;
- (viii) Where a material objection has been raised against the application and the planning issues raised in that objection cannot be resolved through a planning condition or legal agreement but officers are nevertheless recommending consent.

9.2 The Head of Planning will retain the discretion to bring any other matter he deems appropriate before the Planning Committee.

Appendix 6

Regulation of Investigatory Powers Act 2000 (RIPA)

The officers listed below are authorised under the Regulation of Investigatory Powers Act to permit surveillance for the purposes listed. The authorising officer must satisfy him or herself that the statutory tests for the authorisation of directed surveillance, the acquisition of communications data or the use of a covert human intelligence source have been met and that the use of the technique is necessary and proportionate. However, no such techniques may be used without the additional authorisation of a Justice of the Peace. The Director for Corporate Resources has delegated authority in relation to legal proceedings and has authorised certain officers in legal services and the trading standards service to make applications to a Justice of the Peace where one of the authorising officers listed below has permitted this.

Note: the Authority of the senior managers to authorise surveillance is legislative and cannot be delegated to other officers to exercise on their behalf.

<u>Post</u>	<u>Purpose of Authorisation</u>
Chief Executive	All purposes (including where there is a likelihood of acquiring confidential information)
Monitoring Officer	All purposes (including but only in the absence of the Chief Executive where there is a likelihood of acquiring confidential information)
Director for Corporate Resources (Chief Financial Officer)	All purposes for Corporate Resources Services (and including where there is a likelihood of acquiring confidential information but only in the absence of both the Chief Executive and the Monitoring Officer)
Director for Adult and Community Services	All purposes for Adult and Community Services (but excluding where there is a likelihood of acquiring confidential information)
Director for Children's Services	All purposes for Children's Services (but excluding where there is a likelihood of acquiring confidential information)
Director for Environment	All purposes for Environment Services (but excluding where there is a likelihood of acquiring confidential information)
Head of Planning	All purposes for Development Control (but excluding where there is a likelihood of acquiring confidential information)

		<p>management responsibility for.</p> <p>(c) Granting of special leave of absence with/without pay.</p> <p>(d) Granting of approval for employees to undertake private work (outside of office hours).</p> <p>(e) Ex gratia payments.</p> <p>(f) Acting up arrangements.</p> <p>(g) Move to a different position within the establishment.</p> <p>(h) Review of discrete post of job evaluation request.</p> <p>(i) Labour market increments request.</p> <p>(j) Annual Leave carry forward.</p> <p>(k) Occupational Health referral.</p> <p>(l) Travel status authorisation.</p> <p>(m) Maternity leave approval.</p> <p>(n) Paternity leave approval.</p> <p style="text-align: center;">and</p>
5	Officers reporting to Level 4 (typically team leaders)	<p>(a) Incremental progression - approval of competency increments through the salary grade.</p> <p>(b) Approval to attend training courses (external courses are subject to Procurement approval at the appropriate level).</p> <p>(c) Sick leave (including return to work and trigger point interviews etc.)</p> <p>(d) Annual leave approval.</p> <p>(e) Change to employment within current position.</p> <p>(f) Performance and Development Review completion.</p> <p>(g) Notification of staff leaving.</p> <p>(h) Exit interviews.</p> <p>(i) Probation sign off.</p> <p>(j) Flexible working – approval of change to working patterns.</p> <p>(k) Travel expenses claim authorisation.</p>
<p>Specific delegations to the Head of Human Resources and Exchequer Services</p> <p>(a) Extension to full and half sick pay</p> <p>(b) Approval of injury allowance payments</p> <p>(c) Redundancy payments for teachers</p>		

Appendix 8

Officer Role	Management Level	Proposed Delegation (to be used in accordance with Contract Procedure Rules and Financial Regulations and relevant Guidance)
Signing contract documents		
Head of Legal and Democratic Services as Monitoring Officer		<ul style="list-style-type: none"> (a) Signing of contracts under seal of any value. (b) Signing of contracts valued in excess of £500,000. (c) Signing of inter authority, collaboration, partnering and framework agreements. (d) Approval to terminate contracts early with a value in excess of £500,000. (e) Approval to extend contracts where the original contract value exceeds £500,000 and within the original terms and advertised scope of the contract. (f) Authorisation and signing of letters of intent committing the County Council to expenditure in excess of £500,000.
Chief Executive, Directors and Statutory Chief Officers	0	<ul style="list-style-type: none"> (a) Signing of contracts (not under seal) up to but not exceeding £500,000 and signing of contracts for urgent special educational needs or urgent social care. (b) Approval to terminate contracts early with a value not exceeding £500,000. (c) Approval to extend contracts where the original contract value does not exceed £500,000 and within the original terms and advertised scope of the contract. (d) Authorisation and signing of letters of intent committing the County Council to expenditure not in excess of £500,000.
Senior managers reporting direct to Level 0 (normally Heads of Service)	1	<ul style="list-style-type: none"> (a) Signing of contracts (not under seal) up to but not exceeding £500,000 and signing of contracts for urgent special educational needs or urgent social care. (b) Approval to terminate contracts early with a value not exceeding £500,000. (c) Approval to extend contracts where the original contract value does not exceed £500,000 and within the original terms and advertised scope of the contract. (d) Authorisation and signing of letters of intent committing the County Council to expenditure not in excess of £500,000.

Expenditure		
Director for Corporate Resources as s.151 Officer		Authorisation of expenditure over £500,000 in conjunction only with the exercise of the Chief Executive's delegated authority in Appendix 5 paragraph 2.4 in cases of urgency.
Senior managers reporting direct to Level 0 (normally Heads of Service)	1	Approval of expenditure over £100,000 and not exceeding £500,000.
Officers reporting to Level 1 (typically service managers)	2	Approval of expenditure over £50,000 and not exceeding £100,000.
Officers reporting to Level 2 (typically team managers)	3	Approval of expenditure over £1,000 and not exceeding £50,000.
Officers reporting to Level 3 & 4 (typically assistant team managers)	4 & 5	Approval of expenditure not exceeding £1,000.
Exemptions		
Head of Legal and Democratic Services as Monitoring Officer And Director for Corporate Resources as s.151 Officer		Approval of requests for exemption to the Contract Procedure Rules for contracts valued over £100,000 but not exceeding EU procurement thresholds.
Senior managers reporting direct to Level 0 (normally Heads of Service)	1	Approval of requests for exemptions to the Contract Procedure Rules for contracts with a value not in excess of £100,000.
Procurement Tender Evaluation Models		
Head of Dorset Procurement		Authorisation of procurement tender evaluation models for contracts with a value in excess of £100,000.
Senior managers reporting direct to Level 0 (normally Heads of Service)	1	Authorisation of procurement tender evaluation models for contracts with a value not exceeding £100,000.

Specific Officer Delegations

Director for Corporate Resources as Section 151 Officer
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Approval of finance appraisals for all supplier tenders for procurements contracts valued over £150,000.
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Approval of financing routes.

Approval of finance lease agreements.

Approval of disposal of assets not otherwise covered in the scheme not exceeding £500,000 in value.

Delegations to the Head of Legal and Democratic Services as Monitoring Officers
--

Responsibility for safe custody of the County Council's seal and the execution of documents under seal.

Delegations to the Head of Procurement

Approval of EU procurement routes for over EU threshold procurement.
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Delegated to the Corporate Fleet Manager

Approval of acquisition and disposal of all vehicles with a value not exceeding £500,000.

Delegated to the Head of Property Management

Approval for the acquisition and disposal of interests in land and buildings with a value not exceeding £500,000.

Note

All staff must respect the lead advisor role of any senior manager responsible for a particular service area and must not commission advice or services other than through the service in question. By way of illustration legal advice and support is only to be provided by or commissioned through the Head of Legal and Democratic Services and the same applies to other professional disciplines.



Contract Procedure Rules

1st September 2013

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1. Introduction

- 1.1. These Contract Procedure Rules are the Council's rules for buying, renting and leasing of goods, services and works for the Council. They do not apply to internal service provisions.
- 1.2. These Rules are mandatory and shall govern and regulate Council procurement and contract award procedures. Officers must also refer to the Dorset Procurement Guidance for more detailed procedures.
- 1.3. These Rules apply to all Officers of the Council or any companies or organisations within the Council's control. They are part of the Council's Constitution and therefore Officers have a duty to ensure they have fully understood them prior to commencing any procurement or contracting activity.
- 1.4. Officers must also ensure that any persons and or organisations acting on behalf of the Council fully comply with these Rules.
- 1.5. The aim of these Rules is to assist Officers in achieving good and lawful procurement and to ensure that the Council obtains value for money and fulfils its duty of best value in all its procurement activity. It must be remembered also that procurement is a means to an end and must be driven by outcomes that we are trying to achieve for service users and council tax payers.
- 1.6. They also provide a basis for fair competition by providing transparent and auditable procedures to protect the Council's reputation from any imputation of dishonesty or corruption.
- 1.7. Before embarking on any procurement activity it is the Officer's ultimate responsibility to seek appropriate support and guidance from Dorset Procurement.
- 1.8. The clear expectation is therefore of compliance with these Rules and in any cases of doubt advice must be sought. Failing to follow these Rules or to take advice may be dealt with as a breach of the officer code of conduct and because of the potentially serious impacts there may be instances where this will be treated as misconduct or gross misconduct by the Officer and/or Chief Officer concerned and give rise to action under the County Council's disciplinary policy and procedure. ▼

Deleted: For these reasons it is a disciplinary offence to fail to comply with the

Deleted: Rules when letting contracts and employees have a duty to report breaches of these Rules to an appropriate senior manager or internal auditor.

2. Basic Principles

- 2.1. All procurement activity and contract and supplier management must:
 - realise Value For Money for public money spent;
 - be consistent with the highest standards of integrity;
 - ensure fairness and transparency in awarding public contracts;
 - comply with all legal requirements including the law of England, these Rules and Guidance, the Council's Financial Regulations, the EU Treaty and any relevant EU Directives;
 - ensure that Non-Commercial Considerations do not influence any contracting decision; and,
 - support the Council's corporate and departmental aims and policies.

3. Officer Responsibilities

- 3.1. The Officer is responsible for the procurement and must:
 - 3.1.1. comply with these Rules and any public procurement legislation (English and EU);
 - 3.1.2. ensure that any Agents, Consultants and contractual partners, conducting procurement activities on their behalf also comply;
 - 3.1.3. take account of all necessary legal, financial, procurement and any technical advice;
 - 3.1.4. have regard to Guidance provided by the Dorset Procurement;
 - 3.1.5. keep the records required by Rule 35 of these Rules;
 - 3.1.6. ensure security and confidentiality of documentation supplied at all stages of the procurement activity, including Tender Evaluation Reports, working papers and minutes of meetings. The Officer must ensure that he or she records in writing all minutes of meetings and decisions/actions taken.

- 3.2. Prior to commencing a procurement the Officer must
 - 3.2.1. consider options for delivery of the required goods, services or works and the Guidance;
 - 3.2.2. identify the size, scope, term and specification of the goods, services or works required
 - 3.2.3. check whether:
 - 3.2.3.1. the Council already has an available and appropriate contract in place in the Corporate Contracts Register, or:
 - 3.2.3.2. an appropriate national, regional or other collaborative contract is available for use;
 - 3.2.3.3. there is appropriate Council authority (permission) to procure and sufficient budgetary provision has been formally approved for the anticipated Contract expenditure;
 - 3.2.3.4. any employee, either of the Council or of a service provider, may be affected by any transfer arrangement, then any Transfer of Undertaking (Protection of Employment) ("TUPE") issues and costs are considered and legal and HR advice from within the Council is obtained prior to proceeding with the procurement exercise.

4. Chief Officer Responsibilities

- 4.1. Chief Officers must comply with these Rules and must ensure that their Officers comply with these Rules.

- 4.2. The Chief Officer must keep a written record of all approved exemption requests for his/her department. This record must be produced when required by the Monitoring Officer or audit.

- 4.3. Chief Officers must arrange the safekeeping of original tender documents, Exemptions and Contracts on Council premises as in accordance with the Council's retention policy **and** ensure all Contract details are provided to Dorset Procurement for record in the Corporate Contracts Register.

5. Prevention of Corruption and Conflict of Interest

- 5.1. Officers and Chief Officers have a duty in law to avoid any form of behaviour or conflict of interest that might distort or restrict competition, or make a Contract award subject to the risk of being challenged. Officers and Chief Officers involved in procurement must declare any conflicts of interests relating to the procurement activity where they, or their spouse or civil partner, or person with whom they are living as husband and wife or civil partner, have a vested interest that could conflict with the best interests of the Council.
- 5.2. The Officer and the Chief Officer must always comply with the Council's Code of Conduct and must not offer, promise, give or receive any gift or reward in respect of the award or performance of any Contract.
- 5.3. Officers are advised that any inappropriate behaviour that is deemed contrary to the Bribery Act 2010 could result in dismissal and the matter may be reported to the police.

Deleted: they, or their significant other

6. Authority to Procure

- 6.1. Any procurement carried out on behalf of the Council may only be undertaken by officers with the appropriate authority to carry out such tasks in accordance with the Scheme of Delegation in force from time to time.
- 6.2. It is the responsibility of Chief Officers to ensure that Officers undertaking procurement have the necessary knowledge, skills and training to fulfil that function.
- 6.3. Where the procurement involves a Key Decision then the Officer must seek prior approval from the Council's Cabinet for the procurement and/or award and signing of any resultant Contract prior to the procurement commencing.

7. Application of and Exceptions to the Rules

- 7.1. These Rules apply to every procurement and Contract made by or on behalf of the Council except for:
 - 7.1.1. grants which the Council may receive or make except where the grant is the form of payment for a contract for services where the Council specifies the output or outcomes to be delivered;
NB. While grants are not covered by these Rules, there are rules on the awarding of grants which do need to be observed. The Council cannot simply choose to treat procurement as a grant in order to avoid conducting a competitive process. Officers should follow any advice in the Guidance.
 - 7.1.2. acquisition or disposal of any interest in land;
 - 7.1.3. goods, works or services, where the Contract Total Value is below EU threshold procured in a genuine Emergency (e.g. natural disasters such as flooding or fires, immediate changes to legislation) because of a need to respond to events that were beyond the genuine control of the Council. Any Emergency procurement must be reported to Dorset Procurement as soon as practical. Any such Contract entered into by the Council must not be for a term of more than six months. Please note that not allowing enough time to go to Tender is not an Emergency;
 - 7.1.4. contracts for employment,

- 7.1.5. contracts for the execution of mandatory works by statutory undertakers, e.g. Gas mains, sewage and water supply.
- 7.1.6. contracts which have been procured on the Council's behalf:
 - through collaboration with other local authorities or other public bodies, where a competitive process has been followed that complies with the rules/regulations of the lead organisation (but does not necessarily comply with these Rules).
 - by a national or regional contracting authority where the process followed is in line with the Public Contracts Regulations (2006) as amended, (e.g. a Pro5 Organisation, or Government Procurement Service);
- 7.1.7. the lending or borrowing of money;
- 7.1.8. arrangements with Ofsted for the inspection of a school;
- 7.1.9. contracts to cover urgent special educational needs, urgent social care contracts or urgent operational needs, if in the opinion of the relevant Chief Officer it is considered to be in the Council's interests or necessary to meet the authority's obligations under relevant legislation. Use of this exception by the relevant Chief Officer must be followed up with a report to Dorset Procurement for recording;
- 7.1.10. contracts to cover residential and nursing care which the Council has a duty to provide under S21 and S29(4) National Assistance Act 1948, S117 Mental Health Act 1983, S17 Children Act 1989 and S2 Local Government Act 2000, if in the opinion of the appropriate Chief Officer, it is considered to be in the Council's interests and demonstrates value for money. Use of this exception by the relevant Chief Officer must be followed up with a report to Dorset Procurement for recording

8. Requesting An Exemption

- 8.1. Except where the Regulations apply, exemptions from complying with these Rules can be authorised for specific Contracts.
- 8.2. Exemption from compliance with these Rules must be requested in the Exemption Request format, with supporting information and documentation, as specified in the Guidance and approval obtained from the relevant authorised officer in writing advance of the Officer commencing procurement. Lack of forward planning will not constitute a reason for an exemption.
- 8.3. Exemption requests may not be made retrospectively.
- 8.4. The Officer requesting the exemption is responsible and accountable for making sure that the contents of any Exemption Request they make is factually correct, and that all supporting documentation is retained for auditing purposes.
- 8.5. An Exemption Request may be authorised on the following grounds:
 - 8.5.1. the nature of the market for the works to be carried out or the goods and services to be provided has been investigated and is demonstrated to be such that a departure from the requirements of the Rules is justifiable; or
 - 8.5.2. the Contract is for works, goods or services that are required in circumstances of extreme urgency that could not reasonably have been foreseen; or
 - 8.5.3. other circumstances of genuine exception; or,
 - 8.5.4. the Council has a Contract with an organisation already engaged by the Council for a similar and related procurement and where there is

- significant benefit and it is lawful to extend the existing Contract to cover this additional requirement, without exposing the Council to unacceptable risk; or,
- 8.5.5. where relevant English or EU legislation not otherwise referred to in these Rules prevents the usual procurement process from being followed; and in all cases, and,
- 8.5.6. it is in the Council's overall interest.

Contract Total Value is up to £100,000

- 8.6. Exemptions for proposed Contracts with a Total Value not exceeding £100,000 must be recorded using an Exemption Request Form. The Officer must secure approval from the relevant Chief Officer prior to any procurement activity commencing. The Chief Officer must store the approved Exemption Request Form with the signed contract, in accordance with the Council's retention policy and provide a copy to Dorset Procurement.

Contract Total Value £100,000 up to the current EU Threshold

- 8.7. Exemptions sought that are equal to or over £100,000 and not exceeding the EU Threshold must be recorded using the Exemption Request Form. The Officer must secure approval from the relevant Chief Officer and the Monitoring Officer and Section 151 Officer prior to any procurement activity commencing. The Chief Officer must store the approved Exemption Request Form with the signed contract, in accordance with the Council's retention policy and provide a copy to Dorset Procurement.

Exemptions Equal to and Over the EU Threshold

- 8.8. Exemptions at this level are not permitted.

Exemptions over the Council's Key Decision Threshold

- 8.9. Exemption requests cannot be sought for exemptions equal to or above the Council's Key Decision threshold.

Repeat Exemptions

- 8.10. In instances where a repeat exemption is requested, a formal request will need to be documented as directed in the paragraphs above, and the Total Value of the requested exemption will be added to previous approved exemptions.

9 Pre-Procurement Steps/Considerations

Total Value

- 9.1 The Officer must establish the total value of the procurement including whole life costs and incorporating any potential extension periods which may be awarded. To ensure consistency, the estimated value of a Contract or Framework Agreement should be calculated in accordance with the Regulations even where the Regulations do not apply. Officers must refer to the Guidance for advice on estimating values prior to commencing procurement.

- 9.2 Based on this Total Value, and where the Regulations do not apply, quotations or tenders must then be invited, and appropriately advertised, in line with the financial thresholds detailed in these Rules and Guidance.
- 9.3 For procurement valued at £100,000 or more or where the Regulations apply the Officer shall consult Dorset Procurement to determine the procedure for conducting the procurement exercise.

Value for Money/Best Value

- 9.4 Prior to commencing and during a procurement an Officer must consider Value for Money (with reference to price, quality, availability, functionality and the optimum combination of whole life costs). The Officer should consider and pursue opportunities to save money by providing the optimum service for less than budgeted price.

Public Services (Social Value) Act 2012

- 9.5 During any above Regulation procurement the Officer must consider how it might act with a view to securing the improvement required under the Public Services (Social Value) Act 2012 (to the economic, social and environmental well-being of the relevant area).
- 9.6 Prior to starting a procurement process the Officer must consider whether to undertake any consultation as required under this Act and in accordance with the Guidance.
- 9.7 The Best Value duty still applies and must be considered throughout the procurement process and this Act does not remove this duty.

Sustainable Procurement

- 9.8 Officers must consider ways of procuring more resource and energy efficient alternatives paying particular regard to the Council's environmental policies.

Income Generating Purchases

- 9.9 An Officer may only enter into a Contract where;
- 9.9.1 the Council will be the service provider, or
 - 9.9.2 the Contract may generate income for the Council; and,
- if the relevant Chief Officer is satisfied and has given formal approval that:
- 9.9.3 the services to be provided and any benefits to the Council have been clearly specified; and,
 - 9.9.4 the Council has power to provide the service, if applicable; and,
 - 9.9.5 the proposed Contract is in the best interests of the Council.

Supporting Local Enterprises, Voluntary and Community Organisations and Ensuring the County Benefits.

- 9.10 The Regulations require Officers not to give direct favour or show bias, but Officers must ensure that procurement processes do not over burden or restrict

either S.M.Es or voluntary and community organisations from having the same opportunity to respond as those in the commercial sector.

- 9.11 Officers must consider the supply chain and how each specific procurement can help the Local community and Local small medium enterprises Local to the Council. This consideration should also be given when purchasing from Frameworks.
- 9.12 Officers must where possible incorporate questions in their Tenders that evaluate responses relating to any of the following:
- 9.12.1 Local economical benefits,
 - 9.12.2 social value benefits,
 - 9.12.3 regeneration within the community,
 - 9.12.4 local employment,
 - 9.12.5 local apprenticeships; or,
 - 9.12.6 any other benefits that support the Local economy and prosperity for the County
- where this is appropriate to the procurement.
- 9.13 Advice on this issue must be sought from the Dorset Procurement and reference made to the Guidance.

Localism Act 2011

- 9.14 If a challenge is accepted under the Localism Act 2011 (Community Right to Challenge), a procurement process for that service is triggered and these Rules must then be followed.

Collaboration

- 9.15 Officers should actively seek out opportunities to collaborate with other public bodies where this is of benefit to the Council, taking into account any adverse affect on Local economy and voluntary sector.
- 9.16 Where a collaborative procurement occurs, it is the procurement rules of the authority leading the procurement which will apply unless the lead authority specifically agrees otherwise.

Approved Lists

- 9.17 Approved lists must not be used where they are prohibited under the Regulations.
- 9.18 Where use of approved lists is not prohibited they should only be used in accordance with the Guidance or advice from Dorset Procurement.

Concession Contracts

- 9.19 In the case of services contract where part or all of the remuneration received by the supplier consists of the right to exploit the services in question, these are excluded from the application of the Regulations. They are still subject to competition and the relevant procurement route under these Rules will be determined by applying the estimated consideration which would have been given if the services had been paid for by the Council.

- 9.20 Where the supplier is willing to pay the Council for exploiting the services, then a competitive process must still be undertaken to determine which offer represents best value taking into account the obligations which will be placed upon the supplier.
- 9.21 In the case of a works concession contract, this will be subject to the Regulations where the estimated value exceeds the relevant EU threshold, applying the estimated consideration which would have given if the works had been paid for by the Council. If the value is below the EU threshold, it must still be subject to a competitive process in accordance with these Rules

Corporate and Regional/National Contracts

- 9.22 The Council has a number of Corporate Contracts created by Dorset Procurement for common goods, supplies and services where the prices and terms have been agreed to achieve the Value for Money for the Council as a whole.
- 9.23 The Officer must ensure he/she does not procure any goods or services or seek an Exemption in relation to procuring any Contract without first checking whether the provision can be provided by a Corporate Contract. Where Corporate Contracts exist the Officer must use these Corporate Contracts unless specifically agreed with the Dorset Procurement. The Contracts Database is available on Staffnet and Dorset4You.
- 9.24 Where an appropriate national, regional or collaborative contract is available, the Officer must consider using this, provided the contract offers value for money.

Setting Up Framework Agreements

- 9.25 The term of any Framework Agreement must not exceed four years (EU requirement) except in exceptional circumstances, in particular, circumstances relating to the subject of the Framework Agreement. In the event that a Framework Agreement is required for more than four years Officers must seek approval from the Monitoring Officer who will consult with the Head of Dorset Procurement, prior to commencing the procurement.
- 9.26 The Officer must ensure that the benefits and length of the Framework Agreement are justified prior to commencing procurement.

Purchasing From Framework Agreements

- 9.27 The Officer may purchase goods, services or works from a Framework Agreement if the Council is named either specifically or in acceptable geographic terms on the Framework Agreement and the scope for the purchase is specified in the Framework.
- 9.28 The Officer must not call-off from a Framework Agreement if there is no clear and specific call-off criteria in the agreement.
- 9.29 A Framework Agreement should not be considered if a Corporate Contract or any other approved Contract exists.

- 9.30 The Officer must consult with Dorset Procurement if the proposed value of the purchase is £100,000 or more.

Risk Assessment

- 9.31 All procurements must be supported by a risk assessment which must be carried out by the Officer requesting the procurement, at the start of the procurement process.
- 9.32 Full details of the process to be followed, including the approved risk log and matrix, are available in the Guidance or from Dorset Procurement.

Market Research and Consultation with Third Parties

- 9.33 The Officer responsible for the purchase:
- 9.33.1 may consult potential providers prior to the issue of the Invitation to Tender in general terms about the nature, level and standard of the supply, Contract packaging and other relevant matters provided this consultation does not prejudice any potential Bidder;
- 9.33.2 must not accept technical advice on the preparation of an Invitation to Tender or Quotation from anyone who may have a commercial interest in them, if this may prejudice the equal treatment of all potential Bidder or distort competition.

Freedom of Information and Data Protection Acts

- 9.34 During Tender processes, Bidders must be informed that they should state if any of the information supplied by them is confidential or commercially sensitive or should not be disclosed in response to a request for information made to the Council. Bidders should state why they consider the information to be confidential or commercially sensitive. This will not guarantee that the information will not be disclosed but will be examined in the light of the exemptions provided in this Act.

10 Thresholds & Advertisement

- 10.1 The categories in the table below determine the type of procurement and minimum number who should be selected to be invited to tender, subject to there being a sufficient number of economic operators suitable:

Works/services/supplies value	Procurement method
£0 - £50k	Best Value
£50k - £100k	Obtain Quotations (3)
£100k – EU Threshold	Invite Tenders (6)
EUThreshold +	Statutory

- 10.2 Officers must not seek to procure any goods, services or works if the requirement can be satisfied by using:
- 10.2.1 an existing Corporate Contract; or,
- 10.2.2 contracts which have been procured on the Council's behalf:

- 10.2.2.1 through collaboration with other local authorities or other public bodies, where a competitive process has been followed that complies with the rules/regulations of the lead organisation (but does not necessarily comply with these Rules); or,
- 10.2.2.2 by a national or regional contracting authority where the process followed is in line with the Public Contracts Regulations (2006) as amended, (e.g. a Pro5 Organisation, or Government Procurement Service).

Contracts up to £50,000 in Total Value

- 10.3 Whilst obtaining Value for Money remains the primary objective, multiple Quotations are not essential where the Total Value of the proposed procurement is less than £50,000.
- 10.4 It is optional to place an advert for the procurement activity on the supplythesouthwest portal.
- 10.5 A Purchase Order must be raised which must refer to the Council's standard terms and conditions of contract unless the Officer believes the complexity of the purchase requires more bespoke terms (please see Guidance for further details)

Contracts from £50,000 up to £100,000 in Total Value

- 10.6 It is optional to place an advert for the procurement activity on the supplythesouthwest portal.
- 10.7 A minimum of three written Quotations must be obtained. Where possible at least one quote must normally be from a Local provider. The Guidance provides details of the Quotation process which must be followed.
- 10.8 Written Quotations must be by way of letter, fax or email. Quotations submitted through an E-Tendering solution are acceptable.
- 10.9 If the Officer cannot obtain three Quotations, the Officer must satisfy themselves that they have obtained Value for Money for the Council and must seek approval from the appropriate officer in accordance with the Scheme of Delegation to proceed and the justification to proceed must be recorded and be available for inspection.
- 10.10 Where more than three Quotations are returned the Council reserves the right to select those Candidates whose Quotations will be evaluated based on its Officers professional judgement which must be explained in the notice and/or documents. The Officer must make this clear in his/her Request for Quotation document and in the advert to Bidders.
- 10.11 A Purchase Order must be processed before goods or services or works are purchased, which must refer to the Council's standard terms and conditions of contract unless the Officer believes the complexity of the purchase requires

more bespoke terms from Dorset Procurement (please see Guidance for further details).

Contracts from £100,000 to EU Threshold in Total Value.

- 10.12 Where it is anticipated that the procurement activity will lead to a Contract with a Total Value in excess of £100,000, the Officer must develop a summary proposal to be agreed by Dorset Procurement. This summary includes baseline costs and will be used to calculate the benefit of the Procurement activity.
- 10.13 Officers must consult with Dorset Procurement before commencing the procurement.
- 10.14 Officers must follow a formal Tender process and refer to the Guidance for further details and advice.
- 10.15 An advert must be placed on supplyingthesouthwest portal.
- 10.16 The Criteria for selecting the most advantageous Tender must be established before the written Tenders are invited.
- 10.17 A Purchase Order and a signed Contract must be in place before any goods, services or works are purchased.

Contracts over EU Threshold in Total Value

- 10.18 All goods, services and works with a Total Value in excess of the EU Threshold are subject to a strict process defined by legislation for advertising, information to be supplied and considered, timetabling and supplier selection and award. The Regulations take precedence over these Rules and carry potentially heavy penalties for non-compliance. Officers must comply with the detail and principles of the Regulations and EU Directives at all times.
- 10.19 Dorset Procurement must be consulted on all over EU Threshold procurements to include determining how the procurement should be treated (e.g at the time of these Rules either a Part A service or Part B service) and are responsible for EU notice publication.
- 10.20 The Criteria for selecting the most economically advantageous Tender must be prior approved by the Head of Dorset Procurement, established and published at the time that the notice is placed.
- 10.21 In addition the Officer must advertise the procurement on the supplyingthesouthwest Portal immediately AFTER despatch of advert to OJEU and must contain no more information than the OJEU version.
- 10.22 Officers must ensure that in the award of any Contract covered by the Regulations or EU Directives they follow the prescribed award process.
- 10.23 A Purchase Order and a signed Contract must be in place before any goods, services or works are purchased

11 Tender Preparation

- 11.1 Candidates invited to Tender must be given an adequate period in which to prepare and submit a Tender response consistent with the urgency of the procurement requirement and the level of complexity of the requirement. For Tenders above the EU Threshold, Officers must adhere to the Regulations and EU Directive minimum timescales.
- 11.2 The Officer must ensure that the specification and evaluation Criteria take into account the Councils priorities, clearly describes the intended outcomes/ outputs and that it is complete, adequate and fair to allow Tenders to be sought and where relevant complies with the Regulations and EU Directives.
- 11.3 The Evaluation Criteria and sub-Criteria must be disclosed in the Invitation to Tender documentation and any prequalification documentation.
- 11.4 The Contract terms and conditions must be included with the Invitation to Tender documents. Officers should refer to the Guidance for more information. Where it is proposed that a form of Contract be used which does not adopt the Councils standard terms the use of such must be approved by Dorset Procurement.
- 11.5 The Tender documentation must explain how information provided in the Bidders response/s will be treated with regard to any statutory requirements (e.g. Freedom of Information Act requests). If in doubt please seek advice from Dorset Procurement or review the Guidance.
- 11.6 Invitations to Tender must include a statement that the Council does not bind itself to accept the lowest price Tender or any other Tender.
- 11.7 Bidders must be required to hold their Tenders open for acceptance for a minimum of [90] days from the date of opening.
- 11.8 Officers must take account of Council policies with regard to SMEs and apprenticeships.
- 11.9 The Officer must assess the quality of Tenders by pre-determined non discriminatory evaluation Criteria and weightings, including whole life cycle cost where appropriate.
- 11.10 Further advice on evaluation can be found in the Guidance.
- 11.11 The Officer must assess the risks associated with the Contract.
- 11.12 The Officer must maintain a Tender file to record all decisions and other matters associated with the Tender.

12 Selection and Award Criteria

- 12.1 Officers must treat Selection and Award Criteria separately and in accordance with the Guidance.

13 Use of Presentations and Site Visits in a Tender Process

- 13.1 The default position should be not to use presentations or conduct site visits. If however, it is required this must be declared as part of the evaluation Criteria in the Tender document.
- 13.2 Where used, all Bidders to a procurement must be invited to present or be included in any site visits. Any questions should be sent to Bidders in advance. The documentation must clearly state what weighting presentations/site visits carry as part of the award Criteria.

14 Conducting an Electronic Tendering (E-Tendering) Process

- 14.1 The Officer must where possible run an electronic Tender process.
- 14.2 Tenders by fax must be rejected.

15 Conducting a Non Electronic Tender (Hard Copy Tender)

- 15.1 Hard copy tenders must be submitted, sealed, [in the envelope provided with the procurement documents] and addressed to the Chief Executive without any mark revealing the bidding organisation's identity.
- 15.2 All hard copy tenders will be held by the Chief Executive until the tender opening date/time has been reached.
- 15.3 All hard copy tenders for the same Contract will be opened at the same time by a representative appointed by the Chief Executive and representative appointed by the Chief Officer of the service who invited the tenders.
- 15.4 A register of tenders received will be kept by the Chief Executive and will be initialled, date stamped and signed on each occasion by the officers who are present at the opening of the tenders.
- 15.5 Hard copy quotations must be submitted in a plain envelope marked 'Quotation for....' followed by a description of the goods, works or services being procured.
- 15.6 Hard copy quotations will be received directly by the Officer who invited the quotations. All quotations must be opened together once the official return date and time has been passed.
- 15.7 After opening a copy of the opened Tender or Quotation should be sent to the Officer responsible for the procurement.

16 Receiving Late Tenders, Irregular Tenders or Errors in Tenders

- 16.1 Where a Tender has been received which is an Irregular Tender as it does not fully comply with the instructions given in the Invitation to Tender, the Officer must report this to Dorset Procurement giving details. The Officer, with the prior approval of Dorset Procurement may accept the Irregular Tender if they determine that the Bidder has gained no unfair advantage from its irregularity. The Officer shall record in writing the reasons why each Irregular Tender has been accepted or rejected and sign and date the record.

- 16.2 Where there are errors or discrepancies in a Tender response or Quotation, the Bidder must to be given details of these and afforded an opportunity of confirming or withdrawing the Tender/Quote. The Officer, with the prior approval of Dorset Procurement may permit a Bidder to correct an error or omission if it is an obvious one and if they determine that the Bidder has gained no unfair advantage from correcting the error. Any such corrections will be recorded on the Tender file. The Officer shall record in writing the reasons why a corrected Tender or Quote has been accepted or rejected and sign and date the record.
- 16.3 A Tender or Quotation which is received late (after the time and date specified in the Invitation to Tender/Quote has passed) shall not be accepted or considered unless other Tenders have not been opened and Dorset Procurement authorises in writing that it can be accepted. Dorset Procurement may advise acceptance of the late Tender if they determine that the Bidder has gained no unfair advantage from it being late.
- 16.4 Where the Council uses an electronic auction as a procurement procedure enabling suppliers/providers to adjust their tender price in the light of information from the tender prices submitted by competing suppliers/providers, then alterations will be accepted as permitted by the auction process.

17 Tender Evaluation

- 17.1 All tenders shall be evaluated:
- 17.1.1 If below EU threshold, in accordance with the pre-determined evaluation Criteria, set out in the Invitation to Tender; or
 - 17.1.2 for above EU threshold procurement in accordance with both the contract notice and pre-determined evaluation Criteria set out in the Invitation to Tender.
- 17.2 Officers must ensure that experts or appropriately experienced officers in the Council evaluate all tenders in accordance with the pre-determined evaluation Criteria.
- 17.3 The results of the Tender evaluation must be recorded and retained on the Tender file.

18 Contracts Exceeding the Written Estimate

- 18.1 If the lowest Quotation/Tender obtained exceeds the threshold applicable to the procedure selected, the Officer must consult with the Dorset Procurement for approval to proceed or restart the procurement.

19 Bonds, Parent Company Guarantees and other Sureties

- 19.1 The Officer must consult the Section 151 Officer:
- 19.1.1 when a Candidate is not a subsidiary of a parent company the following conditions must be satisfied as to whether a Bond is needed:
 - 19.1.1.1 where the Total Value exceeds £500,000, or
 - 19.1.1.2 where it is proposed to make stage or other payments in advance of receiving the whole of the subject matter of the Contract, or

19.1.1.3 where there is concern about the stability of the supplier regardless of value.

19.2 The Council must never give a Bond or other sureties.

20 Seeking Clarification

20.1 Providing clarification of an Invitation to Tender to potential or actual Bidders or seeking clarification of a Tender whether in writing or by way of a meeting is permitted only with the approval of Dorset Procurement.

20.2 Where approved, Officers may make clarifications and/or refinements to the Invitation to Tender and related documentation, provided that all such clarifications and/or refinements are recorded in writing by the Officer. There must be no significant variation of the Invitation to Tender or related documentation.

21 Negotiations

21.1 Post-Tender negotiation means negotiations with any Bidder after submission of a Tender and before the award of the Contract with a view to obtaining an adjustment in price, delivery or content. Officers must not conduct any post-Tender negotiation without prior written approval and advice from Dorset Procurement.

21.2 Any approval from Dorset Procurement will include advice whether negotiation is to be with all Bidders.

21.3 Any approved negotiation must be conducted in line with the relevant Regulations and EU Directives and must not distort competition particularly with regard to price.

21.4 Negotiations must be conducted by a team of at least two officers, one of whom must be from Dorset Procurement.

21.5 Where post-Tender negotiation results in a significant change to the specification (or Contract terms) the Contract must not be awarded but re-Tendered.

21.6 The Officer must refer to the Guidance.

21.7 Full written records of all decisions and agreed minutes of meetings with Bidders must be made and retained by the Officer.

22 Intention to Award a Contract

22.1 A Contract must only be awarded and signed by an Officer authorised to do so, who must ensure that the appropriate budget holder has the funds in place to sustain the Contract prior to award.

22.2 For Contracts that are subject to Part A requirements of the Regulations, Officers must allow Bidders a mandatory minimum standstill period of 10 calendar days for electronic Tenders (otherwise 15 days for non-electronic Tenders) from notification to all Bidders before entering into a contractually binding agreement with the successful Bidder. It is most important that any

communication with the preferred supplier(s) does not constitute a Contract award or a conditional award.

- 22.3 A standstill period is not necessary for Tenders below the respective EU Threshold or where they have been subjected to Part B requirements.
- 22.4 For Tenders above the EU threshold:
- 22.4.1 following any standstill period, if appropriate, an OJEU award notice must be placed by Dorset Procurement.
- 22.4.2 all Bidders must be notified in writing of the award.
- 22.5 The Officer must ensure any award notice issued complies with the Regulations, including de-briefing information. Officers must review the Guidance for further details of the information to be included in an award notice.
- 22.6 Additional written or verbal debriefing must not be offered to Bidders. Where debriefing is requested by a Bidder the Officer should review the Guidance and seek advice from Dorset Procurement before responding to the request.
- 22.7 Any complaints, correspondence threatening challenge or formal court proceedings challenging the decision, received from unsuccessful Bidders or other third parties must be immediately submitted to Dorset Procurement for review and response.

23 Signing of Contract

- 23.1 Officers must ensure that all the necessary permissions are in place (e.g. funding commitments, licences, and leases) before the Contract is entered into.
- 23.2 All Contracts made on behalf of the Council must be in writing and cannot be made by an email. Chief Officers must ensure that:
- 23.2.1 for Contracts of up to £100,000 Total Value a Purchase Order referring to the Council's standard terms and conditions; or
- 23.2.2 for Contracts of a Total Value in excess of £100,000 a Purchase Order and a signed Contract,
- is in place before any goods , services or works are requested or allowed to begin.
- 23.3 Officers must ensure that the terms and conditions of the Contract are appropriate for the purpose; which should be the terms and conditions of Contract included within the Request for Quote or Invitation to Tender. Where the Officer proposes to Contract on other terms including those of the Bidder advice must be sought from Dorset Procurement.
- 23.4 Contracts must only be signed by officers with the delegated authority to do so. Please refer to the table in Appendix 8 of the Scheme of Delegation.
- 23.5 The Officer responsible for securing signature must ensure that the person signing on behalf of the supplier has authority to bind it.
- 23.6 A Contract must be sealed where:

- 23.6.1 the Council may wish to enforce the Contract more than six years after its end (e.g. construction works); or,
- 23.6.2 the price paid or received under the Contract is a nominal price and does not reflect the value of the goods, services or works; or
- 23.6.3 there is doubt about the authority of the person signing on behalf of the supplier; or
- 23.6.4 there is a risk of latent defect in the drafting of the contract;
- 23.6.5 the Total Value exceeds **£500,000**.

23.7 Where Contracts are completed by each side adding their formal seal, the fixing of the Councils Seal must be witnessed by or on behalf of the Monitoring Officer. Every Council sealing will be consecutively numbered, recorded and signed by the person witnessing the seal. The seal must not be affixed without the appropriate authority in accordance with the Councils Constitution.

24 Letters of Intent

24.1 Letters of Intent shall only be used in exceptional circumstances and may only be signed by officers with delegated authority to do so. Please refer to the table in Appendix 8 of the Scheme of Delegation for further details.

25 Early Termination of Contract

- 25.1 The date on which the Contract will terminate, and the terms on which the Contract may be terminated early (e.g. for breach of Contract) must be clearly described within the Contract.
- 25.2 Contracts may only be terminated early in accordance with their terms and conditions, with approval in accordance with the Scheme of Delegation, Appendix 8.

26 Variation, Extension, Assignment and Novation

Variation

- 26.1 A variation to a Contract may involve (i) a change to the specification, (ii) a one-off item of work or particular service, or (iii) change in terms affecting the Contract.
- 26.2 Variations must not exceed the scope, financial value or duration of the advertised Contract.
- 26.3 Where the Officer considers that a proposed variation may materially change or exceed the specification, price or duration of a Contract, advice must be obtained from Dorset Procurement.
- 26.4 Variations to Contracts must be prior approved and then signed by the relevant officers in accordance with the Scheme of Delegation, Appendix 8.

Extension

- 26.5 Extensions of Contracts may only be made where:
 - 26.5.1 there is budgetary provision; and

- 26.5.2 Value for Money can be clearly demonstrated; and
- 26.5.3 for below EU Threshold:
 - 26.5.3.1 the extension is within the scope (description of goods, services or works, duration and Total Value) of the original Contract; and,
 - 26.5.3.2 there is a provision stipulated in the original Contract for a extension; or
 - 26.5.3.3 an Exemption Request is made where no specific provision exists in the Contract,
- 26.5.4 for above EU Threshold:
 - 26.5.4.1 the extension is within the scope (description of goods, services or works, duration and Total Value) of the original Contract; and
 - 26.5.4.2 the original Contract Notice advertised and the Contract permit the extension.
- 26.6 Where the Officer considers that a proposed extension may materially change or exceed the specification, price or duration of a Contract, advice must be obtained from Dorset Procurement.
- 26.7 Extensions to Contracts must be prior approved and then signed by the relevant officers in accordance with the Scheme of Delegation, Appendix 8.

Assignment and Novation

- 26.8 If an Officer becomes aware that an existing supplier has or may be subject to a company reorganisation, where they may be taken over or merged with another company or simply assigned to another or even otherwise disposed of, the advice of Legal and Democratic Services should be sought.
- 26.9 Any proposed assignment or novation of a Contract must be referred to the Legal and Democratic Services for advice.

General

- 26.10 Any approved variation or extension must be by deed or Contract variation, which will be contractually binding on both parties.
- 26.11 variations, extensions, assignments and novations must only be signed by officers with the delegated authority to do so by reference to the Scheme of Delegation.
- 26.12 The Officer responsible for securing signature must ensure that the person signing on behalf of the supplier has authority to bind it.
- 26.13 The Officer is responsible for ensuring that all variations, extensions, assignments and novations are stored with the original signed and dated Contract and details provided to Dorset Procurement.

27 Receivership/Liquidation

- 27.1 In the event of the Officer becoming aware that a supplier is entering into a change of control, insolvency, bankruptcy, receivership or liquidation the Officer must inform both Dorset Procurement and Legal and Democratic Services

immediately. The supplier shall only be permitted to assign, novate or otherwise dispose of its rights and obligations under the Contract or any part thereof with the prior written consent of the Council. The Council reserves the right to decline a supplier that is deemed to be not suitable. If a suitable alternative is not identified the Contract must be re-Tendered.

28 Claims & Disputes

- 28.1 The Officer must consult Dorset Procurement immediately on receipt of any correspondence threatening, or formal legal claims.

29 Records of Tenders and Contracts

- 29.1 The Officer must keep and maintain records in respect of each Contract (from the time the project begins prior to procurement until the point at which the Contract is signed or a decision is made not to award a Contract.
- 29.2 The Officer must ensure that originals and copies of all Contract documentation adhere to the Councils retention policy available by reference to the Guidance.
- 29.3 For more information on specific retention dates and requirements of Officers please refer to the Guidance.
- 29.4 A Contracts Database shall be held by Dorset Procurement with details of Contracts or Framework Agreements entered into by the Council. It will be the responsibility of the Officer to ensure that details of Contracts or Framework Agreements are provided to Dorset Procurement for entering onto the Contracts Database.

30 Freedom of Information and Data Protection Acts

- 30.1 The Council has specific obligations under the above acts regarding disclosure of information and the Officer has an obligation to record and maintain accurate records relating to Contracts and comply with requests under these Acts. Any queries regarding Freedom of Information or Data Protection should be referred to the Data Protection/FOI Officer.

31 Guidance

- 31.1 Advice on 'best practice' is set out within the Guidance which accompanies these Rules and should be read alongside them. If there is any discrepancy between the Guidance and these Rules, these Rules shall take precedence.

32 Amendments to these Rules

- 32.1 The Monitoring Officer in consultation with Dorset Procurement shall have the power to make incidental amendments from time to time to these Rules.

Agenda Item:

14

Audit and Scrutiny Committee

Dorset County Council



Date of Meeting	Audit and Scrutiny Committee - 17 Oct 2013 Standards and Governance Committee 22 October 2013
Officer	<u>Lead Cabinet Members</u> Robert Gould – Deputy Leader and Cabinet Member for Corporate Resources Toni Coombs – Cabinet Member for Education and Communications <u>Lead Director</u> Paul Kent – Director for Corporate Resources <u>Local Members</u> All members
Subject of Report	Policy Development Panel on Engaging and Consulting Local Members
Executive Summary	<p>At the meeting of the Audit and Scrutiny Committee on 11 June 2013 the Chairman explained that local member involvement had been an issue of concern for the Committee for many years. Many officers did not follow the existing protocol for involving members in matters affecting their electoral divisions. The Committee agreed that this situation could not continue and that a culture change was required.</p> <p>A Panel comprising the Chairman, Vice-Chairman and lead Conservative member of the Audit and Scrutiny Committee and the Cabinet Member for Education and Communications was therefore established by the Committee to scrutinise current arrangements for engaging and consulting with local members in order to effect improvement.</p> <p>The need to bring about such improvement, as part of a move to become a more demonstrably member led authority, was also one of the key themes to emerge from the recent Peer Review.</p> <p>The Panel has met three times and in addition to redrafting the</p>

Policy development Panel on Engaging and Consulting Local Members

	<p>protocol for involving local members in matters affecting their electoral divisions has arrived at a series of recommendations to embed and monitor the new arrangements and to bring about cultural change.</p> <p>The proposed new protocol is appended to this report and takes as its starting point the need to turn around the current culture in which many officers do not engage with or consult local members. It also identifies obligations on members and these are described in the second part of a joint foreword by the Leader of the County Council and the Chief Executive.</p> <p>As important as the proposed protocol are the arrangements to embed and to monitor the effectiveness of the protocol. These arrangements are described in the minutes of the Panel meeting held on 26 September 2013, from minute 21.5 onwards.</p> <p><u>Next steps</u></p> <p>Subject to the views of the Audit and Scrutiny Committee and those of the Standards and Governance Committee the proposed new protocol will be recommended for adoption at the County Council meeting on 14 November 2013. This would be followed by a series of briefing sessions for senior managers and staff and the Panel have suggested that the meeting of the County Council on 13 February should be followed by a member seminar incorporating both the new local member protocol arrangements and the outcome of the work of the Executive Advisory Panel on Member Development.</p>
Impact Assessment:	<p>Equalities Impact Assessment: None</p> <p>Use of Evidence: As described in the executive summary.</p> <p>Budget/ Risk Assessment: There are no direct budget implications arising from this report but the protocol, how it is embedded in the organisation and the arrangements for monitoring its effectiveness are important elements of the County Council's transformation programme.</p>
Recommendations	<p>That the County Council be asked to approve the new protocol on engaging and consulting with local members and the proposed arrangements to embed and monitor the protocol and bring about cultural change.</p>
Reason for Recommendation	<p>In order to bring about a culture of consultation and engagement with local members of the County Council.</p>

Policy development Panel on Engaging and Consulting Local Members

Appendices	<ol style="list-style-type: none">1. Proposed Protocol on Engaging and Consulting Local Members2. Minutes of the Policy Development Panel held on 26 September 2013.
Background Papers	Protocol for involving local members in matters affecting their electoral divisions
Report Originator and Contact	Name: Jonathan Mair, Head of Legal & Democratic Services Tel: 01305 224181 Email: j.e.mair@dorsetcc.gov.uk

Forward Together

The requirement for consultation and engagement with local members about matters affecting their communities

Foreword by the Leader of the County Council and the Chief Executive

For many years the County Council has had in place a protocol for involving local members in matters affecting their electoral divisions but in many instances staff have simply not engaged and consulted with individual councillors as they should have done. We need to turn this around and become a member led organisation. This protocol is not though simply about what officers are required to do. The protocol identifies a series of important obligations on elected members.

Individual county councillors are the natural link between the communities they represent and the Council's staff. Each local member has a wealth of knowledge about the area and communities they represent. As we implement important changes to how services are delivered and move "forward together" it is more important ~~than~~ ever that this knowledge and experience should be used to help develop new ways of working.

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The old protocol for involving local members was either not well understood or was seen by some staff as optional. The expectations now set out in this document are requirements that all staff are expected to comply with.

As a guiding principle, if officers have any doubt about whether or how to engage or consult the local county councillor then they cannot go far wrong by asking them about the extent to which they expect you to engage and consult with them.

This protocol, whilst it imposes major obligations on officers to engage appropriately with members on matters that specifically relate to their division, also imposes obligations on members. There are circumstances where not complying with these obligations could give rise to a breach of the member code of conduct.

Firstly, when approached initially, or at an early stage if it is a long running engagement, members need to make clear the extent to which they wish to be involved and are required to respond quickly when requested for views or opinions. Officers will be encouraged to provide consultation deadlines as a matter of course and members will be expected to respect them.

Secondly, members must recognise that whilst the protocol is intended to give them the opportunity to influence it is not acceptable for them to attempt to instruct. Officers are entitled to give appropriate advice and not to be told what it should be. They need to work in conformity with the agreed policies of the authority and in accordance with the training of their discipline. It is equally important to recognise it is officers' responsibility to manage their budget allocations.

Thirdly, and linked, if members feel that their views are not being given an acceptable hearing and feel frustrated the correct course of action is to escalate the matter through the chain of line management. If necessary this would eventually lead to the relevant Director.

We are aiming to entrench within the culture of the County Council the importance of the views of local members which will assist officers to bring forward proposals which are acceptable to those elected to represent their communities, but it relies on members and officers playing their proper part.

Spencer Flower
Leader of Dorset County Council

Debbie Ward
Chief Executive

1. Context

- 1.1 It is important that all officers of the County Council recognise the central role of members as the elected representatives of their communities. Collectively council members determine the County Council's policy direction and its budget. Individually each member performs a vitally important representative role and this must be reflected in the way in which members are involved in issues affecting them and their communities.
- 1.2 In order to run the Authority more effectively the County Council has to make radical changes to the ways in which services are delivered. If we are to succeed in our collective endeavours to do this then local members must be engaged early on and they must be consulted about proposals for local changes to the way in which services are delivered in their areas. This is essential, not only because of members' representative role for their communities but also because members have a wealth of experience and knowledge built up over many years working in their communities. A key element of "Forward together" is about members and officers working together to deliver services in the best and most affordable way to Dorset's communities.
- 1.3 Successive governments are encouraging strong local leadership and have emphasised the role of elected members in communicating with and representing their local communities. The guide for this is found in the job descriptions for elected members agreed by the County Council. It is also highlighted through the statutory right of individual members to "call for action" where local service provision is not being dealt with to the member's satisfaction.
- 1.4 Councillor call for action was introduced by the Local Government and Public Involvement in Health Act in 2007 and provides individual local members with the opportunity to bring forward for discussion at the Audit and Scrutiny Committee concerns about poor service provision at a local level. It should be used sparingly, when other efforts to resolve problems have been exhausted, but provides local members with a real means of highlighting concerns and achieving change. If officers fail to keep local members informed about issues and proposals for change affecting their electoral divisions then members are likely to initiate a "call for action".
- 1.5 This document is more than a protocol and is designed to set down authority-wide requirements on engaging with and consulting local members on matters concerning their electoral divisions.

2. Consequences of not engaging and consulting with local members

- 2.1 A range of consequences flow from failing to engage and consult with local members.
- 2.2 First of all, the opportunity to draw upon a local member's knowledge and experience to shape proposals and perform their community leadership role is lost. The relationship between officers and the local member is also damaged and changes, which may have important service delivery and budget implications are delayed.
- 2.3 Not engaging or consulting with local members does not mean that proposals go ahead regardless. At the point at which the failure to engage or consult becomes known the workstream in question will have to be suspended so

that engagement and consultation can take place. This is potentially very disruptive and time consuming and must be avoided at all costs and so it is essential that local members are engaged early on.

- 2.4 Paragraph 4.3, below refers to the requirement on officers when considering whether or not to exercise delegated powers (affecting a particular electoral division) to consult the local member. Where officers make a decision under delegated powers without consulting the local member then this is unconstitutional. If the local member when consulted objects to a decision being made under delegated powers then the matter must be referred to the Cabinet for decision. The consequence of failing to consult with a local member in this way is that she or he does not have the ability to refer a matter for decision by the Cabinet instead of by an officer which is a serious matter. Officers must be particularly alert to the need to ensure that members do not lose this opportunity by default. If a matter is discovered later it can cause significant delays at decision and implementation.

- 2.5 Officers need to understand the importance of engaging and consulting with members and the effectiveness of officers in doing so will be measured during performance meetings. Failing to consult may be dealt with as a breach of the officer code of conduct and because of the potentially serious impacts of failing to consult means that there are instances where this will be treated as misconduct or gross misconduct by the officer concerned and therefore give rise to action under the County Council's disciplinary policy and procedure. Education though is the preferred starting point where engagement needs to be improved.

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- 2.6 Compliance with this policy will be subject to regular monitoring in accordance with mechanisms agreed between Group Leaders and the Chief Executive,

3. Keeping Local Members Informed of Cabinet and Committee Related Issues

- 3.1 There is an established procedure whereby the Democratic Services Unit draw to the attention of local members agenda items or reports affecting their electoral division so that local members, who are not members of the Cabinet or the relevant committee, may have the opportunity to attend meetings and express their views. This procedure will continue. However, by the time a proposal has reached the stage of being reported to Cabinet it can be too late for local members to make a difference. Officers must not rely upon the circulation of Cabinet and Committee papers as a substitute for early engagement and consultation with local members.

4. Keeping Local Members involved in issues affecting their Electoral Divisions

- 4.1 Officers must be alert to matters which affect local members in performing their community representative role. It is not possible to define precisely the matters of which a local member should be made aware but these include service delivery changes or proposed new projects, consultations within the division, attendance by officers at local meetings, planned schemes and enforcement or similar action. This is important in relation to the County Council's "business as usual" but is all the more important in the context of the earlier references in this document to the need to engage with and consult local members about proposals for service delivery changes and specific local projects, be they capital or revenue.

- 4.2 All officers should make members aware of such matters and should also copy relevant correspondence to elected members. The expectation is that contact with elected members should be by e-mail and local members should be copy recipients of e-mails about local matters affecting their division. The ease with which e-mails may be copied to additional recipients means that there is no excuse for officers not keeping local members informed in this way. For sensitive or significant matters this contact should take place through the relevant head of service or director.
- 4.3 In responding to queries and requests from elected members officers should comply with the County Council's customer care standards. Emails are to be acknowledged within two days and a full answer sent within five days. Letters are to be answered within ten days.
- 4.4 The County Council's constitution requires that local members must be consulted in appropriate cases where an officer proposes to exercise delegated authority. Appropriate cases will be those of a sensitive nature or likely to be of particular interest or concern to local people. Some members may wish to be consulted on matters which other members would regard as routine for officers to deal with. In line with the guiding principle in the forward officers should have early discussions with local members about the extent to which they wish routinely to be consulted and engaged. In any case where the local member objects to a decision being taken under delegated powers then the County Council's constitution requires that the matter must be referred to members for decision.
- 4.5 Formal delegations are from elected members to the Statutory Officers (the Chief Executive as Head of Paid Service, Monitoring Officer and Chief Financial Officer) and Directors. Delegated authority may also be exercised by other officers as part of their day to work or by officers specifically authorised in writing by the Statutory Officers and Directors. The onus is upon the Statutory Officers and Directors to ensure that other officers acting on their behalf know and understand the importance of engaging and consulting and of giving local members the opportunity to object to a decision being made under delegated powers.
- 4.6 Officers should always copy to a local member correspondence with district, town or parish councils which affect a particular electoral division and also any correspondence with other public bodies and organisations which especially affects a particular division. For electoral divisions where there are no town or parish councils there may be active residents' associations. Correspondence with these organisations should be dealt with in the same way as that with towns and parishes. Correspondence with district, town and parish councils and residents' associations about particularly controversial issues should also be copied to the Chief Executive.
- 4.7 It is important to note that these requirements do not require the copying or other disclosure of correspondence which contains confidential personal information about third parties such as correspondence arising during the course of casework, for instance the personal details of an individual service user or commercially sensitive information.

5. Press Releases

- 5.1 Press releases should be member led. All news releases should be approved by the Cabinet member with responsibilities for communications. This is in order to ensure consistency and a corporate approach to external communications.
- 5.2 If the Cabinet member with responsibility for communications wishes to change the wording of a press release or quotation then this should be agreed with the appropriate Cabinet member. The protocol for member/officer relations sets out in greater detail the requirements upon elected members generally, the Cabinet member and staff in relation to communications.
- 5.3 Where a press release relates to a specific electoral division then the local member will be consulted and given the opportunity to provide a quote.

6. Identification of Local Members

- 6.1 Maps of the County Council's electoral divisions are available on line. Where there is doubt about which is the relevant local member advice should be taken from the Democratic Services Manager 01305 224191.
- 6.2 It must be remembered that there are three double electoral divisions; Dorchester, Ferndown and Verwood and Three Legged Cross. Each of these divisions is represented by two elected members and both members are equally entitled to be engaged and consulted with.
- 6.3 Officers need to consider the range of possible impacts and divisions, which would be affected by proposed changes elsewhere. The closure of a road might have an effect on traffic in a division some miles away. Care should be taken to keep the local member(s) for other affected electoral division(s) informed, in addition to the local member. Regard should also be had to catchment areas as in the case of schools or libraries. There is also an onus upon adjoining local members to work together and to keep each other informed about cross boundary issues.

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Policy Development Panel on Involving Local Members

Notes of a meeting held at County Hall,
Colliton Park, Dorchester on 26 September 2013.

Present:

Trevor Jones (Chairman)
Mike Byatt and Peter Wharf.

Officers

Jonathan Mair (Head of Legal and Democratic Services) and Lee Gallagher (Democratic Services Manager).

Apologies for Absence

19. Apologies for absence were received from Toni Coombs and Debbie Ward (Chief Executive).

Notes

20. The notes of the meeting of the Panel held on 12 September 2013 were confirmed.

Local Member Protocol

21.1 The Panel considered the final draft Protocol arising from the Panel's discussions at previous meetings. The Chairman indicated that the work was nearly completed regarding the text, but attention was needed to the implementation of the Protocol.

21.2 Members discussed the draft Protocol and agreed the following amendments:-

- Paragraph 7 of the Foreword be amended to read 'Officers are entitled to give appropriate advice and not to be told what it should be. They need to work in conformity with the agreed policies of the authority and in accordance with the training of their professional discipline'.
- Paragraph 9 of the Foreword – to delete 'so I hope the above is helpful' from the end of the paragraph.
- Second and third sentences of paragraph 1.3 be amended to read 'A guide for this is found in the job description for elected members agreed by the County Council. It is also highlighted through the statutory right of individual members to...'
- Third sentence of paragraph 2.4 – amend to read '...she or he does not have the ability to refer...'
- Add the following sentence to the end of paragraph 4.1 - 'After service delivery changes and specific projects be they capital or revenue'.

21.3 The Panel discussed the impact of matters being decided upon without referral to the Cabinet, and that an additional point of clarification was required for paragraph 2.4 to explain that decisions taken under delegated authority by a director or cabinet member which affect specific electoral divisions without the involvement of local members are unconstitutional and members must be engaged.

21.4 One member asked for information on the linkages and relationships between the parties responsible for the successful review and monitoring of the Protocol

through officer groups and member bodies such as Group Leaders. It was noted that the relationships and arrangements would cut across consideration of Member Review and Development meetings which were currently being investigated by the Executive Advisory Panel on Member Development.

21.5 In relation to the implementation of the Protocol and embedding the arrangements into the wider culture change agenda, it was noted that a 'Forward Together' Seminar was due to be held on 14 November 2013 and the launch of the revised protocol would be captured in this session. It was further suggested that a specific seminar for all members be arranged following the County Council meeting in February 2014 to focus on member related issues, which would incorporate local member involvement and member development.

21.6 The Head of Legal and Democratic Services explained that in terms of the wider culture change, to create a more member led authority, the report template for Cabinet had been amended to detail specific reference to local members affected. It was noted that the reference to local members should be detailed in all reports and not just Cabinet reports.

21.7 In terms of embedding the Protocol with officers, it was agreed that it should come into force as planned in November 2013 and that the Senior Managers Group (consisting of the Chief Executive, Directors and Heads of Service) should receive the Protocol. The Protocol would also form an item on Team Brief which would be cascaded throughout the organisation to all staff levels. It was suggested that the Leader of the Council and the Chief Executive should present the item to the Senior Management Group.

21.8 Members discussed in detail the monitoring arrangements to be applied regarding members' and officers' feedback on the rollout of the Protocol. It was agreed that the Panel should meet on a bi-monthly basis from February 2014 to monitor the arrangements. It was also felt that a questionnaire should be sent to members on a monthly basis, maybe by Group Leaders, and that a separate questionnaire should be sent to Heads of Service. All would be asked to reply to indicate issues of concern and the factors relating to concerns. It was noted that work was needed to find the most appropriate mechanism for embedding the monitoring arrangements, but that it needed to be regular and simple.

21.9 The Panel supported the updated version of the Protocol which would be considered by the Audit and Scrutiny Committee who would be asked to recommend it to the County Council for inclusion alongside the Member/Officer Protocol in the Council's Constitution. It was also noted that the protocol and monitoring arrangements would be considered by Group Leaders at their next meeting in November 2013. The views of the Standards and Governance Committee would also be sought.

Resolved

22.1 That the Audit and Scrutiny Committee consider the updated Protocol for Involving Local Members and be asked to recommend it to the County Council for inclusion within the Constitution, subject to the views of the Standards and Governance Committee.

22.2 That the Committee also be asked to agree that the Protocol be launched at the Forward Together Seminar on 14 November 2013, and that a further 'member focussed' Seminar be arranged following County Council on 13 February 2013, as outlined at 21.5 above.

22.3 That monitoring arrangements be investigated by officers and an appropriate mechanism to support the implementation of the Protocol be applied.

Agenda Item:

10

Standards and Governance Committee

Dorset County Council



Date of Meeting	22 October 2013
Officer	Monitoring Officer
Subject of Report	Constitutional Changes
Executive Summary	<p>The Constitution is a living document and is updated from time to time. The Standards and Governance Committee has a specific role in commenting upon proposed changes to the Constitution prior to consideration by the full Council.</p> <p>This report proposes a number of changes which have arisen and will need to be considered by the County Council at its meeting on 14 November 2013.</p>
Impact Assessment	n/a
Recommendations	<p>That the Standards and Governance Committee recommend the following proposed changes to the Constitution to the County Council:-</p> <ul style="list-style-type: none"> (i) Rules of Procedure in relation to County Council meetings (ii) Rules of Procedure in relation to Public Participation
Reason for Recommendation	To contribute to the corporate aim to 'provide innovative and value for money services'.
Appendices	Appendix 1 – Rules of Procedure – Full Council Meetings and Public Participation

	Appendix 2 – Draft template for County Council Agendas Appendix 3 – Petitions Scheme
Background Papers	None
Report Originator and Contact	Name: Lee Gallagher, Democratic Services Manager Tel: (01305) 224191 Email: l.d.gallagher@dorsetcc.gov.uk

- 1.1 The Constitution is a living document and is updated from time to time. The Standards and Governance Committee has a specific role in commenting upon proposed changes to the Constitution prior to consideration by the full Council.
- 1.2 This report proposes three changes which have arisen and will need to be considered by the County Council at its meeting on 18 July 2013. These are set out below:

Meetings of the County Council

- 2.1 County Council meetings operate in accordance with Article 4 of the Constitution, which sets out the Policy Framework, Budget, Functions of the full Council, Council Meetings and Responsibilities for Functions.
- 2.2 The County Council undertook a Local Government Association Peer Review in July 2013 which reviewed a range of functions across the authority to help look at ourselves critically and learn how we can change into a radical and reforming council in line with the objectives of the Leader of the Council. The slides from the team's initial feedback are available at <https://staffnet/peerreview2013>.
- 2.3 The team found that there is a good appetite for transformational change and the building blocks are being put in place with the Forward Together campaign, led by members, the cabinet, the Leader, the Chief Executive and management team and lots of staff. Key messages include:
 - We need to become a more member-led organisation;
 - We need to be much more responsive to our communities;
 - We need to improve the way we all communicate – it's at the heart of all we do and how we are judged by communities;
 - We need to learn to listen before we decide and act;
 - We have lots of process that can be removed and we need stronger attention to outcomes;
 - We have services we can be proud of and partners across all sectors - voluntary, public and private - want to be part of our future.
- 2.4 The Cabinet and Corporate Management Team met on 2 October to start developing an action plan to implement recommendations and make changes, and as part of this process the following changes have been highlighted in relation to member functions of the authority, including the arrangements for meetings of the full Council in Article 4 of the Constitution.
- 2.5 In addition, the Head of Legal and Democratic Services has held meetings with the Cabinet Member for Education and Communications and the Chairman of the Council to discuss the proposed changes in relation to future County Council meetings, listed below:
 - Development of a more business like approach to meetings of the County Council.
 - Addition of a Leader of the Council item on all Council agendas to allow the Leader to address priority issues facing the Council which may not otherwise be

included on the agenda. This item would also allow members of the Council to ask live questions directly of the Leader on matters brought forward by him.

- Increased ability for public participation – see para 4 below.
- Committees to continue to report recommendations to the Council and minutes of the Cabinet to continue to be reported. Otherwise, the minutes will be removed from the agenda resulting in only recommendations being made available for decision. This will mean that minutes will need to be provided for members in another way through separate notifications and a bundle in the members' room.
- Question time for members of the Council would allow members to ask about Committee related issues arising from meetings. However, a three day deadline would be adhered to in respect of questions that require a response at the meeting. Any questions asked at the meeting with no notice would not require a response to be provided there and then. This could be provided after the meeting. It is suggested that a limited time period of 45 minutes be adopted for this item on Council agendas.

2.6 It is important that the Council should not lose momentum in taking forward the recommended changes arising from the Peer Review. So far as possible changes will be implemented at the November Council meeting through the exercise of the Chairman's discretion. However, there are changes that would need to be made to the Rules of Procedure/Standing Orders in Part 3 of the Constitution. These changes specifically relate to the following standing orders:

- 8 – Papers to accompany Summons
- 12 – Order of Business
- 13 – Presentation of Reports of the Cabinet and Recommendations of Committees
- 19 – Questions arising on the proceedings of the Cabinet or a Committee
- 20 – Question on any Business
- 21 – Questions and Statements from the public at meetings of the full Council, Cabinet, and Committees of the Council
- 31 – Relevance and Time Limit
- 60 – Application of Standing Orders to the Cabinet, Committees and Sub-committees
- 64 – Deputations
- Other consequential numbering and reference changes.

2.7 Amendments to the Council Procedure Rules are attached as Appendix 1 to this report. A revised template for the County Council agenda is attached as Appendix 2.

Rules of Procedure - Public Participation

3.1 Following the Peer Challenge, and the message that the Council should be more transparent, accountable and member led there is a need to promote and incorporate a number of changes in respect of public participation at meetings of County Council.

3.2 The current arrangements are briefly summarised below:

- For some time arrangements have been in place for members of the public to request to speak at meetings of the County Council, Planning Committee and Roads and Rights of Way Committee. Requests must be made three days in

advance of the meeting for County Council, and by midday the day before the meeting in respect of Planning Committee and Roads and Rights of Way Committee.

- The Constitution includes provision for the public to request a deputation to any public meeting, which would allow two members of the public, on behalf of a group of up to ten, to request to speak at any public meeting for up to 10 minutes. Deadlines are also included in this procedure which differs from the procedure above.
- A petitions scheme is in operation across the Council for petitions to be reported to Committees (20 signatures+), to the Audit and Scrutiny Committee on request (500 signatures+), or to the County Council (1000 signatures+). This procedure allows for petitioners to speak at meetings for 10 minutes where their petition is considered.
- There is currently no provision to allow for recording or filming of Council meetings and sharing of this information with the general public or outside organisations.

3.3 Members are asked to consider if the arrangements for public participation across the Council should be made more open and inclusive therefore allowing members of the public access to other public meetings and offer the opportunity to ask questions.

3.4 The following list of proposed revisions would form an updated process in relation to public participation at meetings and on dorsetforyou to be reflected in the Constitution:

- Public Participation - The former arrangements required different deadlines depending upon whether a member of the public wanted to ask a question at a meeting, or just speak at a meeting to express their views. It is proposed that steps be incorporated into the new arrangement to allow the public to request to ask a question or make a statement at any public meeting. To ask a question would require three days written notice, and a request to make a statement at a meeting should be submitted to Democratic Services by midday the day before the meeting. With three days notice this would allow for a response to be prepared by officers, or members in respect of Cabinet and Council meetings.

It is suggested that a maximum of 100 words (current amount for public questions is 50 words) be applied to both questions and statements, and for a 3 minute limit be applied. This will allow sufficient time for a number of questions to be asked by different questioners in any one meeting, but discretion by chairmen would also be applied to enable timings to be lengthened or shortened if appropriate.

- Deputations – It is proposed that the deputations arrangement be removed from the Constitution as the new arrangements above would cater for all requests to speak at meetings that are open to the public.
- Petitions – Members are asked to reaffirm the Council's petition scheme with no change to the current arrangements or signature thresholds.

3.5 As a result of the suggested amendments above, it would be necessary to update the information available on the participation page for Dorset County Council under the Council and Democracy pages on dorsetforyou. The page will be developed to provide all of this information in a quick and easy format so that it enables better

access to the public and provides information in a clear and concise way so that people can easily understand the processes in place.

- 3.6 The changes suggested to the Constitution and the development of pages on the council's website would also require the production of a new leaflet to explain the remit of public participation, to be made publicly available.
- 3.7 Following the suggestions above, there are changes that would need to be made to the Rules of Procedure/Standing Orders in Part 3 of the Constitution. These changes specifically relate to the following standing orders:
- 21 – Questions and Statements from the public at meetings of the full Council, Cabinet, and Committees of the Council
 - 60 – Application of Standing Orders to the Cabinet, Committees and Sub-committees
 - 64 – Deputations
 - Other consequential numbering and reference changes.
- 3.8 The proposed revisions to the Rules of Procedure/Standing Orders in relation to public participation are outlined in Appendix 1 of this report. The petitions scheme is attached at Appendix 3.

Jonathan Mair
Monitoring Officer
October 2013

**Part 4: Council Procedure Rules (Standing Orders)
Summary of Time Limits**

Summary of Time Limits - Members

Notices of Motion (Standing Order 14)	To Chief Executive at least 12 days before the date of the appropriate meeting of the Cabinet or a Committee.
Questions at meetings of the full Council On proceedings before the Council not determined under delegated powers (Standing Order 19)	Question to be put before consideration of proceedings concluded.
On proceedings before the Council of the Fire Authority (Standing Order 19A)	Question to be given in writing to the Chief Executive three clear working days before the meeting of the Council.
Relating to any business of the Council or to any function of the Fire Authority other than in above categories (Standing Order 20(1))	Question to be given in writing to the Chief Executive not later than 10.00 am three seven days before the meeting of the Council.
Rescission of Preceding Council Resolution within six months (Standing Order 38)	Notice of motion to rescind must bear names of at least ten members and must be given to the Chief Executive at least ten days before the meeting of the Council.
Questions at meetings of Committees Relating to the business of a committee (Standing Order 20(2)). Note: questions must be from a member of the committee	Question to be given in writing to the Chief Executive by 10.00 am three clear working days before the date of the meeting of the committee.
Speeches Except in the case of a member of the Cabinet or the Chairman of a Committee presenting a report.	Up to 5 minutes.
A member moving a motion	Up to 10 minutes.
A member moving an amendment	Up to 7 minutes.
Questions on the proceedings of the Council, the Cabinet or Committees	2 minutes

Council Procedure Rules (Standing Orders): Index

Summary of Time Limits – Public

	Notice to Democratic Services	At the meeting
Make a Statement at meetings of the County Council, Cabinet or Committees that are open to the public (Standing Order ??)	Midday the day before the meeting	3 minutes (subject to the discretion of the Chairman)
Ask a Question at meetings of the County Council, Cabinet or Committees that are open to the public (Standing Order ??)	10:00am, 3 working days before the meeting	3 minutes (subject to the discretion of the Chairman)
Petitions (In accordance with the thresholds in the Petitions Scheme)	16 working days before the date of the meeting	10 minutes, followed by 15 minutes discussion

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Rules of Procedure/Standing Orders

(including extracts from statutes printed in red)

The Rules of Procedure which apply under rule of Procedure 60 to meetings of committees and sub-committees as well as to meetings of the County Council have been sidelined.

Meetings of the Council

1. Annual Meeting

- (1) Subject to the proviso in Standing Order 2 the annual meeting of the County Council shall be held on the last Thursday in April, except in the years of quadrennial elections of county councillors.
- (2) In the years of the quadrennial elections, the date of the annual meeting shall be fixed, in accordance with statute, to take place within 21 days immediately following the day of retirement of councillors.

2. Quarterly Meetings

The remaining ordinary meetings of the Council shall be held on the following days:

penultimate Thursday in July

second Thursday in November

pre-penultimate or penultimate Thursday in February (i.e. the ordinary meeting to set the council's budget for the forthcoming year)

provided that,

- (1) Where the date fixed for a meeting of the Council coincides with the date of a Parliamentary election the meeting shall be held on the Thursday following.
- (2) In the event of severe weather conditions or some other unforeseen circumstance, which in the opinion of the Chairman of the Council warrants the postponement of the meeting, the Chairman of the Council may postpone, for a period of not more than 14 days, the date fixed for a meeting of the Council (subject to the statutory requirement referred to in Standing Order 1 (2) being met).

For Extraordinary Meetings see Rule 6(3)

3. Place and time of Meetings

All meetings of the council, except where otherwise ordered by the Chairman, shall be held at 10.00 am at County Hall, Colliton Park, Dorchester and shall be opened with prayer.

Rules of Procedure/Standing Orders

Local Government Act 1972

Schedule 12: Part 1

Quorum: Paragraph 6

Subject to paragraph 45 below, no business shall be transacted at a meeting of a principal council unless at least one quarter of the whole number of members of the council are present.

Schedule 12: Part VI

Quorum in cases of Disqualification: Paragraph 45

Where more than one-third of the members of a local authority become disqualified at the same time, then, until the number of members in office is increased to not less than two-thirds of the whole number of members of the authority, the quorum of the authority shall be determined by reference to the number of members of the authority remaining qualified instead of by reference to the whole number of members of the authority.

4. Adjournment - no Quorum

If during any meeting of the Council the Chairman, after counting the numbers present, declares that there is not a quorum the meeting shall stand adjourned.

The consideration of any business not transacted shall be adjourned to a date and time fixed by the Chairman at the time the meeting is adjourned or, if he does not fix a date and time, to the next ordinary meeting of the Council.

(Note: the present quorum for meetings of the Council is 11.)

5. Cancellation of Meeting - no Quorum

If at the expiration of 30 minutes from the time at which the meeting has been appointed to be held a quorum is not present the meeting shall not take place, and consideration of any business on the agenda for the meeting shall be adjourned to a date and time fixed by the Chairman or, if the Chairman of the Council does not fix a date and time, to the next ordinary meeting of the Council.

Local Government Act 1972

Schedule 12: Part 1

Convening Meetings: Paragraph 3

- (1) An extraordinary meeting of a principal council may be called at any time by the Chairman of the Council.
- (2) If the Chairman refuses to call an extraordinary meeting of a principal

Rules of Procedure/Standing Orders

Council after a requisition for that purpose, signed by 5 members of the council, has been presented to him, or if without so refusing, the Chairman does not call an extraordinary meeting within 7 days after the requisition has been presented to him, then, any 5 members of the council, on that refusal or on the expiration of those 7 days, as the case may be, may forthwith call an extraordinary meeting of the council.

6. Notice of Meeting

- (1) In accordance with the Access to Information Rules and, at least 5 clear days before any meeting of the Council, notice of its time and place, signed by the Chief Executive, (or if the meeting is called by members, signed by those members), shall be published at County Hall, Colliton Park, Dorchester.
- (2) When the meeting is called by members, the notice shall specify the business proposed to be transacted.
- (3) An extraordinary meeting of the County Council (to be called by the Chief Executive) may be requested by:
 - (a) The County Council by resolution
 - (b) The Chairman of the County Council
 - (c) The Monitoring Officer
 - (d) Any five members of the Council if they have signed a requisition presented to the Chairman of the Council and he or she has refused to call a meeting or has failed to call a meeting with 7 days of presentation of the requisition.
- (4) An extraordinary meeting may be called under the Budget and Policy Framework Rules (page 184) and the Overview and Scrutiny Procedure Rules (Rule 16).

7. Delivery of Summons

In accordance with the Access to Information Rules, and at least 5 clear days before any meeting of the Council a summons to attend specifying the business to be transacted and signed by the Chief Executive shall be sent by first class post to the usual place of residence of every member.

provided that want of service of the summons on any member shall not affect the validity of the meeting.

8. Papers to accompany Summons

Minutes of the last meeting of the Council, together with reports of the Cabinet, ~~recommendations of committees and committees~~ and any other reports for members, unless already forwarded to members, shall accompany the summons referred to in Standing Order 7.

Rules of Procedure/Standing Orders

provided that this Standing Order shall apply only to the meetings prescribed by Standing Orders 1 and 2 above.

9. Record of Attendances

- (1) Every member attending the whole or part of a meeting of the Council shall sign the attendance record before the conclusion of the meeting.
- (2) The Chief Executive or his representative shall record the attendance of members at meetings of the Council and of committees and sub-committees.

Chairman and Vice-Chairman

Local Government Act 1972

Chairman: Section 3

- (1) The chairman of a principal council shall be elected annually by the council from among the councillors.
- (2) The chairman shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act as chairman.
- (3) During his term of office the chairman shall continue to be a member of the council notwithstanding the provision of this Act relating to the retirement of councillors.

Election of Chairman: Section 4

- (1) The election of the chairman shall be the first business transacted at the annual meeting of a principal council.
- (2) If apart from Section 3(3) above or Section 5(2) below, the person presiding at the meeting would have ceased to be a member of the council, he shall not be entitled to vote in the election except in accordance with subsection (3) below.
- (3) In the case of an equality of votes the person presiding at the meeting shall give a casting vote in addition to any other vote he may have.

Vice-Chairman: Section 5

- (1) A principal council shall appoint a member of the council to be vice-chairman of the council.
- (2) The vice-chairman shall, unless he resigns or becomes disqualified, hold office until immediately after the election of a chairman at the next annual

Rules of Procedure/Standing Orders

meeting of the council and during that time shall continue to be a member of the council notwithstanding the provision of this Act relating to the retirement of councillors.

- (3) Subject to any standing orders made by the council, anything authorised or required to be done by, to or before the chairman may be done, to or before the vice-chairman.

Local Government Act 1972 Schedule 12: Part 1

Chairman of Meeting: Paragraph 5

- (1) At a meeting of a principal council the chairman, if present, shall preside.
- (2) If the chairman is absent from a meeting of a principal council, then -
 - (a) the vice-chairman of the council, if present shall preside.
- (3) If -
 - (a) in the case of a principal council both the chairman and vice-chairman of the council are absent from a meeting of the council;
another member of the council chosen by the members of the council present shall preside.

10. Powers and duties of Chairman

Any power or duty of the Chairman in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

Order of Business

Local Government Act 1972 Schedule 12: Part 1

Paragraph 4

- (4) Except in the case of business required by or under this or any other Act to be transacted at the annual meeting of a principal council and other business brought before that meeting as a matter of urgency in accordance with the council's standing orders, no business shall be transacted at a meeting of the council other than that specified in the summons relating thereto.

Rules of Procedure/Standing Orders

11. Leader

The Council shall, at their post election annual meeting, elect a Leader of the County Council who shall be ex officio Chairman of the Cabinet.

12. Order of Business

(1) Except as provided by paragraph (2) of this Standing Order, the order of business at every meeting shall be:-

(a) to choose a person to preside if the Chairman and Vice-Chairman are absent;

(b) to receive any apologies for absence;

(c) to receive declarations of interest by members;

(d) to approve as a correct record and sign the minutes of the last meeting of the Council;

(e) to receive any items of public participation;

(f) to deal with any business required by statute to be done before any other business;

(g) to deal with any correspondence, communications, events attended, reporting of the death of former members of the Council and Chief Officers, or other business brought forward by direction of the Chairman;

(h) to allow the Leader of the Council to make announcements in relation to matters not raised under any other item on the agenda. All members of the Council will then be afforded the opportunity to ask questions directly of the Leader or any other Cabinet member specifically in relation to the items that the Leader has raised.

~~(i) to receive declarations of interest by members;~~

(j) to answer questions under Standing Order 20;

(k) at the annual meeting to appoint (or vary appointments to) the Cabinet, at least one Overview Committee, a Standards and Governance Committee and such other committees as the council considers appropriate to deal with matters which are neither reserved to the council nor are Executive functions and otherwise and to outside bodies except where the appointment to those bodies has been delegated by the council;

(l) to deal with any business expressly required by statute to be done;

~~(m) to deal with any correspondence, communications or other business brought forward by direction of the Chairman;~~

(n) to dispose of business (if any) remaining from the last meeting;

(o) to receive and consider reports by the Cabinet and recommendations of committees any committees of the County Council and to answer questions under Standing Order 19;

Deleted: ¶
<#>to approve as a correct record and sign the minutes of the last meeting of the Council;¶
¶

Rules of Procedure/Standing Orders

(p) to receive and consider reports by officers;

(q) to answer questions under Standing Order 20;

(r) other business, if any, specified in the summons.

(2) Business falling under (a) to (g e) of paragraph (1) shall not be displaced but subject thereto the foregoing order of business may be varied.

(a) by the Chairman at the Chairman's discretion, or

(b) by a resolution passed on a motion (which need not be in writing) duly moved and seconded, which shall be moved and put without discussion.

13. Presentation of Reports of the Cabinet and Recommendations of Committees

(1) The order in which reports of the Cabinet and recommendations of committees shall be presented to the Council shall be:

(a) that of the Cabinet, and

(b) recommendations from those of the other committees of the County Council in rotation in date order.

(2) Recommendations which require the approval of the Council shall be presented to the Council as individual in a separate document which shall comprise the executive summary of the item (directly from the report considered by the relevant committee), the minute of the meeting, and the recommendation.

(3) On a report of the Cabinet or a recommendation from a committee being presented the Chairman, Vice-Chairman or some other member of the Cabinet or committee shall move its adoption.

Notices of Motion

14. Submission of Notice of Motion

(1) A member may submit a notice of motion in writing to the Chief Executive.

(2) Where the notice of motion is within the terms of reference of the Cabinet, or a committee or sub-committee of the County Council, the Chief Executive shall arrange for it to be included on the agenda of the Cabinet or the appropriate committee or sub-committee for consideration.

(3) In exceptional cases including the following, paragraph 14(2) above does not apply and the motion would be referred direct to the County Council for debate:-

- motions which ask the Cabinet (or a Committee) to initiate consideration of a particular area of activity;
- motions which the Chairman of the County Council, after consultation with the Chief Executive considers to be of an urgent notice requiring decision by the full Council where submission of the notice to the Cabinet (or Committee) would cause unwarranted delay.

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Rules of Procedure/Standing Orders

- (4) Every notice of motion shall be in writing, signed by the member or members giving the notice and shall be delivered at the office of the Chief Executive at least 12 days before the date of the appropriate meeting. These will be entered in a book open to public inspection.

15. Reference to the Cabinet, Committees or Sub-Committees

- (1) The Cabinet or the committee or sub-committee considering the motion shall report on it to the next meeting of the Council.
- (2) The member proposing the motion shall have the right to move it and, upon its being seconded, the motion shall be debated.
- (3) The Chairman of the Cabinet or committee or sub-committee which has considered the motion shall move the recommendations of the Cabinet, committee or sub-committee on the motion and, if these differ from the motion, they shall first be debated and voted upon, as an amendment to the motion. (Standing Order 32 shall not apply to the amendment, in these circumstances).
- (4) In the event of this amendment being carried, it shall take the place of the member's motion as the motion before the Council.
- (5) In the event of the amendment being lost, other amendments may be moved on the member's motion, in the usual way.

16. Proposer of motion referred to the Cabinet or a Committee may attend the meeting

A member who has proposed a motion which has been referred to any committee shall be invited to the meeting of the Cabinet, committee or sub-committee at which it is proposed to consider the motion, to explain it.

17. Relevance of Motion

Every notice of motion shall be relevant to some power or duty of the Council or on a subject which affects the Dorset County area.

18. Motions not in order

If it appears to the Chief Executive that a motion of which he/she has received notice is not in order, or is in improper language, he/she shall take the direction of the Chairman of the Council. If the Chairman of the Council decides that a motion shall not be referred to the Cabinet or a committee a member may move the Council for leave to bring forward the motion at the next meeting of the Council.

Questions

19. Questions arising on the proceedings report of the Cabinet or a Committee

- (1) A member may ask the Chairman of the Cabinet or a committee any question on the proceedings of the Cabinet, or the committee then

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before the Council if the question is put before the Council's consideration of those proceedings is concluded.

- (2) The time limit afforded to questions shall be two minutes in duration, with responses also afforded two minutes.

19A. Question arising on report of Dorset Fire Authority

A member may ask a member nominated by the Dorset Fire Authority any questions on the proceedings of the Authority then before the Council provided that the question has been given in writing to the Chief Executive by 10.00 am three clear working days before the Council meeting.

20. Question on any Business

- (1) A member may, if the question has been given to the Chief Executive in writing by 10.00 am 3 7 days before the Council meeting, ask a question that shall last a maximum of two minutes in duration:
- (a) the Chairman of the Council, a member of the Cabinet or the Chairman of the appropriate committee (other than the Dorset Fire Authority) any question on any matter in relation to which the County Council has powers or duties or which affects the Dorset County area.
- (b) a member of the Council nominated by the Fire Authority for the purpose, any question on the discharge of the functions of the Fire Authority.
- (2) A member of a committee or sub-committee may ask the Chairman of that committee or sub-committee any question that shall last a maximum of two minutes in duration, relating to the business of the committee or sub-committee, provided the question has been given to the Chief Executive in writing by 10.00 am 3 clear working days before the date of the meeting of the committee or sub-committee.

- (3). Supplementary Questions - Members who have submitted written questions may ask relevant supplementary oral questions, subject to a limit of two such questions.

21. Questions and Statements from the public at meetings of the full Council, Cabinet, and Committees of the Council

- (1) Members of the public may ask questions at meetings of the full Council, Cabinet, and Committees of the Council. The protocol for questions under this rule is as follows:-
- (a) Subject to the requirements of this protocol, a member of the public who lives or works in the County of Dorset may submit a written question to the Leader of the Council, a portfolio holder or the Chairman of the Council or of a Committee of the County Council.
- (b) A person wishing to ask a question under this protocol shall submit the question in writing which must be received by the Democratic Services Manager at County Hall by 10.00 am three clear working days before the meeting of the Council at which it is to be asked. The person's name and address must be included.

Comment [D1]: Jonathan – You will need to consider if this is still appropriate, and at what number?

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- (c) A question put under this protocol shall relate to Council business, shall not normally exceed 100 50 words in length and shall be so framed as to elicit information rather than make a statement. No member of the public may ask more than four questions in any one financial year.
- (d) Questions shall be printed in order of receipt and circulated to elected members prior to the commencement of the Council meeting. No discussion shall be allowed upon questions or answers.
- (e) The person asking the question shall normally attend the meeting to read out their question and to hear the answer. However, persons may, if they prefer, ask for an officer of the Council to read out their question.
- (f) Question time under this protocol shall normally commence immediately after the item 'Code of Conduct' on the County Council agenda and shall be restricted to a total of 15 minutes, or at the discretion of the Chairman of the County Council, provided that where a question to which an answer is to be given is not reached within the time limit, a written answer shall be provided to the questioner within two working days of the meeting and a copy e-mailed to all members of the Council.
- (g) If questions are unsuitable in form, frivolous, defamatory, derogatory or relate to a matter which the Council would be likely to consider in the absence of the press and public, the Chairman of the Council shall have the right to rule the question out of order.

(2) Members of the public may make statements at meetings of the full Council, Cabinet, and Committees of the Council. The protocol for statements under this rule is as follows:-

- (a) Subject to the requirements of this protocol, a member of the public who lives or works in the County of Dorset may submit a written statement to the Leader of the Council, a portfolio holder or the Chairman of the Council or of a Committee of the County Council.
- (b) A person wishing to make a statement under this protocol shall submit the statement in writing which must be received by the Democratic Services Manager at County Hall by midday the day before the meeting of the Council at which it is to be raised. The person's name and address must be included.
- (c) A statement put under this protocol shall relate to Council business, shall not normally exceed 100 50 words in length.
- (d) Statements shall be printed in order of receipt and circulated to elected members prior to the commencement of the Council meeting. No discussion shall be allowed upon statements.
- (e) The person making the statement shall normally attend the meeting to read out their question and to hear the answer. However, persons

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may, if they prefer, ask for an officer of the Council to read out their question.

- (f) Question time under this protocol shall normally commence immediately after the item 'Code of Conduct' on the County Council agenda and shall be restricted to a total of 15 minutes, or at the discretion of the Chairman of the County Council, provided that where a question to which an answer is to be given is not reached within the time limit, a written answer shall be provided to the questioner within two working days of the meeting and a copy e-mailed to all members of the Council.
- (g) If statements are unsuitable in form, frivolous, defamatory, derogatory or relate to a matter which the Council would be likely to consider in the absence of the press and public, the Chairman shall have the right to rule the statement out of order.

Minutes

Local Government Act 1972 Schedule 12: Part VI

Minutes: Paragraph 41

- (1) Minutes of the proceedings of a meeting of a local authority shall, subject to sub-paragraph (2) below, be drawn up and entered in a book kept for that purpose and shall be signed at the same or next suitable meeting of the authority by the person presiding thereat, and any minute purporting to be signed shall be received in evidence without further proof.
- (2) Notwithstanding anything in any enactment or rule of law to the contrary, the minutes of the proceedings of meetings of a local authority may be recorded on loose leaves consecutively numbered, the minutes of the proceedings of any meeting being signed, and each leaf comprising those minutes being initialled, at the same or next suitable meeting of the authority, by the person presiding thereat, and any minutes purporting to be so signed shall be received in evidence without further proof.
- (3) Until the contrary is proved, a meeting of a local authority a minute of whose proceedings has been made and signed in accordance with this paragraph shall be deemed to have been duly convened and held, and all the members present at the meeting shall be deemed to have been duly qualified.
- (4) For the purpose of sub-paragraphs (1) and (2) above the next suitable meeting of a local authority is their next following meeting or, where standing orders made by the authority in accordance with regulations under section 20 of the Local Government and Housing Act 1989 provide for another meeting of the authority to be regarded as suitable, either the next following meeting or that other meeting.

Rules of Procedure/Standing Orders

22. Signing of Minutes

As soon as the minutes of the Council have been read, or taken as read, the Chairman shall put the question that the minutes be signed as a correct record.

23. Signing Minutes - Extraordinary Meetings

Where in relation to any meeting of the Council the next such meeting is a meeting called under paragraph 3 (extraordinary meetings) of Schedule 12 to the Local Government Act 1972, the next following meeting of the authority (being a meeting called otherwise than under that paragraph) shall be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) (signing of minutes) of that Schedule.

[This standing order is prescribed by law.]

24. Accuracy and form of Minutes

Minutes will contain all motions and amendments in the exact form and order the Chairman put them. No motion or discussion shall take place upon the minutes, except upon their accuracy, and any question of their accuracy shall be raised by motion. If no such question is raised, or if it is raised then as soon as it has been disposed of, the Chairman shall sign the minutes.

Rules of Debate

25. Motions and amendments which may be moved without notice

The following motions may be moved without notice:-

- (1) appointment of a Chairman of the meeting at which the motion is moved;
- (2) accuracy of the minutes;
- (3)
 - (a) the question be now put
 - (b) the debate be now adjourned
 - (c) the Council do now adjourn
 - (d) the Council proceed to the next business
- (4) reference to a committee or member of the Cabinet;
- (5) adoption of reports and recommendations of committees or officers and any consequent resolutions;
- (6) leave to withdraw a motion;
- (7) amendment to a motion;
- (8) extension of time limit for speeches;
- (9) precedence for an item of business specified in the summons;

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- (10) suspension of a Standing Order in accordance with the provision of Standing order 66;
- (11) a member named under Standing Order 42 be not further heard or do leave the meeting;
- (12) giving consent of the Council where required by these Standing Orders;
- (13) exclusion of the public and press in accordance with the Access to Information Rules;
- (14) to give the consent of the Council where its consent is required by this constitution.

26. Motions and Amendments

A motion or amendment shall not be discussed unless it has been proposed and seconded. Unless notice has already been given in accordance with Standing Order 14 it shall, if required by the Chairman, be put in writing and handed to the Chairman before it is further discussed or put to the meeting.

27. Limit to number of speeches

A member shall be entitled to speak once on any motion, but shall not be entitled to speak more than once except:-

- (a) to speak once on an amendment moved by another member;
- (b) if the motion has been amended since he last spoke, to move a further amendment;
- (c) in exercise of a right of reply given by Standing Order 34;
- (d) on a point of order;
- (e) by way of personal explanation;
- (f) to ask a question

28. Secunder of Motion Reserving Speech

A member when seconding a motion or amendment may, if he then declares the intention to do so, reserve his speech until later in the debate.

29. Withdrawal of Motion or Amendment

A motion or amendment may be withdrawn or amended by the mover with the consent of his seconder and of the Council, which shall be signified without discussion. No member may speak upon it after the mover has asked permission for its withdrawal, unless permission has been refused.

30. Addressing the Meeting

A member when speaking shall stand and shall address the Chairman. If two or more members rise simultaneously the Chairman shall call on one to

Rules of Procedure/Standing Orders

Speak and the other or others shall then sit down. While a member is speaking the other members shall remain seated, unless rising on a point of order or in personal explanation.

31. Relevance and Time Limit

A member shall direct his speech to the question under discussion or to a personal explanation or to a point of order. Except in the case of a member of the Cabinet or a Chairman of a committee in either case presenting a report, no speech shall exceed five minutes without the consent of the Council, unless it is a question raised under Standing Order 20 which would limit the question to two minutes.

provided that:

- (1) a member moving a motion may speak for up to 10 minutes;
- (2) a member moving an amendment may speak for up to 7 minutes.

32. Amendments to Motions

An amendment shall be relevant to the motion and shall be either:-

- (a) to leave out words;
- (b) to leave out words and insert or add others;
- (c) to insert or add words.

An amendment shall not be admitted if it has the effect of negating the motion before the Council.

33. Order in which Amendments to be taken

- (1) Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been dealt with.
- (2) If an amendment is lost, other amendments may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

34. Right of Reply

- (1) The mover of a motion has a right of reply at the close of the debate on the motion, immediately before it is put to the vote. In his or her reply the mover shall strictly confine himself or herself to answering previous speakers and shall not introduce any new matter into the debate.
- (2) If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment. The mover of the amendment shall have no right of reply to the debate on his amendment.

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- (3) A member may, however,
 - (a) explain any material part of his speech which the member believes to have been misunderstood;
 - (b) if the member is the Chairman or other member who has presented the report of the Cabinet or a committee, with the Chairman's consent, make a statement of the facts at the outset of the debate and also reply generally to the debate; and
 - (c) if he is the mover of a motion, speak with the leave of the Chairman on the motion or on any amendment thereto at any time during the debate.

35. Right to speak on a Point of Order

- (1) A member may rise on a point of order or in personal explanation and shall be entitled to be heard forthwith.
- (2) A point of order shall relate only to an alleged breach of a Standing Order or statutory provision and the member shall specify the Standing Order or statutory provision and the way in which he considers it has been broken.
- (3) A personal explanation shall be confined to some material part of his speech which he considers has been misunderstood.
- (4) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

36. Motions which may be moved during debate

When a motion is under debate no other motion shall be moved except:-

- (1) to amend the motion;
- (2) to postpone consideration of the motion;
- (3) to adjourn the meeting;
- (4) to adjourn the debate;
- (5) to proceed to the next business;
- (6) that the question be now put;
- (7) that a member be not further heard;
- (8) that a member do leave the meeting;
- (9) that the subject of debate be referred back to a committee;
- (10) to extend time limit for speeches;
- (11) to suspend Standing Orders under Standing Order 66.

37. Closure Motion

A member who has not spoken in the debate may move without comment at the conclusion of a speech by another member:-

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- (1) "That the Council proceed to the next business";
- (2) "That the question be now put"
- (3) "That the debate now be adjourned";
- (4) "That the Council do now adjourn".

On the seconding of which the Chairman shall proceed as follows:-

- (a) on a motion to proceed to next business:

Unless in the Chairman's opinion the matter before the meeting has been insufficiently discussed, he or she shall first give the mover of the original motion a right of reply, and then put to the vote the motion to proceed to the next business.

- (b) on a motion that the question be now put:

Unless in the Chairman's opinion the matter before the meeting has been insufficiently discussed, he or she shall first put to the vote the motion that the question be now put, and if it is passed then give the mover of the original motion a right of reply before putting the matter before the meeting to the vote.

- (c) on a motion to adjourn the debate or the meeting:

If in the Chairman's opinion the matter before the meeting has been insufficiently discussed and cannot reasonably be sufficiently discussed on that occasion the Chairman shall put the adjournment motion to the vote without giving the mover of the original motion a right of reply on that occasion.

A second motion that "the Council proceed to the next business" or "the Council do now adjourn" shall not be made within a period of one hour unless moved by the Chairman.

38. Rescission of preceding Council resolution

- (1) No motion to rescind any resolution passed in Council within the preceding six months, and no motion or amendment to the same effect as one which has been defeated within the preceding six months, shall be moved unless notice thereof given in pursuance of Standing Order 14 is signed by at least 10 members of the Council, and is delivered to the office of the Chief Executive at least ten days before the meeting at which it is to be considered.
- (2) When any such motion has been disposed of by the Council, no member shall move a similar motion within a further period of six months.
- (3) This order shall not apply to motions moved in or in respect of the report or recommendation of the Cabinet, or a committee or sub-committee.

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39. Scheme of Delegated Powers

- (a) The County Council, at its annual meeting will agree the Scheme of Delegation to officers and members as set out in Part 3, Schedule 1 of the constitution.
- (b) Call in of decision made under delegated powers.
- (1) where a matter before the Council is the subject of a decision taken in the exercise of delegated powers by the Cabinet, or a member on a committee of the Cabinet or a key decision taken by an officer, any motion, relating either to the matter or to the decision, to be moved at a meeting of the Council, shall be in writing, and worded in accordance with the resolution of the relevant Overview and Scrutiny Committee which shall have met at least three clear working days before the meeting of the Council at which it is to be considered. The Chairman of the relevant committee shall move the proposal for the review of the decision by the County Council.

Where a matter is before the Council due to a notice of motion in writing to the Chief Executive signed by at least ten members in accordance with the Overview and Scrutiny Procedure Rules (Rule 16) the motion shall be moved and seconded and debated in accordance with the Standing Orders on Rules of Debate.

40. Respect for Chair

Whenever the Chairman rises during a debate a member then standing shall resume their seat and the Council shall be silent.

Admission of the Public and Press to Meetings

Local Government Act, 2000 and the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000

Regulation 7: Meetings of local authority executives and their committees to be held in public

- (1) Subject to Regulation 21 a meeting or part of a meeting must be held in public where the council leader, Section 11(2) mayor or council manager, as the case may be, or any other person likely to preside at the meeting, reasonably believes that:
 - (a) a decision to be made at that meeting or part of the meeting will be a key decision; or
 - (b) (i) a matter which is likely to be discussed at that meeting or that part of the meeting relates to a decision included in the current forward plan, as referred to in Regulation 13, where that decision is likely to be made at a meeting of the decision making body concerned within 28 days of the meeting; and
 - (ii) an officer, other than a political adviser or assistant or council manager, will be present at that meeting or part of the meeting where the matter is discussed; or

Deleted: (2) . No motion shall be admitted for consideration by the Council for the review or the rescission of a decision taken under delegated powers:
¶
(a) . where an officer, committee or sub-committee has taken the decision after hearing representations from persons other than members of the Council, and those,¶
¶
(b) . where the decision concerns the appointment, grading, discipline or dismissal of a member of the Council's staff.¶

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- (c) (i) a matter relating to a key decision to be made by the decision making body concerned is to be discussed with an officer, other than a political adviser or assistant, present; or
 - (ii) a decision is made,
- at that meeting or part of the meeting in relation to which a notice under Regulation 15 has been given.

Regulation 9: Individual executive decisions

- (1) Where an executive member or officer receives a report, which he intends to take into consideration when he/she makes a key decision, he/she shall not make the decision until the report has been available for public inspection, pursuant to paragraph (2) for at least three clear days.
- (2) Subject to Regulation 21, the member or officer making the decision referred to in paragraph (1) shall ensure that the proper officer makes the report referred to in that paragraph available for inspection by the public as soon as is reasonably practicable after that officer or member receives it.
- (3) Where a report has been submitted to an executive member or officer with a view to it being considered by him when he/she makes a key decision, the person who submitted the report shall, as soon as is reasonably practicable, supply a copy of it to the chairman of every relevant overview and scrutiny committee.
- (4) The proper officer shall, in any report required by paragraph (2) to be available for inspection by the public include a list of background papers for the report or part of the report, and shall ensure that sufficient copies of the background papers are available, or that facilities exist for the production of sufficient copies of those papers, to meet every reasonable request from members of the public for them.

Regulation 10: Procedures prior to public meetings

An item of business shall only be considered at a public meeting -

- (a) where a copy of the agenda or part of the agenda, including the item, has been available for inspection by the public as required by Regulation 11 for at least five clear days before the meeting, or
- (b) where the meeting is convened at shorter notice in accordance with Regulation 15 or 16, a copy of the agenda including the item has been available for inspection by the public from the time that the meeting was convened.

Regulation 11: Access to agenda and connected reports

- (1) Subject to paragraph (2), a copy of the agenda and every report for a public meeting shall be available for inspection by the public at the offices of the local authority when they are made available to the members of the executive or decision-making body responsible for making the decision to which they relate.

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- (2) If the proper officer thinks fit, there may be excluded from the copy of any report provided pursuant to paragraph (1) the whole, or any part, of the report which relates only to the transaction of an item of business during which, in his opinion, the meeting is likely not to be open to the public.
- (3) Subject to paragraph (4), any document which is required by paragraph (1) to be available for inspection by the public shall be available for such inspection for at least five clear working days before the meeting, except that -
 - (a) where the meeting is convened at shorter notice in accordance with Regulation 15 or 16, a copy of the agenda and associated reports shall be available for inspection at the time the meeting is convened; and
 - (b) where an item which would be available for inspection by the public is added to the agenda, a copy of the revised agenda, and of any report relating to the item for consideration at the meeting, shall be available for inspection by the public when the item is added to the agenda.
- (4) Nothing in paragraph (3) shall require a copy of the agenda, item or report to be available for inspection by the public until a copy is available to members of the decision making body concerned.
- (5) Where by virtue of paragraph (2) the whole or any part of a report for a public meeting is not available for inspection by the public -
 - (a) every copy of the whole report or of the part of the report, as the case may be, shall be marked "not for publication"; and
 - (b) there shall be stated on every copy of the whole or the part of the report -
 - (i) that it contains confidential information;
 - (ii) by reference to the descriptions in Schedule 12A to the 1972 Act, the description of exempt information by virtue of which the decision making body discharging the executive function are likely to exclude the public during the item to which the report relates; or
 - (iii) that the report or the part of the report contains the advice of a political adviser or assistant as the case may be.
- (6) Except during any part of a public meeting during which the public are excluded, the local authority shall make available for the use of members of the public present at the meeting a reasonable number of copies of the agenda and of the reports for the meeting.
- (7) Subject to Regulation 21, a local authority shall, following any request on behalf of a newspaper and on payment being made of postage charges or any other necessary charge for transmission, supply to the newspaper -
 - (a) a copy of the agenda for a public meeting and a copy of each of the reports for consideration at the meeting;
 - (b) such further statements or particulars, if any, as are necessary to indicate the nature of the items contained in the agenda; and

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- (c) if the proper officer thinks fit in the case of any item, a copy of any other document supplied to members of the executive in connection with the item.
- (8) Paragraph (3) applies in relation to copies of reports provided pursuant to paragraph (6) or (7) as it applies in relation to copies of reports provided pursuant to paragraph (1).

Regulation 21: Confidential information, exempt information and advice of a political adviser or assistant

- (1) Subject to paragraph (3), nothing in these regulations shall prevent the exclusion of the public from a meeting of a decision-making body that is exercising an executive function where -
 - (a) it is likely, in view of the nature of the business to be transacted or of the nature of the proceedings, that if members of the public were present during the transaction of an item of business, there would be disclosure to them of exempt information and the public interest in withholding the information outweighs the public interest in disclosing the information to the public;
 - (b) a resolution has been passed, by the decision-making body concerned, excluding the public during the transaction of an item of business where it is likely, in view of the nature of the item of business, that if members of the public were present during the transaction of that item, exempt information would be disclosed to them and the public interest in withholding the information outweighs the public interest in disclosing the information;
 - (c) a resolution has been passed, by the decision-making body concerned, excluding the public during an item of business where it is likely, in view of the nature of the item, that if members of the public were present during the transaction of that item, the advice of a political adviser or assistant would be disclosed to them; or
 - (d) a lawful power is used to exclude a member or members of the public in order to maintain orderly conduct or to prevent misbehaviour at a meeting.
- (2) A resolution under paragraph (1) (b) shall -
 - (a) identify the proceedings, or part of the proceedings, to which it applies; and
 - (b) state by reference to the descriptions in Schedule 12A to the 1972 Act (access to information: exempt information) the description of exempt information giving rise to the exclusion of the public.
- (3) An exclusion of the public under sub-paragraph (a), (b) or (c) of paragraph (1) shall apply only to the part of parts of the meeting during which it is likely that confidential information, exempt information or the advice of a political adviser or assistant would be disclosed.
- (4) Nothing in these Regulations shall authorise or require a local authority to disclose to the public or make available for public inspection a part of any document if, in the opinion of the proper officer, it is likely that confidential information, exempt information or the advice of a political adviser or assistant would be disclosed.

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- (5) Where a member of an executive or an officer makes an executive decision in accordance with executive arrangements, nothing in these regulations shall require documents relating to that decision to be disclosed to the public, or made available for public inspection where -
 - (a) the documents contain confidential information;
 - (b) in the opinion of the member or officer making the decision, disclosure of the documents would be likely to give rise to disclosure of exempt information; or
 - (c) in the opinion of the member or officer making the decision, disclosure of the documents would be likely to give rise to disclosure of the advice of a political adviser or assistant.
- (6) Nothing in these Regulations shall require a decision-making body or decision-maker to permit the taking of any photographs of any proceedings, or the use of any means to enable persons not present to see or hear any proceedings (whether at the time or later), or the making of an oral report on any proceedings as they take place.

Application to committees and sub-committees

The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 apply to overview and scrutiny committees, regulatory and quasi-judicial committees and other ordinary committees of the County Council. Specific provisions apply to the procedure of the Cabinet set out in the Executive Procedure Rules on pages 189 to 193 of this constitution.

41. Matters affecting staff employed by Council

If any question arises at a meeting of the Council as to the appointment, promotion, dismissal, salary, superannuation or conditions of service or as to the conduct of any person employed or formerly employed by the Council, a motion to exclude the public (including the press) from the meeting shall be made forthwith by the Chairman under Regulation 21 identifying the description of exempt information giving rise to the exclusion of the public (under Schedule 12(A) of the Local Government Act 1972).

Disorderly Conduct

42. Disorderly Conduct by Members

- (1) If at a meeting any member of the Council, in the opinion of the Chairman notified to the Council, misconducts themselves by persistently disregarding the Chairman's ruling, by continuous irrelevance or tedious repetition, or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Council, the Chairman or any other member may move "That the member named be not further heard", and the motion, if seconded, shall be put and determined without discussion.
- (2) If the member named continues his misconduct after a motion under the foregoing paragraph has been carried the Chairman shall:-

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Either (a) move "That the member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion)

or b) adjourn the meeting of the Council for such period as the Chairman in his/her discretion shall consider expedient.

- (3) In the event of general disturbance which in the opinion of the Chairman renders the orderly dispatch of business impossible, the Chairman in addition to any other power vested in him/her may, without question put, adjourn the meeting of the Council for such period as he/she in his discretion shall consider expedient.

43. Disturbance by the Public

If a member of the public interrupts the proceedings at any meeting, the Chairman shall warn him or her. If he or she continues the interruptions the Chairman shall order his or her removal from the Council Chamber. In the case of general disturbance in any part of the Chamber open to the public the Chairman shall order that part to be cleared.

Voting

Local Government Act, 1972 Meetings and proceedings of local authorities Section 99

The provision of Schedule 12 to this Act shall have effect with respect to the meetings and proceedings of local Authorities and their committees.

Schedule 12: Part VI Decisions on questions: Paragraph 39

- (1) Subject to the provisions of any enactment (including any enactment in this Act) all questions coming or arising before a local authority shall be decided by a majority of the members of the authority present and voting thereon at a meeting of the authority.
- (2) Subject to those provisions in the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote.

44. Method of Recording Votes

Every question shall be decided by a show of hands or by automatic recorder. **Provided** that if 10 members present at the meeting so require before the vote is taken, the names of the members shall be called and their votes recorded in the minutes.

45. Recording Individual Votes

Where immediately after a vote is taken at a meeting of the Council, a committee or sub-committee, or a joint committee or sub-committee on which the Council are represented, any member of that body so requires, there shall be recorded in the minutes of the proceedings of that meeting

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whether that person cast his or her vote for the question or against the question or whether he or she abstained from voting.

[This standing order is prescribed by law].

46. Voting on Appointments

Where more than two persons are nominated for any appointment and of the votes given there is not a majority in favour of one of them the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken, and so on until a majority of votes is given in favour of one person.

47. State of Dorset Debate

There will be an annual event, supported by the County Council, which will take the form of the annual major event held by the Dorset Strategic Partnership.

48. Inspection of Documents

A member of the Council may inspect, on application to the Monitoring Officer, any document in the possession or under the control of the Council which contains material relating to any business to be transacted at a meeting of the Council, or a committee or a sub-committee unless it appears to the Monitoring Officer that the document discloses confidential or exempt information, (within the meaning of the Local Government Act 1972). A member of the Council may inspect any other documents in the possession or under the control of the Council insofar as such inspection is reasonably necessary to enable him/her properly to perform his/her duties as a member of the Council.

49. Minutes Open to Inspection of Members

The minutes of the Cabinet, committees and sub-committees shall be open for the inspection of any member of the Council.

The Cabinet and Committees

50. Appointment of Committees

- (a) The Council shall appoint the standing committees at the annual meeting including at least one overview and or scrutiny committee, a Standards and Governance Committee and such other committees as are considered appropriate to deal with matters which are neither reserved to the Council nor the Executive functions but shall not appoint any member of a committee:-
 - (i) in the years other than the year of quadrennial election of County Councillors, so as to hold office later than the day immediately prior to the date of the first meeting of such committee following the next annual meeting of the Council; and,

Rules of Procedure/Standing Orders

- (ii) in the year of quadrennial election of County Councillors, so as to hold office later than the date provided by statute for the retirement of County Councillors in such years PROVIDED that the re-elected councillors who are members of a committee shall discharge the duties of the committee until the appointment of their successors.

- (b) The Council may at any time alter the membership of a committee, in accordance with this constitution.

51. **Appointment of Chairmen and Vice-Chairmen of the Cabinet and of Committees and Sub-committees**

- (a) The Leader and Deputy Leader of the Council shall be ex officio Chairman and Vice Chairman of the Cabinet.
- (b) The Council at the annual meeting may appoint, from among the voting members, a Chairman and a Vice-Chairman for each standing committee of the Council but the Deputy Leader as Vice Chairman of the Cabinet shall be appointed by the Leader.
- (c) Each standing committee may appoint at their first meeting following the annual meeting of the Council a Chairman and Vice-Chairman for each standing sub-committee of the committee.
- (d) No person shall be appointed Chairman or Vice-Chairman of any committee or sub-committee unless the person is a member of the council, save for the Standards and Governance Committee and the Pension Fund Committee.

52. **Absence of Chairman or Vice-Chairman**

In the absence from a meeting of the Cabinet, a committee or sub-committee of both the Chairman and Vice-Chairman, a chairman for the meeting shall be appointed from among the members of the committee or sub-committee who are present.

53. **Membership of Committees**

Every member of the Council shall be entitled to be appointed to at least one committee, subject in the case of members elected at a by-election to vacancies being available. No member of the Cabinet shall be entitled to be a member of an Overview, Quasi-Judicial or the Standards and Governance Committee

54. **Attendance at Meetings**

- (1) (a) The Chairman, or in his/her absence the Vice-Chairman, of the Council and (b) members of the Cabinet.

shall be entitled to attend all meetings of the Cabinet, committees and sub-committees of which they are not members and, at the discretion of the Chairman of the Cabinet, the committee or sub-committee, speak (but not vote) at such meetings.

Rules of Procedure/Standing Orders

- (2) The Chairman or in his/her absence the Vice-Chairman of a committee shall be entitled to attend all meetings of sub-committees of that committee, of which they are not members, and to speak (but not vote) at such meetings.
- (3) Any member of the Council may attend the meeting of the Cabinet and any committee of which he/she is not a member but may not speak without the approval of the Chairman of the meeting and may not vote. Such a member shall not be entitled to be paid travelling allowances unless invited in advance to attend the meeting.

55. Meetings of the Overview and Overview and Scrutiny Committees

With the exception of the Cabinet each Overview Committee shall normally meet once every quarter. The Audit and Scrutiny Committee shall normally meet bi-monthly with reserve meeting dates every other month. No committee or sub-committee meeting shall be called on the polling days of district council elections, other than elections for filling casual vacancies.

56. Sub-committees

No standing sub-committee (as distinct from a sub-committee or panel limited to specific temporary purposes) shall be set up except by resolution of the County Council or the Cabinet.

57. Place of Meetings

The Cabinet and every committee shall meet at County Hall, Colliton Park, Dorchester, unless the Chairman of the Cabinet or the committee authorises a different venue.

58. Special Meetings of Cabinet and Committees

- (1) The Chairman of the Cabinet or a committee may call on the Chief Executive to summon a special meeting of the Cabinet or committee at any time.
- (2) A special meeting shall also be summoned on the requisition in writing of a half of the whole number of the members of the committee.
- (3) A special meeting may be summoned by the operation of the "call in" procedure in the Overview and Scrutiny procedure Rules of this constitution. The Chief Executive will, in these circumstances call the special meeting of the committee.

The summons shall set out the business to be considered at the special meeting and no other business than that set out shall be considered at that meeting.

59. Quorum of the Cabinet, Committees and Sub-committees

- (1) Except where authorised by statute or ordered by the Council (or the Cabinet in respect of committees or sub-committees of the Cabinet), business shall not be transacted at a meeting of any committee or sub-committee exercising delegated powers unless at least one quarter of the

Rules of Procedure/Standing Orders

whole number and not less than 3, of the voting members of the committee or sub-committee are present.

- (2) The membership and size of the Cabinet shall be decided by the Leader and the quorum for meetings of the Cabinet shall be as follows:-

- For a Cabinet of 3 or 4, the quorum shall be 3
- For a Cabinet of 5, 6 or 7, the quorum shall be 4
- For a Cabinet of 8, 9 or 10, the quorum shall be decided by the County Council

60. **Application of Standing Orders to the Cabinet, Committees and Sub-committees**

- (1) The following standing orders (which are sidelined in the text) shall apply to meetings of the Cabinet, committees and sub-committees, as well as to the Council, and, where appropriate, the word "cabinet" or "committee or sub-committee", as the case may be, shall be substituted for the word "council":-

Standing Orders

Rules of Procedure/Standing Orders

20	26	34	41
21	28	35	42
22	29	36	43
23	31	37	44
24	32	38	45
25	33	40	46

provided that, in their application to committees and sub-committees:

- (i) the number "5" shall be substituted for "10" in standing orders 38, 39 and 44;
 - (ii) the words "committee room" shall be substituted for the words "Council Chamber" and "Chamber" in standing order 43.
- (2) In the case of an equality of votes at a meeting of the Cabinet or of a committee or sub-committee the person presiding at the meeting shall have a second or casting vote.

61. Confidential Matters

A member shall not disclose without permission of the Council or of the appropriate committee or sub-committee:-

- (1) the content of any document marked "Not for Publication" by virtue of being confidential or exempt, under the relevant provision of the Local Government Act of 1972.
- (2) any item dealt with as a confidential or exempt matter, unless or until it has been made public by the Council, the committee or the sub-committee.

62. Attendance of Statutory Officers

The Chief Executive or his representative, the Monitoring Officer and the Chief Financial Officer shall be entitled to attend the meetings of the Cabinet and every committee and sub-committee of the Council and of any joint committee.

63. Minutes of the Cabinet, Committees and Sub-committees

Minutes of every meeting of the Cabinet, a committee and sub-committee shall be kept by the Chief Executive or his representative.

~~64. Deputations~~

- ~~(1) Deputations wishing to be received by the Council, the Cabinet or by a committee or sub-committee shall submit a request in writing to the Chief Executive. The Chief Executive shall report the petition to the Chairman of the Council, the Cabinet or of the appropriate committee or sub-committee, who shall decide whether the deputation shall be invited to attend a meeting of the Council, the Cabinet or of the appropriate committee or sub-committee.~~
- ~~(2) A deputation invited to a meeting shall not exceed ten in number, and only two of its members shall be at liberty to address the meeting.~~
- ~~(3) The time allowed to any deputation or to any outside individual or body to make any presentation to a sub-committee, committee, the Cabinet or the~~

Rules of Procedure/Standing Orders

~~Council shall not exceed ten minutes in total, unless the Chairman agrees a longer period.~~

~~(4) The matter shall not be further considered by the meeting until the deputation has withdrawn to the area of the Council Chamber or committee room allocated to members of the public.~~

~~64. The rights of the public regarding the business of the Planning Committee and the Roads and Rights of Way Committee business~~

~~Public speaking arrangements shall be operated at meetings of the Planning Committee and the Roads and Rights of Way Committee except where confidential or exempt information is likely to be disclosed.~~

General Provisions with regard to Standing Orders

64. Variation and Revocation

Any motion, not being a recommendation of the Cabinet or a committee or of the Chief Executive, to vary or revoke these Standing Orders shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Council.

65. Suspension

Any of the preceding Standing Orders (except for Standing Orders 23 (no requirement to sign minutes of previous meeting at an extraordinary meeting) and 45 (right to require individual vote) may be suspended by the Council for any item of business at the meeting where its suspension is moved, but except upon notice of motion under Standing Order 14 shall not be suspended unless a majority of the whole number of members of the Council so agree.

66. Issue to Members

A copy of these Standing Orders shall be issued to each member.

67. Interpretation of Standing Orders

The ruling of the Chairman of the Council or, where appropriate, the Chairman of the Cabinet or a committee or sub-committee, having taken the advice of the Chief Executive or his representative, as to the construction or application of any of these Standing Orders, or as to any proceedings at the meeting, shall be final.

Standing Orders of General Effect

68. Delegation of Functions

Any function to be exercised by the Chief Executive under these Standing Orders may also be exercised by such directors or officers as he may specifically authorise for the purpose.

Rules of Procedure/Standing Orders

69. Declarations of Interest

If any member of the Council, the Cabinet or of any committee or sub-committee of the Council declares a disclosable pecuniary interest under the Code of Conduct for Members, the member shall specify fully the nature of the interest, which shall be recorded in the minutes of the meeting. A member with such an interest must withdraw from the room or chamber whenever it becomes apparent that the matter is being considered, unless he/she has obtained prior consent in accordance with Standing Order 64, in which case he/she shall withdraw from the room or chamber immediately after making representations, answering questions or giving evidence. (Note: It is the individual responsibility of each elected member to decide whether a disclosable pecuniary interest exists. A copy of the Code of Conduct for Members is set out in Part 5 of the Constitution. The Director for Corporate Resources will be happy to respond to requests for advice in individual cases).

70. Matters of Urgency

- (1) Subject to (2) below, no item of business may be considered at a meeting of the Council or a committee or sub-committee unless the agenda including the item and any accompanying report(s) have been open to inspection by the public for at least five clear working days before the meeting.
- (2) An item of urgency may however be brought before the Council, the Cabinet, a committee or sub-committee with the approval of the Chairman of the Council, the Cabinet, a committee or a sub-committee provided the Chairman is satisfied that there are special circumstances which justify consideration of the item.
- (3) Where an item is deemed to be a matter of urgency a minute specifying the special circumstances shall be included in the minutes of the meeting.
- (4) Access to Information Procedure Rules 15 and 16 set out in this constitution make further provision for the Cabinet to take decisions in case of "general exception" and "special urgency".

Agenda

Dorset County Council



Meeting: County Council
 Venue: Council Chamber, County Hall, Colliton Park, Dorchester, DT1 1XJ
 Date of Publication: 6 November 2013

John Wilson (Chairman)
Andrew Cattaway (Vice-Chairman)
 Pauline Batstone
 Michael Bevan
 Richard Biggs
 Dan Brember
 Steve Butler
 Mike Byatt
 Andy Canning
 Ronald Coatsworth
 Robin Cook
 Toni Coombs
 Barrie Cooper
 Hilary Cox
 Deborah Croney

Lesley Dedman
 Janet Dover
 Fred Drane
 Beryl Ezzard
 Peter Finney
 Spencer Flower
 Ian Gardner
 Robert Gould
 Peter Hall
 David Harris
 Jill Haynes
 Colin Jamieson
 Susan Jefferies
 Mervyn Jeffery
 David Jones

Trevor Jones
 Ros Kayes
 Paul Kimber
 Rebecca Knox
 Mike Lovell
 David Mannings
 Margaret Phipps
 Peter Richardson
 Ian Smith
 Mark Tewkesbury
 William Trite
 Daryl Turner
 David Walsh
 Peter Wharf
 Kate Wheller

Notes:

- The reports with this agenda may be viewed at www.dorsetforyou.com/countycommittees then click on the link "minutes, agendas and reports". Reports are normally available on this website within two working days of agenda despatch.
- This agenda and the reports can be made available in audio tape, large print and Braille, or alternative languages on request.
- **Public Participation**
 - (a) **Public Speaking**

An opportunity for members of the public to ask questions and make statements at the meeting. The closing date for the receipt of questions and statements is 10.00am on **[3 days notice]**. A guidance leaflet is available on request or via <http://www.dorsetforyou.com/374629>.
 - (b) **Petitions**

To consider the following petitions submitted in accordance with the County Council's Petition Scheme, which is available on request or via www.dorsetforyou.com/media.jsp?mediaid=184656&filetype=pdf.
- **Prayer**

A prayer will be said immediately before the start of the meeting.

Debbie Ward
 Chief Executive

Agenda

1. Apologies for Absence

To receive any apologies for absence.

2. Code of Conduct

Members are required to comply with the requirements of the Localism Act 2011 regarding disclosable pecuniary interests.

- Check if there is an item of business on this agenda in which the member or other relevant person has a disclosable pecuniary interest.
- Check that the interest has been notified to the Monitoring Officer (in writing) and entered in the Register (if not this must be done on the form available from the clerk within 28 days).
- Disclose the interest at the meeting (in accordance with the County Council's Code of Conduct) and in the absence of a dispensation to speak and/or vote, withdraw from any consideration of the item.

The Register of Interests is available on Dorsetforyou.com and the list of disclosable pecuniary interests is set out on the reverse of the form.

3. Minutes

To confirm the minutes of the meeting of the County Council held on 18 July 2013 (attached).

4. Public Participation

(a) Public Speaking

(b) Petitions

Insert Title of Petition

To consider a report by the Director for ??? (attached).

5. Chairman's Announcements

To deal with correspondence, communications or other business brought forward by the Chairman.

[Note: to include deaths of former members of the Council and Chief Officers]

6. Leader's Announcements

To deal with business raised by the Leader of the Council which is not otherwise be raised under any other item on the agenda. Questions from members will be invited on the issues raised by the Leader.

[Note: to include specific items including appointments to the Cabinet, and to their portfolios. Questions following the Leader's announcements will be limited to 15 minutes.]

7. Motions

To consider the following motion(s) submitted by members of the Council:

Title of Member: Insert Title of Motion

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<#>Minutes¶
¶
To confirm the minutes of the meeting of the County Council held on 18 July 2013 (attached).¶

Insert text of Motion
To consider a background report by the Director for ??? (attached).

8. Questions from Members of the Council

The Chairman of the Council, Leader of the Council, Cabinet Members, or chairmen of appropriate committees to answer questions on any business not covered on this agenda, including any questions on the discharge of the functions of the Fire Authority. The closing date for the receipt of questions is 10.00am on **[3 days notice]**. This item is limited to **45** minutes.

[Note: all questions to be submitted by deadline in order to receive an answer at the meeting. Answers to be provided by Directors. All questions have a time limit of 2 minutes questioning and 3 minutes response. The issue of subsequent questions will need to be addressed. No direct response is required for any questions asked without notice and could be followed up after the meeting.]

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9. Reports of the Cabinet

The Chairman of the Cabinet to present and move the adoption of the following reports (attached) and to answer questions, if any, on the proceedings of the Cabinet:-

Meeting held on ???

Meeting held on ???

Meeting held on ???

10. Reports from Overview Committees and Scrutiny Committees

The chairmen of the relevant committees to present and move the adoption of the following reports (attached) and to answer questions, if any, on the proceedings of the committees:-

<u>Environment Overview</u>	<u>Date???</u>
<u>Adult and Community Services Overview</u>	<u>Date???</u>
<u>Public Health Overview</u>	<u>Date???</u>
<u>Children's Services Overview</u>	<u>Date???</u>
<u>Audit and Scrutiny</u>	<u>Date???</u>
<u>Dorset Health Scrutiny</u>	<u>Date???</u>

11. Recommendations from Quasi/Legal Committees, Joint Committees and Other Committees

The chairmen of the relevant committees to present and move the adoption of the following recommendations (attached) and to answer questions, if any, on the proceedings in respect of the recommendations below:-

Committee: Date
Recommendation ?? – ???

[Note: Recommendation sheets to include the executive summary of the report, and the full minute with the recommendation.]

Deleted: Overview
Committees, Scrutiny
Committees,

Deleted: ¶
<#>Dorset Fire Authority¶
¶
To receive the minutes of the meetings of the Dorset Fire Authority held on ???, and to answer any questions on the proceedings of the Fire Authority.¶

12. Appointments to Committees 2013/14

To agree any changes to the chairmanship or membership of committees, including any changes notified by Group Leaders.

Exempt Business

To consider passing the following resolution:

To agree that in accordance with Section 100 A (4) of the Local Government Act 1972 to exclude the public from the meeting in relation to the business specified in item ?? because it is likely that if members of the public were present, there would be disclosure to them of exempt information as defined in the paragraph detailed below of Part 1 of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

13. INSERT ITEM

To consider an exempt report by the ??? (attached). **Not for Publication**

Notes for Members

A seminar will be held for all members following the meeting of the County Council in relation to the 'Forward Together'.

Coffee/tea will be available in the Members' Room before and after the meeting.

A buffet lunch will be provided for members and officers in the Members' Room, during the break in service presentation.

Dorset County Council Petitions Scheme**1. Background**

- 1.1 Dorset County Council has long standing arrangements to enable local people to influence the Council's decisions through petitioning the Council and through deputations to Council meetings.
- 1.2 The Government has now introduced a new legal requirement for all councils to put in place and publish arrangements for petitions and electronic petitions. The Local Democracy Economic Development and Construction Act 2009 aims to reinvigorate local democracy by ensuring that all local authorities adopt schemes giving local people better opportunities to connect with local decision makers.
- 1.3 This scheme explains what opportunities there are for you to:
- Petition the Council
 - Bring about a debate in Council meetings
 - Have senior council officers "called to account"
 - Attend a Council meeting to speak as part of a deputation
- 1.4 Local authorities must now set up facilities for electronic petitioning. E petitioning facilities must be in place by 15 December 2010 and this scheme will be modified once facilities are in place on the Dorset for You website.

2 How Petitioning Will Work?

- 2.1 If you wish to petition Dorset County Council or one of the County Council's partner organisations (these are listed in paragraph 5.3 of the scheme) you can either:
- Send the Council a paper petition signed by those who support your petition. The petition should be sent to:

The Democratic Services Manager
Dorset County Council
County Hall
Colliton Park
Dorchester
DT1 1XJ
 - Use the e-petitioning facility on Dorset for You to organise your own petition or to support someone else's petition (e petitioning facilities will be available from late 2010)

- 2.2 All petitions sent to the Council will be acknowledged within 10 working days of receipt. The acknowledgement will set out what we plan to do with the petition.
- 2.3 If your petition is supported by 20 or more signatories then it will be reported by the Chairman to the relevant Council committee.
- 2.4 If your petition is supported by 1,000 or more signatories it will be scheduled for a debate at the next meeting of the full County Council and you can also ask to speak to the meeting as a deputation.
- 2.5 Alternatively a petition can call for a senior officer of the Council to be called to account at a meeting of the Audit and Scrutiny Committee. This requires 500 or more signatories in support of the petition.
- 2.6 Information about petitions that have been received (both paper based and e-petitions) and how the Council is responding or has responded will be included on the Dorset for You website.

3. What are the guidelines for submitting a petition?

- 3.1 Petitions submitted to the council **must** include:
- A clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take
 - the name and address and signature of any person supporting the petition
 - the total number of signatures collected.
- 3.2 Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the website but the Council needs to know that the petition is being organised by someone who lives, works or studies in Dorset.
- 3.3 A suggested template for petitions is appended to this scheme.
- 3.4 The law requires the council to respond to petitions organised and supported by people who live, work or study in Dorset. Most petitions will be of relevance only to local people. The Council recognises though that some petitions will be of relevance to visitors and that some petition issues will cross local authority boundaries and in such cases those from outside Dorset will be able to participate.
- 3.5 The right to organise and to support a petition applies to anyone who lives, works or studies in Dorset irrespective of age. It is therefore open to children to petition the Council about an issue of particular concern to them.
- 3.6 Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

4. What will the Council do when it receives my petition?

- 4.1 An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.
- 4.2 If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a council debate, or a senior officer being called to account, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.
- 4.3 If the petition applies to a planning or rights of way application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, other procedures apply.
- 4.4 We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition. Decisions about whether a petition is vexatious, abusive or otherwise inappropriate will be made by a senior officer of the Council after consulting with the Chairman of the Standards Committee, Deleted: (who is an independent person from outside the Council)
- 4.5 To ensure that people know what we are doing in response to the petitions we receive the details of all the petitions submitted to the Council will be published on our website, except in cases where this would be inappropriate. We will also keep available for inspection at our offices all correspondence relating to the petition (all personal details will be removed). When you sign an e-petition you can elect to receive this information by email. We will not send you anything which is not relevant to the e-petition you have signed, unless you choose to receive other emails from us.

5. How will the Council respond to petitions?

- 5.1 Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:
- taking the action requested in the petition
 - considering the petition at a council meeting
 - holding an inquiry into the matter
 - undertaking research into the matter
 - holding a public meeting
 - holding a consultation
 - holding a meeting with petitioners

- referring the petition for consideration by the council's audit and scrutiny committee
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition

5.2 The Audit and Scrutiny Committee is the committee of councillors responsible for scrutinising the work of the Council – in other words, the Audit and Scrutiny Committee has the power to hold the council's decision makers to account.

5.3 If your petition is about something over which the council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The council works with a large number of local partners including District and Borough Councils, Dorset Fire Authority, Dorset Police Authority and the Chief Constable, NHS Bodies, Probation and the Environment Agency.

5.4 Where possible we will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with council policy), then we will set out the reasons for this to you. You can find more information on the services for which the council is responsible on our website.

5.5 If your petition is about something that a different council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council, but could involve other steps. In any event we will always notify you of the action we have taken.

6. Full council debates

If a petition contains more than 1,000 signatures it will be debated by the full Council unless it is a petition asking for a senior council officer to give evidence at a public meeting of the Audit and Scrutiny Committee. This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given ten minutes to present the petition as a deputation at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes. The council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the council executive (the Cabinet) are required to make the final decision, the council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

7. Officer evidence

- 7.1 Your petition may ask for a senior council officer to give evidence at a public meeting of the Audit and Scrutiny Committee about something for which the officer is responsible as part of their job. For example, your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected councillors to enable them to make a particular decision.
- 7.2 If your petition contains at least 500 signatures, the relevant senior officer will give evidence at a public meeting of the council's Audit and Scrutiny Committee. The Council's definition of senior officer includes the Chief Executive, Directors and Heads of Service. You should be aware that the Audit and Scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The Committee may also decide to call the relevant councillor to attend the meeting. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the Chairman of the Committee by contacting Lee Gallagher, Principal Democratic Services Officer up to three working days before the meeting and you can also speak at the beginning of the meeting as a deputation.

8. E-petitions

- 8.1 The Council welcomes e-petitions which from late 2010 can be created and submitted through our website. E-petitions must follow the same guidelines as paper petitions. The petition organiser will need to provide us with their name, postal address and email address. You will also need to decide how long you would like your petition to be open for signatures, up to a maximum of 12 months.
- 8.2 When you create an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature.
- 8.3 If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.
- 8.4 When an e-petition has closed for signature, it will automatically be submitted to the Democratic Services Manager. In the same way as a paper petition, you will receive an acknowledgement within 10 working days. If you would like to present your e-petition as a deputation to a meeting of the Council, please contact the Democratic Services Manager within 10 working days of receipt of the acknowledgement.
- 8.5 A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgment and response will also be published on this website.

9. How do I 'sign' an e-petition?

- 9.1 You can see all the e-petitions currently available for signature on Dorset for You once the facility is available.
- 9.2 When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

10. What can I do if I feel my petition has not been dealt with properly?

- 10.1 If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the Council's Audit and Scrutiny Committee review the steps that the Council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the council's response is not considered to be adequate.
- 10.2 The Committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the council executive and arranging for the matter to be considered at a meeting of the full council.

Once the appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on Dorset for You.

This Scheme was adopted by the County Council on 29 April 2010 and came into effect on 15 June 2010.

Suggested template for paper petitions to Dorset County Council

This petition is organised by *[insert name of petition organiser and address. The organiser must live, work or study in Dorset]*.

Subject matter of petition

This petition is about *[insert subject matter]* and asks Dorset County Council *[please insert a short statement of what action you would like the County Council to take in response to your petition]*.

I support the petition to *[insert petition aims]* and I confirm that I live, work or study in Dorset:

	Full name	Address	Signature
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11. Representations

- 11.1 In addition to petitions the County Council often receives representations from individuals and organisations about planning applications and other regulatory decisions to be made by the Planning Committee or the Roads and Rights of Way Committee. Often such representations are made in response to a statutory consultation requiring representations to be made within a prescribed timescale.
- 11.2 Late representations, received after a report to a committee or the Cabinet has been sent out with the agenda papers for the meeting, will be reported orally at the meeting. However, in doing so directors will ensure that undue weight is not given to such representations and they will make it clear to members that late representations should be considered within the context of all of the other representations received on the matter under consideration.
- 11.3 In the case of the Planning Committee, late representations received after a report has been sent out, will be circulated on an "update sheet" sent to members one working day before the Committee meeting. That update sheet will contain a summary of all formal consultee responses received late and the number of other late representation received together with a summary, provided that summary raises new points not already addressed by the report. The update sheet will also bring to members' attention any corrections to the report and any new information that may have a bearing on the decision. Any further late representations received after midday on the working day preceding the Committee will not be included in the update and nor will they be reported verbally to members, other than in exceptional circumstances and with the prior agreement of the Chairman of the Planning Committee. It remains open to those interested in a planning application to make direct comments to the Planning Committee as part of the Committee's public speaking arrangements.