

**County Council – 24 July 2014****Recommendations from the Standards and Governance Committee meeting held on 7 July 2014****Pages 2-3 - Proposals for the Formation of a Regulatory Committee****RECOMMENDED**

48. That the County Council be asked to agree that the Planning, Roads and Rights of Way, and Licensing and Registration Committees be replaced by a single Regulatory Committee with the terms of reference and membership set out in the Cabinet Members' report and that the County Council appoint a Chairman for the new Regulatory Committee for the remainder of 2014/15.

**Reason for Recommendation**

49. To create a single Regulatory Committee with a broader membership than that of the existing three Committees and to ensure consistency of approach in relation to public speaking on all regulatory matters.

*Note: An annexure relating to these recommendations is attached (pages 4 to 57 refer to this recommendation.)*

**Pages 3-4 - Proposed Changes to the Dorset Health and Wellbeing Board Membership and Terms of Reference and Constitution****RECOMMENDED**

51.1 That the County Council agree the revised Dorset Health and Wellbeing Board membership of 16 members, as set out under 'Proposed core membership' in paragraph 2.5 of the Director's report.

51.2 That the County Council agree the revised Terms of Reference and Constitution for the Dorset Health and Wellbeing Board as outlined in Appendix 1 and Appendix 2 of the Director's report.

**Reason for Recommendation**

52. Discussions around the reduction of the core membership of the Dorset Health and Wellbeing Board had taken place for over a year. It would be necessary to revise the Terms of Reference and Constitution accordingly.

*Note: An annexure relating to these recommendations is attached (pages 58 to 70 refer to this recommendation.)*

**Pages 4-5 - Governance Arrangements for the Public Health Responsibilities of Dorset County Council****RECOMMENDED**

54. That the County Council agree:

- (i) that the Terms of Reference of the Overview Committees for the Adult and Community Services, Children's Services and Environment directorates be revised to include a responsibility to review the wider role of the local authority for population health and wellbeing;
- (ii) that a responsibility to consider the impact of policy and commissioning decisions on health inequalities and population health be included in all council reports; and

(iii) that the review of performance of public health commissioning in the Dorset County Council area be the responsibility of the Adult and Community Services Overview Committee.

Reason for Recommendations

55. More could be done to explicitly recognise the role of all Local Authority directorates in improving population health and wellbeing.

*Note: An annexure relating to these recommendations is attached (pages 71 to 76 refer to this recommendation.)*

**Pages 5-6 - Proposed Changes to the Officer Employment Procedure Rules**

**RECOMMENDED**

58.1 That the County Council agree the suggested changes to the Officer employment procedure rules as set out in Appendix 2 to the Monitoring Officer's report, and consequential changes to other parts of the Constitution.

58.2 That Heads of Service and the Assistant Chief Executive be appointed by a panel of three elected members, one of whom should be the relevant Cabinet member.

Reason for Recommendations

59. In order to comply with legal requirements related to the arrangements for the appointment and discipline of Chief and Deputy Chief Officers.

*Note: An annexure relating to these recommendations is attached (pages 77 to 97 refer to this recommendation.)*

**Pages 6-7 - Restructuring the Corporate Resources Directorate and the Chief Executive's Office – Amendments to the County Council's Constitution**

**RECOMMENDED**

61. That the changes to Article 12 of the County Council's Constitution, arising from the recommendations of the Staffing Committee to combine the Corporate Resources Directorate and the Chief Executive's Office from 1 October 2014, be agreed.

Reason for Decision

62. To facilitate the rationalisation of central support services as part of the Forward Together Transformation Programme and achieve financial savings.

*Note: An annexure relating to these recommendations is attached (pages 98 to 119 refer to this recommendation.)*

**Pages 7-8 - Draft Annual Governance Statement 2013/14**

**RECOMMENDED**

64.1 That the draft Annual Governance Statement for 2013/14 be agreed.

64.2 That the County Council approve the creation of a member reference group for compliance and the Annual Governance Statement, with Terms of Reference as set out in Appendix 2 to the Director's report.

Reasons for Recommendation

65.1 Approval and publication of the Annual Governance Statement by the County Council was a statutory requirement and provided evidence that the County Council maintained high standards for governance and addressed significant shortcomings and risks.

65.2 A member reference panel to consider governance and compliance issues would increase the rigour of the assessment and the value of the work in providing assurance to the County Council and the people of Dorset.

*Note: An annexure relating to these recommendations is attached (pages 120 to 135 refer to this recommendation.)*

# ANNEXURE

Agenda Item:

# Cabinet



## Dorset County Council



Date of Meeting	2 July 2014
<p><u>Cabinet Members</u> Robert Gould – Cabinet Member for Corporate Resources Peter Finney – Cabinet Member for Environment and the Economy</p> <p><u>Local Members</u> All Members</p> <p><u>Lead Directors</u> Paul Kent – Director for Corporate Resources Mike Harries – Director for Environment and the Economy</p>	
<b>Subject of Report</b>	<b>Proposals for the formation of a regulatory Committee</b>
Executive Summary	<p>This report makes recommendations about the formation of a single Regulatory Committee to replace three existing Committees – the Planning Committee, the Roads and Rights of Way Committee and the Licensing and Registration Committee. Members of all three Committees have been invited to comment on the proposed changes and their view will be reported at the meeting on 2 July.</p> <p>As the proposals involve changes to the County Council's constitution this is a matter for decision by the full Council after the Standards and Governance Committee has also been given an opportunity to comment.</p>
Impact Assessment:	Equalities Impact Assessment:  This report concerns the County Council's internal organisation and does not give rise to any equalities issues.
	Use of Evidence:  Reference is made in the report to the legal requirements relating

	<p>to those local authority functions which are not to be exercised by the executive and to the decision making arrangements within a number of other local authorities which have established single Committees responsible for all regulatory decision making.</p> <p><b>Budget:</b></p> <p>There are efficiencies to be found in running a single regulatory Committee. The most significant benefits though are in terms of having a larger pool of members from which a quorate meeting can be formed and of consistency of approach in relation to public speaking.</p> <p><b>Risk Assessment:</b></p> <p>Having considered the risks associated with this decision using the County Council's approved risk management methodology, the level of risk has been identified as:          Current Risk: HIGH          Residual Risk LOW</p> <p>Risks are the potential for meetings of the existing Committees either to be inquorate or for decisions to be made by very small groups of members, giving rise to public criticism and significant reputational damage.</p> <p><b>Other Implications:</b></p> <p>None.</p>
<p>Recommendation</p>	<p>That subject to consideration of the views of members of the Planning Committee, the Roads and Rights of Way Committee and the Licensing and Registration Committee the County Council be asked to agree that the three Committees be replaced by a single Regulatory Committee with the terms of reference and membership set out in the Appendix 4 to this report and that the County Council appoint a Chairman for the new regulatory Committee for the remainder of 2014/15.</p>
<p>Reason for Recommendation</p>	<p>To create a single regulatory Committee with a broader membership than that of the existing three Committees and to ensure consistency of approach in relation to public speaking on all regulatory matters.</p>
<p>Appendices</p>	<p>Appendix 1 – Extracts from the Committee pages on Dorsetforyou.</p> <p>Appendix 2 – extracts from the Constitutions and terms of reference of other County Councils operating single regulatory Committees for their planning, highways, rights of way and licensing and registration functions.</p>

	<p>Appendix 3 – the existing terms of reference of Dorset County Council’s Planning Committee, Roads and Rights of Way Committee and Licensing and Registration Committee.</p> <p>Appendix 4 – proposed terms of reference for a new regulation Committee.</p> <p>Appendix 5 – Suggested agenda if a single regulatory committee had been operating in May 2014.</p> <p>Appendix 6 – Suggested changes to Part 4 of the Constitution (responsibility for functions which are not to be the responsibility of the executive).</p>
Background Papers	None.
Officer Contact	<p>Name: Jonathan Mair, Head of Legal and Democratic Services          Tel: (01305) 224181          Email: j.e.mair@dorsetcc.gov.uk</p>

1. Background

1.1 In a local authority operating executive decision making arrangements the Local Authorities Functions Regulations prescribe that certain functions listed in a schedule to the regulations are not to be exercised by an authority’s executive (the Cabinet). These functions are listed in the County Council’s scheme of delegation as part of the constitution and include:-

1. functions relating to town and country planning and development control (for which the Planning Committee is the decision-making body).
2. functions relating to licensing and registration, health and safety and elections (for which the Licensing and Registration Committee is the decision-making body).
3. functions relating to public rights of way and the definitive map, the registration of common land or town and village greens and functions relating to the use of highways (for which the Roads and Rights of Way Committee is the decision making body).

In addition the Roads and Rights of Way Committee makes recommendations to the Cabinet about the making of traffic regulation orders as these are executive functions.

1.2 The County Council’s regulatory decision making arrangements have remained largely unchanged since the functions regulations came into force in 2000. Terms of reference have been modified to enable greater decision making under delegated

powers and the Roads and Rights of Way Committee and the Planning Committee have increased in size from 8 to 10 members each but aside from these changes the overall division of responsibility between a Planning Committee, a Roads and Rights of Way Committee and a Licensing and Registration Committee has remained unchanged.

2. The proposals for change
  - 2.1 Each of the regulatory committees has responsibility for specialist functions and responsibilities but in recent years the level of business for each Committee has diminished, in part because of greater delegation to officers. The Licensing and Registration Committee rarely has any business whatsoever and the Committee has not met at all during the life of this or the previous Council ie since 2009. The agendas for the other two Committees show low numbers of applications and other business coming forward for decision, though business that does come forward can be complex and controversial in nature. Appendix 1 is a print out from the Committee information pages on Dorsetforyou, setting out business considered by the Planning Committee and the Roads and Rights of Way Committee since the County Council election in May 2013.
  - 2.2 The establishment of separate planning, roads and rights of way and licensing and registration committees reflects that these are specialist functions requiring a level of specialist knowledge. There is a danger that in seeking to combine the Committees we might lose some of this specialism. However, given the level of business, overlapping membership and the availability of specialist advice this is not thought to be a bar to the formation of a single regulatory Committee spanning all of the functions of the three existing committees.
  - 2.3 Agendas would be structured so that areas of specialist business were grouped together and specialist officers would attend to advise in relation to their items of business. Officers have given thought to the timing of meetings and it is suggested that meetings should follow the six weekly meeting cycle of the existing Planning Committee but with the dates and times of meetings to be confirmed. One issue with the existing Planning Committee has been diary clashes with district council committee meetings and dates will be fixed with regard to the need to avoid this.
  - 2.4 In addition, there is nothing new or innovative in combining the terms of reference of planning, rights of way and licensing and registration committees. Appendix 2 includes extracts from the constitutions of Somerset, Warwickshire, Surrey, Lincolnshire and Worcestershire county councils setting out the terms of reference of their combined regulatory committees. Such combined arrangements are common place and operate well in other authorities.
  - 2.5 The existing terms of reference of the three committees are set out at Appendix 3 and new suggested terms of reference for a single regulatory Committee are Appendix 4. The opportunity has also been taken to make some minor adjustments to the terms of reference. First of all, the Executive Advisory Panel on member led development has identified the need for training on specialist matters such as planning and roads and rights of way business to be mandatory before members take part in any decision making. This is now reflected in the new terms of reference. Secondly, in 2012 the County Council agreed that applications for planning committee relating to slurry stores (these are strictly classified as waste facilities and therefore a matter for the County Council) should be delegated to the districts councils. Some but not all districts have accepted this delegation and so a minor change has been made to reflect this.

- 2.6 Appendix 5 sets out what an agenda for a new regulatory committee would have looked like if it had been operating in May this year.
- 2.7 Part 4 of the County Council’s Constitution is the scheme of delegation and within that scheme Appendix 1 lists those functions which are not to be the responsibility of the executive and the appropriate (non-executive) decision making body within the County Council. This is an important part of the Constitution as it provides clarity about which Committee is responsible for exercising which functions. An amended Appendix 1 to the scheme of delegation has been prepared and is Appendix 6 to this report. The changes made are the replacement of all references to the Planning Committee, Roads and Rights of Way Committee and the Licensing and Registration Committee with instead references to “the Regulatory Committee”. Other consequential changes will be addressed through the next review of the Constitution.
- 2.8 Although the County Council’s regulatory committees have worked well for a number of years there have been some difficulties in recent months. Whilst we have not had to abandon any meetings as inquorate there have been some difficulties in being able to get sufficient members able to attend both a site visit and the following meeting to determine the application relating to that site. This has led to criticism from members of the public about significant decisions being reached by very small numbers of members. Combining the three regulatory committees would enable the County Council to form a larger regulatory committee and panel of members to be drawn upon to visit sites and determine planning and rights of way applications.
- 2.9 The Roads and Rights of Way Committee and the Planning Committee each have a membership of ten and the Licensing and Registration Committee a membership of five. The current membership of the three committees is as follows:

### **Planning Committee**

#### **Conservative Group (6)**

Steve Butler  
Lesley Dedman  
Peter Hall (VC)  
David Jones  
Mike Lovell (C)  
David Walsh

#### **Liberal Democrat Group (3)**

Barrie Cooper  
Mervyn Jeffery  
David Mannings

#### **Labour Group (1)**

Mark Tewkesbury

### **Roads and Rights of Way Committee**

#### **Conservative Group (6)**

Steve Butler  
Ian Gardner  
David Jones (C)  
Margaret Phipps  
Peter Richardson  
Daryl Turner (VC)

#### **Liberal Democrat Group (3)**

Barrie Cooper  
Beryl Ezzard  
David Mannings

#### **Labour Group (1)**

Kate Wheller

### **Licensing and Registration Committee**

#### **Conservative Group (3)**

Pauline Batstone (VC)  
Daryl Turner (C)  
David Walsh

#### **Liberal Democrat Group (1)**

David Mannings

#### **Labour Group**

Paul Kimber



The names of those members who serve on more than one of the current committees are highlighted by underlining. For instance Mr Mannings serves on all three committees.

- 2.10 In order to form a committee of a size that is both workable and which forms a panel of sufficient size it is suggested that a membership of 15 is appropriate. Experience suggests that a committee of more than 15 might be unworkable. Based upon a committee of 15 political balance would result in 9 places for the Conservative Group, 4 places for the Liberal Democrat Group and 2 places for the Labour Group.
- 2.11 Combining the existing committees would also bring consistency to the application of the rules for public speaking. The opportunity for members of the County Council, members of other local authorities and members of the public to attend and make representations about applications is extremely important and any perceived inconsistency of approach in how we treat requests to speak on planning, rights of way and highways applications has the potential to damage the reputation of the County Council and could potentially lead to challenge. A single regulatory committee provides the opportunity to ensure a consistent approach.
- 2.12 If the Cabinet supports these proposals then they would be reported to the Standards and Governance Committee on 7 July 2014 for comment and then to the County Council on 24 July 2014 for decision. The views of members of the three existing regulatory committees will be reported to the Cabinet on 2 July.

Paul Kent  
Director for Corporate Resources  
June 2014

Mike Harries  
Director for Environment and the Economy

## Committee Information

### Committee Minutes, Agenda Items & Reports - Planning Committee

#### **3 June 2014 14:00 COMMITTEE ROOM 1, COUNTY HALL, COLLITON PARK, DORCHESTER**

- Item 1 Apologies For Absence
- Item 2 Code Of Conduct
- Item 3 Minutes
- Item 4 Public Participation
- Item 5 Navitus Bay Wind Park Application
- Item 6 Questions From Members Of The Council

#### **9 May 2014 10:00 COMMITTEE ROOM 1, COUNTY HALL, COLLITON PARK, DORCHESTER**

- Item 1 Apologies For Absence
- Item 2 Code Of Conduct
- Item 3 Terms Of Reference
- Item 4 Minutes
- Item 5 Public Participation
- Item 6 Wd/D/14/000368 - To Create A Temporary Gypsy Transit Site For Three Years Including August 2016 For 25 Caravans. To Start March 2014 And End August 2014 Inclusive For Six Months A Year. Piddlehinton Camp, Church Hill, Piddlehinton, Dorchester, Dorset
- Item 7 1/D/13/000972 - Landfill With Inert Material To Facilitate Improvements To Golf Driving Range And Practice Area. Lyme Regis Golf Club, Timber Hill, Lyme Regis, Dorset
- Item 8 Review Of Development Management Activities For The Year 2013-2014
- Item 9 Site Visit
- Item 10 Questions From Members Of The Council

#### **28 March 2014 11:45 COMMITTEE ROOM 1, COUNTY HALL, COLLITON PARK, DORCHESTER**

- Item 1 Apologies For Absence
- Item 2 Code Of Conduct
- Item 3 Minutes
- Item 4 Public Participation
- Item 5 1/D/13/000972 - Landfill With Inert Material To Facilitate Improvements To Golf Driving Range And Practice Area At Lyme Regis Golf Club, Timber Hill, Lyme Regis, Dorset.
- Item 6 Site Visit
- Item 7 Questions From Members Of The Council

Minutes for 28 March 2014

#### **7 March 2014 10:00 COMMITTEE ROOM 1, COUNTY HALL, COLLITON PARK, DORCHESTER**

- Item 1 Apologies For Absence
- Item 2 Code Of Conduct
- Item 3 Minutes
- Item 4 Public Participation
- Item 5 1/D/13/000292 - Variation Of Condition 1 Of Planning Permission 1/D/10/001515 To Allow The Site To Be Open For A Further 2 Years. Bridport Household Recycling Centre, South Street, Bridport.
- Item 6 6/2013/0592 - Variation Of Conditions 2 & 18 Of Planning Approval 6/2011/0694 To Extend The End Date Of The Development To 30 September 2027 And To Change The Phasing And Working Scheme And 6/2013/0593 - Variation Of Conditions 2 & 3 Of Planning Approval 6/2012/0699 To Change The End Date Of This Development To 31 October 2027 And To Change The Phasing And Working Scheme Downs Quarry, Kingston Road, Langton Matravers For Lovell Purbeck Limited.
- Item 7 Questions From Members Of The Council

Minutes for 7 March 2014

#### **31 January 2014 11:30 The Council Chamber, Purbeck District Council Offices, Westport House, Worgi Road, Wareham, BH20 4PP**

- Item 1 Apologies For Absence
- Item 2 Code Of Conduct
- Item 3 Public Participation
- Item 4 6/2013/0347 - A Southerly Extension To Doreys Pit To Develop Land To The East Of New Hall Farm For The Purposes Of The Winning And Working Of Ball Clay And Ancillary Operations, Including Amendments To Part Of The Approved Restoration Details For Areas Within The Existing Doreys Ball

Clay Works. At Doreys Ball Clay Quarry, Holme Lane, East Holme, Dorset For Imerys Minerals Ltd.

Item 5 Questions From Members Of The Council

Minutes for 31 January 2014

**17 January 2014 10:00 COMMITTEE ROOM 1, COUNTY HALL, COLLITON PARK, DORCHESTER**

Item 1 Apologies For Absence

Item 2 Code Of Conduct

Item 3 Minutes

Item 4 Public Participation

Item 5 1/D/13/001542 - Construction Of A Waste Management Centre, Creation Of A Cycleway Footway, Landscaping And Associated Works At Broomhills Nursery, Bridport, Dorset.

Item 6 8/2012/0514 - Access Track And Bailey Bridge To Serve Berry Hill Sewage Treatment Works. Berry Hill Sludge Treatment Works, Watery Lane, Throop, Bournemouth, Dorset

Item 7 3/11/0115 - Determination Of Conditions For Mineral Site. Romp. Beacon Hill Brickworks, Wareham Road, Corfe Mullen, Wimborne, Dorset

Item 8 Review Of Development Management Activities: Third Quarter 2013/14

Item 9 Site Visit

Item 10 Questions From Members Of The Council

Minutes for 17 January 2014

**20 December 2013 13:15 MEETING POSTPONED UNTIL 17 JANUARY 2014**

Item 1 This Meeting Of The Planning Committee Has Been Postponed And Will Now Be Held On 17 January 2014

**29 November 2013 10:00 COMMITTEE ROOM 1, COUNTY HALL, COLLITON PARK, DORCHESTER**

Item 1 Apologies For Absence

Item 2 Code Of Conduct

Item 3 Minutes

Item 4 6/2013/0456 And 6/2013/0571- Temporary Planning Permission For The Construction Of A Well site, With Associated Portable Cabins And The Drilling Of An Exploratory Borehole For Evaluation Of A Conventional Hydrocarbon Reservoir And Underground Drilling Corridor Of An Exploratory Borehole To Be Drilled For Oil And Gas From California Quarry, Panorama Road, Swanage, Dorset, Bh19 2Qs For Infrastrata Plc.

Item 5 8/13/0404 - Modification Of Conditions 2 And 16 Of Decision Notice 8/11/0268 For The Development A Renewable And Low Carbon Bio Energy Facility (Bef) Amendments To The Design Of The Buildings And Plant And An Increase In The Permitted Throughput From 25,000 To 30,000 Tonnes Per Annum , Eco Sustainable Solutions Ltd, Chapel Lane, Parley, Christchurch, Dorset, Bh23 6Bg For Eco Sustainable Solutions Ltd.

Item 6 Site Visits

Item 7 Questions

Minutes for 29 November 2013

**10 October 2013 14:30 COMMITTEE ROOM 1, COUNTY HALL, COLLITON PARK, DORCHESTER**

Item 1 Apologies For Absence

Item 2 Code Of Conduct

Item 3 Minutes

Item 4 Povington Modification Order Report

Item 5 Navitus Bay Wind Park Consultation

Item 6 Review Of Development Management Activities - Second Quarter 2013/14

Item 7 Questions

Minutes for 10 October 2013

**6 September 2013 10:00 COMMITTEE ROOM 1, COUNTY HALL, COLLITON PARK, DORCHESTER**

Item 1 Apologies For Absence

Item 2 Code Of Conduct

Item 3 Minutes

Item 4 6/2012/0571 6/2012/0609 - Vary Relevant Planning Conditions To Enable Extension Of Operational L Of Oilfield Development. Wytch Farm Oilfield, Corfe Castle.

Item 5 6/2013/0418 - Variation Of Application Reference 6/2012/0785 Changes To Elevations, Landscaping And Car Park. Addition Of Sprinkler System. Sandford St Martins Primary School, Sandford, Wareham Dorset, Bh20 7Bn

Item 6 6/2013/0440 - New Coe 1 Form Entry Primary School, With Core Facilities Suitable For Expansion To 1.5 Form Entry Primary School (Amendments To Application Reference 6/2012/0776) Swanage Middl

School, High Street, Swanage, Dorset, Bh19 2Ph

Item 7 2/2013/0649 - Provision Of A Synthetic Turf Sports Pitch, Fencing And Lighting. Extension To Existing Netball Courts. The Blandford School, Milldown Road, Blandford, Dorset, Dt11 7Sq.

Item 8 Questions

Minutes for 6 September 2013

**26 July 2013 11:00 COMMITTEE ROOM 1, COUNTY HALL, COLLITON PARK, DORCHESTER**

Item 1 Apologies For Absence

Item 2 Code Of Conduct

Item 3 Minutes

Item 4 6/2013/0284 - Reconstruction Of The Creative Arts Block Following Severe Damage By Fire, Lytchett Minster School, Post Green, Lytchett Minster, Poole, Dorset, Bh16 6Jd

Item 5 Review Of Development Management Activities - First Quarter 2013/14

Item 6 Questions

Minutes for 26 July 2013

**14 June 2013 02:00**

Item 1 Apologies For Absence

Item 2 Code Of Conduct

Item 3 Terms Of Reference

Item 4 Minutes

Item 5 3/2013/0142 Application For The Operation Of A Contractor's Yard In Connection With The Existing Operations At The Former Beacon Hill Brickworks, Wareham Road, Corfe Mullen, Dorset.

Item 6 3/2013/0143 Application For Two Attenuation Ponds Which Will Comprise Part Of The Surface Water Management Plan (Swmp) At Beacon Hill Brickworks, Wareham Road, Corfe Mullen, Dorset

Item 7 1/2013/0244 Provision Of A New 14-19 Base Centre For Yewstock School, On The Sturminster Newton High School Site, Sturminster Newton.

Item 8 Site Visits

Item 9 Dorset Lep Planning Charter

Item 10 Questions

Minutes for 14 June 2013

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## Committee Information

### Committee Minutes, Agenda Items & Reports - Roads And Rights Of Way Committee

#### **20 June 2014 12:00 COMMITTEE ROOM 1, COUNTY HALL, COLLITON PARK, DORCHESTER**

- Item 1 Apologies For Absence
- Item 2 Code Of Conduct
- Item 3 Minutes
- Item 4 Public Participation
- Item 5 Puffin Crossing On High Street, Swanage
- Item 6 Questions From Members Of The Council

#### **15 May 2014 10:00 COMMITTEE ROOM 1, COUNTY HALL, COLLITON PARK, DORCHESTER**

- Item 1 Apologies For Absence
- Item 2 Code Of Conduct
- Item 3 Terms Of Reference
- Item 4 Minutes
- Item 5 Public Participation
- Item 6 Proposed Crossing Order - Puffin Crossing On High Street, Swanage
- Item 7 Application For A Public Path Order To Divert Footpaths 37 (Part), 38 And 103 (Part), Thorncombe
- Item 8 Item Withdrawn
- Item 9 Application For A Definitive Map And Statement Modification Order To Record A Footpath From Bridleway 11, Tarrant Gunville East South East To Its Junction With Bridleway 12 And Bussey Stool Road At Stubhampton
- Item 10 Scheme Of Delegation
- Item 11 Questions From Members Of The Council

Minutes for 15 May 2014

#### **6 March 2014 14:00 COMMITTEE ROOM 1, COUNTY HALL, COLLITON PARK, DORCHESTER**

- Item 1 Apologies For Absence
- Item 2 Code Of Conduct
- Item 3 Minutes
- Item 4 Public Participation
- Item 5 Item Withdrawn
- Item 6 Application For A Definitive Map And Statement Modification Order To Add Two Bridleways At Great Coll Wood, Sturminster Marshall And Little Coll Wood, Spetisbury
- Item 7 Questions From Members Of The Council

Minutes for 6 March 2014

#### **16 January 2014 10:00 COMMITTEE ROOM 1, COUNTY HALL, COLLITON PARK, DORCHESTER**

- Item 1 Apologies For Absence
- Item 2 Code Of Conduct
- Item 3 Minutes
- Item 4 Public Participation
- Item 5 Dorset County Council (Footpath From Broad Street To Marine Parade, Lyme Regis (Known As Teneriffe Path)) Definitive Map And Statement Modification Order 2013
- Item 6 Application For A Public Path Order To Divert Footpath 26, Cheselbourne And Footpath 16, Melcombe Horsey Near Highdon House
- Item 7 Dorset County Council (Part Of Bridleway 22, Netherbury) Public Path Diversion Order 2006
- Item 8 Questions From Members Of The Council

Minutes for 16 January 2014

#### **28 November 2013 10:00 COMMITTEE ROOM 1, COUNTY HALL, COLLITON PARK, DORCHESTER**

- Item 1 Apologies For Absence
- Item 2 Code Of Conduct
- Item 3 Minutes
- Item 4 Application For A Definitive Map And Statement Modification Order To Upgrade Bridleways 28 And 25 (Parts), Ibberton And Bridleway 9, Winterborne Stickland To Byway Open To All Traffic And To Add A Byway Open To All Traffic In Ibberton (One Continuous Route)
- Item 5 Dorset County Council (Bridleway 3 (Part) And Bridleway 4, Piddlehinton) Definitive Map And Statement Modification Order 2010

Minutes for 28 November 2013

#### **10 October 2013 10:00 COMMITTEE ROOM 1, COUNTY HALL, COLLITON PARK, DORCHESTER**

- Item 1 Apologies For Absence
- Item 2 Code Of Conduct
- Item 3 Minutes

- Item 4 Procedure For Petitions - Petition From Residents Calling For Traffic Calming On Wollaston Road, Dorchester
- Item 5 Procedure For Petitions - Sandy Lane, Upton
- Item 6 Application For A Definitive Map And Statement Modification Order To Upgrade Bridleway 13, Sherborne And Bridleway 20, Castleton (Trent Path Lane) To Byway Open To All Traffic
- Item 7 Application For A Definitive Map And Statement Modification Order To Record Part Of Ratleigh Lane, Castleton As Byway Open To All Traffic
- Item 8 Application For A Definitive Map And Statement Modification Order To Upgrade Bridleway 12 And Footpath 13 (Part), Wootton Fitzpaine, To Byway Open To All Traffic
- Item 9 Questions

Minutes for 10 October 2013

**2 September 2013 10:00 COMMITTEE ROOM 1, COUNTY HALL, COLLITON PARK, DORCHESTER**

- Item 1 Apologies For Absence
- Item 2 Code Of Conduct
- Item 3 Minutes
- Item 4 Proposed No Waiting At Any Time – Locarno Road, Swanage
- Item 5 Application For Definitive Map And Statement Modification Order To Downgrade Part Of Byway 5, West Knighton To Footpath Or Bridleway
- Item 6 Proposed Creation Of Bridleways (Upgrading Of Parts Of Footpaths 25, 26 And 29 And Creation Of A New Bridleway) And Proposed Extinguishment Of Part Of Footpath 26, Portland At Weston
- Item 7 Questions

Minutes for 2 September 2013

**1 July 2013 10:00 COMMITTEE ROOM 1, COUNTY HALL, COLLITON PARK, DORCHESTER**

- Item 1 Apologies For Absence
- Item 2 Code Of Conduct
- Item 3 Minutes
- Item 4 Procedure For Petitions – Procedure For Petitions - Petition Entitled Service Lane Exit To Rempstone Road
- Item 5 Application For A Definitive Map And Statement Modification Order To Upgrade Bridleway 16, Sherborne And Bridleway 22, Castleton (Quarr Lane) To Byway Open To All Traffic
- Item 6 Application For A Definitive Map And Statement Modification Order To Upgrade Bridleway 22, Winterborne Kingston And Bridleway 7, Anderson (White Lane) To Byway Open To All Traffic
- Item 7 Application For A Definitive Map And Statement Modification Order To Upgrade Bridleway 11, Weymouth, Bridleway 24, Osmington And Bridleways 5 & 9, Poxwell To Byways Open To All Traffic (Part Of The South West Coast Path National Trail)
- Item 8 Application For A Definitive Map And Statement Modification Order To Upgrade Bridleway 26, Osmington To Byway Open To All Traffic (Part Of The South West Coast Path National Trail)
- Item 9 Questions
- Item 10 The Queen (On The Application Of) Trail Riders Fellowship And Tilbury V Dorset County Council And Others

Minutes for 1 July 2013

**6 June 2013 13:45 COMMITTEE ROOM 1, COUNTY HALL, COLLITON PARK, DORCHESTER**

- Item 1 Apologies For Absence
- Item 2 Code Of Conduct
- Item 3 Minutes
- Item 4 Procedure For Petitions - Petition For Permanent Means Of Preventing Car Parking In Honeymead Lane, Adjacent To Yewstock School And Opposite Dashwood Close, Sturminster Newton
- Item 5 Procedure For Petitions - Petition Requesting Dorset County Council To Remove The Current 30Mph Speed Limit Signage From North Street, Bere Regis And Impose A New 20Mph Speed Limit With Appropriate Signage
- Item 6 Proposed Waiting Restrictions - Castle Road, Sherborne
- Item 7 Proposed Waiting Restrictions - Various Roads, Wimborne
- Item 8 Applications For The Reorganisation Of Public Paths At Highlands End Farm, Symondsburry
- Item 9 Application For A Public Path Order To Stop Up Footpath 34, Portland At Perryfield Quarries
- Item 10 Application For A Definitive Map And Statement Modification Order To Upgrade Bridleway 1, Bincombe To Byway Open To All Traffic (Part Of The South West Coast Path National Trail)
- Item 11 The Dorset County Council (Upgrading Part Of Bridleway 10, Owermoigne To Restricted Byway) Definitive Map And Statement Modification Order 2012
- Item 12 Questions

Minutes for 6 June 2013

## Constitution of Somerset County Council

**13.3 COUNCIL FUNCTIONS DELEGATED TO COMMITTEES / SUB-COMMITTEES / OFFICERS OF THE COUNCIL:**

Notes:

For further details of the procedures relating to meetings of the Committees / Sub-Committees listed below see Article 6 – Part 1, and the Full Council Procedural Rules – see Section 24.0 – Part 2 of the Constitution.

'Council functions' cannot be the responsibility of the 'executive'.

Committee	Functions
Regulation Committee	<p>The functions of the Council in respect of:-</p> <ul style="list-style-type: none"> <li>(a) town and country planning and development control (except any such functions reserved to the Full Council meeting or the Cabinet)</li> <li>(b) registration of common land and town or village greens</li> <li>(c) assertion and protection of public rights of way</li> <li>(d) the issue of fire certificates under Section 5 of the Fire Precautions Act 1971</li> <li>(e) contaminated land</li> <li>(f) the control of pollution or the management of air quality</li> <li>(g) making byelaws</li> <li>(h) the approval of premises for the solemnisation of marriages</li> <li>(i) the Registration Service and Registrars</li> <li>(j) any function under a local Act</li> <li>(k) delegating the Committee's functions to another authority</li> </ul> <p>except to the extent to which such functions have been delegated to the Economic &amp; Community Infrastructure Operations Director (see 13.4 below), but subject nevertheless to the Committee retaining an overseeing role in respect of such functions.</p>



## 6.2 REGULATORY COMMITTEE

The powers of the Regulatory Committee arise from a diverse range of statutory provisions. **Except** in so far as a matter may be an executive function, or has been reserved to the full council or delegated to other persons (including officers) or bodies under this constitution, the committee has responsibilities set out in the following table, including the following in so far as they relate to the matters specified in the table:

- (a) to grant or revoke and determine the terms (including the scale of fee, if any) of any approval, consent, licence, permission or registration; and
- (b) to impose, vary, modify or enforce any condition, limitation, or other restriction on any approval, consent, licence, permission or registration.

N.B. The table contains a mix of local choice and non-executive functions.

Function		Statutory Reference
<b><i>Functions relating to planning development control and conservation</i></b>		
1.	Power to determine application for planning permission.	Sections 701(a) and (b) and 72, Town and Country Planning Act 1990
2.	Power to determine applications to develop land without compliance with conditions previously attached.	Section 73, Town and Country Planning Act 1990
3.	Power to grant planning permission for development already carried out.	Section 73(A), Town and Country Planning Act 1990
4.	Power to decline to determine application for planning permission.	Section 70A, Town and Country Planning Act 1990
5.	Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92, Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22, 25 and 26, Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder
6.	Power to determine applications for planning permission made by a local authority, alone or jointly with another person.	Section 316, Town and Country Planning Act 1990; Town and Country Planning General Regulations 1992 (S.I. 1992/1492)
7.	Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Section 2, Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418)
8.	Power to enter into agreements regulating development or use of land.	Section 106, Town and Country Planning Act 1990
9.	Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2), Town and Country Planning Act 1990
10.	Power to serve a completion notice.	Section 94(2), Town and Country Planning Act 1990

<b>Function</b>		<b>Statutory Reference</b>
<b><i>Functions relating to planning development control and conservation</i></b>		
11.	Power to grant consent for the display of advertisements.	Section 220, Town and Country Planning Act 1990; Town and Country Planning (Control of Advertisements) Regulations 1992
12.	Power to authorise entry on to land.	Section 196A, Town and Country Planning Act 1990
13.	Power to require the discontinuance of a use of land.	Section 102, Town and Country Planning Act 1990
14.	Power to serve a planning contravention notice, breach of condition notice or stop notice.	Sections 17C, 187A and 183(1), Town and Country Planning Act 1990
15.	Power to issue an enforcement notice.	Section 172, Town and Country Planning Act 1990
16.	Power to apply for an injunction restraining a breach of planning control.	Section 187B, Town and Country Planning Act 1990
17.	Power to determine applications for hazardous substances consent and related powers.	Sections 9(1) and 10, Planning (Hazardous Substances) Act 1990
18.	Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sties, as the case may be, are to be subject.	Paragraph 2(6)(a) of Schedule 2, Planning and Compensation Act 1991; Paragraph 9(6) of Schedule 13, Environment Act 1995; Paragraph 6(5) of Schedule 14 to that Act
19.	Power to require proper maintenance of land.	Section 215(1), Town and Country Planning Act 1990
20.	Power to determine applications for listed building consent and related powers.	Sections 16(1) and (2), 17, 27(2) and 33(1), Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990
21.	Power to determine applications for conservation area consent.	Section 16(1), Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990, as applied by Section 74(3) of that Act
22.	Duties relating to applications for listed building consent and conservation area consent.	Sections 13(1), 14(1) and 14(4), Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990; Regulations 3 to 6, and 13, Town and Country Planning (Listed Buildings and Building in Conservation Areas) Regulations 1990; Paragraphs 8, 15 and 22, Department of the Environment Circular 14/97
23.	Power to serve a building preservation notice and related powers.	Sections 3(1) and 4(1), Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990

<b>Function</b>		<b>Statutory Reference</b>
<b><i>Functions relating to planning development control and conservation</i></b>		
24.	Power to issue enforcement notice in relation to demolition of unlisted building in conservation areas.	Section 38, Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990
25.	Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48, Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990
26.	Power to apply for an injunction in relation to a listed building.	Section 44A, Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990
27.	Power to execute urgent works.	Section 54, Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990
28.	Power to license scrap yards.	Section 1, Scrap Metal Dealers Act 1964
29.	Any function relating to contaminated land.	Part IIA, Environmental Protection Act 1990 and subordinate legislation
30.	The discharge of any function relating to the control of pollution or the management of air quality.	Pollution Prevention and Control Act 1990; Part IV, Environmental Protection Act 1990; Clean Air Act 1993
31.	Powers relating to the preservation of trees.	Sections 197 to 214D, Town and Country Planning Act 1990; Trees Regulations 1999 (S.I. 1999/1892)
32.	Power to make limestone pavement order.	Section 34(2), Wildlife and Countryside Act 1981

<b>Function</b>		<b>Statutory Reference</b>
<b><i>Functions relating to highways and public rights of way</i></b>		
1.	Power to create footpath or bridleway by agreement.	Section 25, Highways Act 1980
2.	Power to create footpaths and bridleways.	Section 26, Highways Act 1980
3.	Duty to keep register of information with respect to maps, statements and declarations.	Section 31A, Highways Act 1980
4.	Power to stop up footpaths and bridleways.	Section 118, Highways Act 1980
5.	Power to determine application for public path extinguishment order.	Sections 118ZA and 118C(2), Highways Act 1980
6.	Power to make a rail crossing extinguishment order.	Section 118A, Highways Act 1980
7.	Power to make special extinguishment orders.	Section 118B, Highways Act 1980
8.	Power to divert footpaths and bridleways.	Section 119, Highways Act 1980
9.	Power to make a public path diversion order.	Section 119ZA and 119C(4), Highways Act 1980
10.	Power to make a rail crossing diversion order.	Section 119A, Highways Act 1980

<b>Function</b>		<b>Statutory Reference</b>
<b><i>Functions relating to highways and public rights of way</i></b>		
11.	Power to make a special diversion order.	Section 119B, Highways Act 1980
12.	Power to require applicant for an order to enter into agreement.	Section 119C, Highways Act 1980
13.	Power to make an SSSI diversion order.	Section 119D, Highways Act 1980
14.	Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C Highways Act 1980.	Section 121B, Highways Act 1980
15.	Power to decline to determine certain applications.	Section 121C, Highways Act 1980
16.	Duty to assert and protect the rights of the public to use and enjoyment of highways.	Section 130, Highways Act 1980
17.	Duty to serve notice of proposed action in relation to obstruction.	Section 130A, Highways Act 1980
18.	Power to apply for a variation of order under section 130B Highways Act 1980.	Section 130B(7), Highways Act 1980
19.	Power to authorise temporary disturbance of surface of footpath or bridleway.	Section 135, Highways Act 1980
20.	Power to temporarily divert footpath or bridleway.	Section 135A, Highways Act 1980
21.	Functions relating to the making good of damage and the removal of obstructions.	Section 135B, Highways Act 1980
22.	Powers relating to the removal of things so deposited on highways as to be a nuisance.	Section 149, Highways Act 1980
23.	Power to extinguish certain public rights of way.	Section 32, Acquisition of Land Act 1981
24.	Duty to keep a definitive map and statement under review.	Section 53, Wildlife and Countryside Act 1981
25.	Power to include modifications in other orders.	Section 53A, Wildlife and Countryside Act 1981
26.	Duty to keep register of prescribed information with respect to applications under section 53(5) Wildlife and Countryside Act 1981.	Section 53B, Wildlife and Countryside Act 1981
27.	Duty to reclassify roads used as public paths.	Section 54, Wildlife and Countryside Act 1981
28.	Power to prepare map and statement by way of consolidation of definitive map and statement.	Section 57A, Wildlife and Countryside Act 1981
29.	Power to designate footpath as cycle track.	Section 3, Cycle Tracks Act 1984
30.	Power to extinguish public rights of way over land acquired for clearance.	Section 294, Housing Act 1981
31.	Power to authorise stopping-up of diversion of footpath or bridleway.	Section 257, Town and Country Planning Act 1990

<b>Function</b>		<b>Statutory Reference</b>
<b><i>Functions relating to highways and public rights of way</i></b>		
32.	Power to extinguish public rights of way over land held for planning purposes.	Section 258, Town and Country Planning Act 1990
33.	Power to enter into agreements with respect to means of access.	Section 35, Countryside and Rights of Way Act 2000
34.	Power to provide access in absence of agreement.	Section 37, Countryside and Rights of Way Act 2000
35.	Power to permit deposit of builder's skip on highway.	Section 139, Highways Act 1980
36.	Power to license planting retention and maintenance of trees etc. in part of highway.	Section 142, Highways Act 1980
37.	Power to authorise erection of stiles, etc. on footpaths or bridleways.	Section 142, Highways Act 1980
38.	Power to grant a street works license.	Section 50, New Roads and Street Works Act 1991
39.	Power to license works in relation to buildings, etc. which obstruct the highway.	Section 169, Highways Act 1980
40.	Power to consent to temporary deposits or excavations in streets.	Section 171, Highways Act 1980
41.	Power to dispense with obligation to erect hoarding or fence.	Section 172, Highways Act 1980
42.	Power to restrict the placing of rails, beams, etc. over highways.	Section 178, Highways Act 1980
43.	Power to consent to construction of cellars, etc. under street.	Section 179, Highways Act 1980
44.	Power to consent to the making of openings into cellars, etc. under streets, and pavement lights and ventilators.	Section 180, Highways Act 1980
45.	Power to grant permission for provision, etc., of services, amenities, recreation and refreshment facilities on highway, and related powers.	Section 115E, 115F and 115K, Highways Act 1980
46.	Duty to publish notice in respect of proposal to grant permission under section 115E Highways Act 1980.	Section 115G Highways Act 1980
47.	Power to authorise stopping up or diversion of highway.	Section 247 Town and Country Planning act 1990

<b>Function</b>		<b>Statutory Reference</b>
<b><i>Functions relating to consumer safety and animal welfare</i></b>		
1.	Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3(1)(b)(ii), 5, 6 and 11, Poisons Act 1972
2.	Power to issue licences for the movement of pigs.	Article 12, Pigs (Records, Identification and Movement) Order 1995 (S.I. 1995/11)
3.	Power to license the sale of pigs.	Article 13, Pigs (Records, Identification and Movement) Order 1995

<b>Function</b>		<b>Statutory Reference</b>
<b><i>Functions relating to consumer safety and animal welfare</i></b>		
4.	Power to license collecting centres for the movement of pigs.	Article 14, Pigs (Records, Identification and Movement) Order 1995
5.	Power to issue a license to move cattle from a market.	Article 5(2), Cattle Identification Regulations 1998 (S.I. 1998/871)
6.	Power to approve meat product premises.	Regulations 4 and 5, Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082)
7.	Power to approve premises for the production of minced meat or meat preparations.	Regulation 4, Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. 1995/3205)
8.	Power to approve dairy establishments.	Regulations 6 and 7, Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086)
9.	Functions under any of the "relevant statutory provisions" for health, safety and welfare in connection with work and control of dangerous substances.	Within the meaning of Part I, Health and Safety at Work Act 1974 to the extent that those functions are discharged otherwise than in the authority's capacity as an employer
10.	Power to license agencies for the supply of nurses.	Section 2, Nurses Agencies Act 1957
11.	Power to sanction use of parts of buildings for storage of celluloid.	Section 1, Celluloid and Cinematograph Film Act 1922
12.	Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	Safety of Sports Ground Act 1975
13.	Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III, Fire Safety and Safety of Places of Sport Act 1987
14.	Power to issue fire certificates.	Section 5, Fire Precautions Act 1971

<b>Function</b>		<b>Statutory Reference</b>
<b><i>Functions relating to elections</i></b>		
1.	Duty to appoint returning officer for local government elections.	Section 35, Representation of the People Act 1983
2.	Power to divide electoral divisions into polling districts at local government elections.	Section 31, Representation of the People Act 1983
3.	Duty to declare vacancy in office in certain cases.	Section 86, Local Government Act 1972
4.	Duty to give public notice of a casual vacancy.	Section 87, Local Government Act 1972
5.	Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.	Rule 48(3), Local Elections (Principal Areas) Rules 1986 (SW.I. 1986/2214)
6.	Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the	Section 10, Representation of the People Act 2000 (c2)

Representation of the People Act 2000.		
<b>Function</b>		<b>Statutory Reference</b>
<b><i>Functions relating to appeals</i></b>		
1.	The determination of an appeal against any decision made by or on behalf of the authority.	Any enactment conferring a power on the council to determine such appeals
2.	The making of arrangements for appeals against exclusion of pupils.	Section 52, Education Act 2002 and relevant subordinate legislation
3.	The making of arrangements for school admission appeals.	Section 94(1), (1A), (4) and (5), School Standards and Framework Act 1998 and relevant subordinate legislation
4.	The making of arrangements for appeals by governing bodies against an LEA decision to admit a child permanently excluded from two schools.	Sections 87, 95(2) and 95(3A), School Standards and Framework Act 1998 and relevant subordinate legislation

<b>Function</b>		<b>Statutory Reference</b>
<b><i>Miscellaneous Functions</i></b>		
1.	The appointment or revocation of the appointment of any individual: (a) to an outside body or committee or sub-committee of an outside body; or (b) as a governor of community, foundation and voluntary, special and nursery schools.	Any enactment conferring a power to make such appointments other than those appointments reserved to the council or the executive by law or other provision within this constitution
2.	Power to register common land or town and village greens except where the power is exercisable solely for the purpose of giving effect to: (a) an exchange of lands effected by an order under section 19(3) or paragraph 6(4) of Schedule 3 Acquisition of Land Act 1981; or (b) an order under section 147 Inclosure Act 1845.	Regulation 6, Commons Registration (New Land) Regulations 1969 (S.I. 1969/1843)
3.	Power to register variation of rights of common.	Regulation 29, Commons Registration (General) Regulations 1966 (S.I. 1966/1471)
4.	Power to license the employment of children.	Part II, Children and Young Persons Act 1933; bylaws made under that Part; Part II, Children and Young Persons Act 1963
5.	Power to approve premises for the solemnisation of marriages.	Section 46A, Marriage Act 1949; Marriages (Approved Premises) Regulations 1995 (S.I. 1995/510)
6.	Power to make payments or provide other benefits in cases of maladministration, etc.	Section 92, Local Government Act 2000

## 6.1 **PLANNING AND REGULATORY COMMITTEE**

### 6.2 **Membership**

12 Members of the authority

### 6.3 **Terms of Reference**

The committee will deal with all those non-executive functions set out in the Local Authorities (Functions & Responsibilities) (England) Regulations 2000 as amended, except for those specifically reserved to Council (set out in Article 4) and those separately referred to in the Scheme of Delegation or within the terms of reference of other committees.

These include the following functions:

#### (a) **Planning and development control**

Functions relating to town and country planning and development control, including tree preservation orders and limestone pavement orders.

Entering into agreements for the execution of highway works.

#### (b) **Licensing and Registration Functions**

These include powers to issue safety certificates for sports grounds and fire certificates, powers under the Highways Act 1980, powers to licence the employment of children, and animal movement licences.

#### (c) **Commons registration**

The registration of common land or town and village greens and variation of rights of common.

#### (d) **Health and Safety**

Functions relating to health and safety otherwise than in the Council's capacity as employer.

#### (e) **Births, Deaths and Marriages**

Power to approve premises for the solemn sanction of civil marriages and the formation of civil partnerships and to approve the licensing of religious buildings for civil partnerships.



(f) **Rights of Way & Highways**

Those non-executive functions relating to public rights of way set out in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, where a local committee is unable to determine the matter or has referred the matter to the Planning & Regulatory Committee for a decision.

(g) **Functions relating to elections**

(h) **Development Plans**

Advising the Cabinet on such aspects of the Local Development Documents or any other plan or policy of the Council which relates to these functions.

**6.4 APPEALS AND REPRESENTATIONS PANEL**

**6.5 Membership**

The Appeals and Representations Panel shall comprise a sufficient number of named Members of the Council not being Members of the Cabinet to ensure that appeals listed in paragraphs (b), (c), (d) and (e) may be heard and determined by committees comprising no fewer than three nor more than five Members on a cross party basis and drawn from the membership of the Panel and appointed by the Chief Executive after consultation with the group leaders. Members will be able to express a preference for a particular service area and this will enable them to specialise within that area and provide some continuity. Appropriate training will be given that reflects the variety of different processes involved.

**6.6 Terms of Reference**

The Panel will oversee the arrangements in relation to rights of appeal against decisions taken by or on behalf of the Council including:

- (a) Determination of all appeals made against decisions of the Strategic Director, Children, Schools and Families or representations arising from the implementation of the Council's approved policies in connection with:
  - (i) financial assistance to parents;
  - (ii) awards, grants and bursaries;
  - (iii) the provision of school transport.
- (b) Representations arising from decisions made by the Strategic Director, Children, Schools and Families in respect of private and voluntary residential care homes, children's homes and foster carers and prospective adopters.

- To respond to any relevant consultations impacting upon the benefit provisions of the Local Government Pension Scheme

### **7.03 Planning and Regulation Committee**

There will be a Planning and Regulation Committee. The Committee shall comprise 15 Councillors representing the political balance of the Council overall in accordance with the terms of the Local Government and Housing Act 1989.

#### **Functions:**

- To exercise those functions of the Council which cannot be exercised by the Executive and are not reserved to the Council or delegated to any other Committee of Council in this Constitution and those functions allocated to the Committee in Part 3 of this Constitution including to:
  - exercise powers in relation to Traffic Regulation Orders and the management of traffic within Lincolnshire;
  - determine provision of pedestrian crossings that do not meet policy criteria;
  - deal with Planning development control matters;
  - implement the County Council's Speed Limit Policy;
  - give full consideration to the Council's overall environmental policies;
  - exercise various powers and duties in relation to the management, maintenance and enforcement of the public rights of way network and the continuous review of the Definitive Map and Statement of Public Rights of Way.

#### **7.03.01 Definitive Map and Statement of Public Rights of Way Sub-Committee**

There will be a Definitive Map and Statement of Public Rights of Way Sub-Committee. The Sub-Committee shall comprise seven Councillors who are members of the Planning and Regulation Committee who shall represent the political balance of the Council overall in accordance with the terms of the Local Government and Housing Act 1989.

#### **Functions:**

- To consider appeals, by applicants who have applied to the County Council to modify the Definitive Rights of Way Map and Statement for Public Rights of Way, in relation to the priority order in which officers will deal with such applications for Orders.

## A - Z of Services:

Roads Closures - 9th June 2014 updated 11:50

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### Democratic Services

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## Planning and Regulatory Committee

The Planning and Regulatory Committee deals, amongst other things, with planning applications for mineral, waste disposal related developments, developments proposed by the County Council for its service needs and traffic regulations and public rights of way orders.

Meetings are open to the public and press and are broadcast (where possible).



### Where it Meets

Unless otherwise shown, all meetings are held at County Hall.

County Hall

Spetchley Road

Worcester

WR5 2NP



### When it Meets

The Planning and Regulatory Committee is scheduled to meet 7 times during the year. Unless otherwise stated the meetings will commence at 10.00 a.m.

- [Planning and Regulatory Committee Meeting Dates](#)

### Agendas and Minutes

- [Planning and Regulatory Agendas and Reports 2014](#)
- [Planning and Regulatory Minutes 2014](#)
- [All for Planning and Regulatory 2008-2014](#)

### Membership

- [Committee Members](#)

### Public Participation

This Committee operates its own scheme of public participation based on public representations about planning applications. Find out more information about the Scheme of Public Participation (PDF 81 KB)

### Contact Us

If you would like to know more about future meetings of the Planning and Regulatory Committee please contact us.

Email: [slewis@worcestershire.gov.uk](mailto:slewis@worcestershire.gov.uk)

Tel: 01905 766621

Democratic Services Team

County Hall

Spetchley Road

Worcester



<b>Councillor</b>	<b>Group</b>
Mr R C Adams (Chairman)	Conservative
Mrs S Askin	2013
Mr J Baker	Labour
Mr M H Broomfield	Conservative
Mr S Clee	Conservative
Mr P Denham	Labour
Mrs A T Hingley	Conservative
Mr A P Miller	Conservative
Mr D W Prodger	Conservative
Mr A C Roberts	Conservative
Mr R J Sutton	Independent Alliance

## Further Information

### In this section

#### Documents

- Planning Training Advice from John Hobson QC – 5 October 2012 (PDF 271 KB)
- Protocol for Delegation of Decision-making from the Planning and Regulatory Committee to the Director of Business, Environment and Community (PDF 72 KB)
- Code of Conduct on Planning Matters for Councillors and Officers (PDF 297 KB)
- Pre-Applications Discussions Protocol (PDF 22 KB)
- Scheme of Public Participation (PDF 120 KB)
- Training for Members Planning Procedures (PDF 534 KB)
- Current Forward Plan

#### Interactive Maps

Council Buildings shown on a map.  
> [Get Adobe PDF Reader](#)

#### More Information

[See also in our website](#)

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This page was last reviewed 9 June 2014 at 17:29.

The page is next due for review 6 December 2015.

## Committee Information

### Committee Information

#### Committee Details

Committee: Planning Committee  
 Service: Democratic Services  
 Contact: Liz Eaton  
 Telephone: 01305 225113  
 Email: e.a.eaton@dorsetcc.gov.uk

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**Mr Mike Lovell**  
Chairman



**Mr Peter Hall**  
Vice-Chairman

#### Members of the County Council

Butler Mr S  
 Cooper Mr B G  
 Dedman Mrs L  
 Hall Mr P R A  
 Jeffery Mr M  
 Jones Mr D C  
 Lovell Mr M W J  
 Mannings Mr D G  
 Tewkesbury Mr M R  
 Walsh Mr D P L

#### Terms of Reference

##### Terms of Reference:

(a) In relation to County matters, with the exception of slurry stores that shall be determined by district councils (save for slurry stores for county farms that shall continue to be determined by the county planning authority) and applications under Regulation 3 of the Town and Country Planning General Regulations 1992, to determine applications for:-

- (i) Planning Permission
- (ii) Certificates of lawfulness of existing use or development
- (iii) Certificates of lawfulness of proposed use or development

(b) To respond to consultations on development proposals of strategic importance, by making recommendations to the Cabinet.

(c) In relation to review powers incorporated in the Environment Act 1995.

- (i) The approval of conditions and updating of old mineral permissions.
- (ii) Carrying out a periodic review of all mineral permissions.

(d) Enforcement of planning control.

(e) To make orders for the modification, suspension, revocation, discontinuance or prohibition of mineral workings.

(f) Power to enforce or dispense with the duty to replace trees whether incised Conservation Areas or not and to grant consents under a Tree Preservation Order, also functions relating to the protection of hedgerows.

Membership: 10 (not being members of the Cabinet)

© County Council

## Committee Information

### Committee Information

#### Committee Details

Committee: Roads and Rights of Way Committee  
 Service: Democratic Services  
 Contact: Jason Read  
 Telephone: 01305 224190  
 Email: [j.read@dorsetcc.gov.uk](mailto:j.read@dorsetcc.gov.uk)

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**Mr David Jones**  
Chairman



**Mr Daryl Turner**  
Vice-Chairman

#### Members of the County Council

Butler Mr S  
 Cooper Mr B G  
 Ezzard Ms B R  
 Gardner Mr I C  
 Jones Mr D C  
 Mannings Mr D G  
 Phipps Mrs M  
 Richardson Mr P W  
 Turner Mr D W  
 Wheller Mrs K

#### Terms of Reference

##### Terms of Reference:

1. Making recommendations to the Cabinet on traffic regulation including:-
  - (a) making of traffic regulation orders
  - (b) installation of minor traffic calming measures
  - (c) aids to pedestrian movement
  - (d) provision for cyclists.
2. Legal proceedings and enforcement action relating to roads and bridges.
3. Power to make New Street Byelaws.
4. To review the Definitive Map and Statement of Rights of Way.
5. To determine applications to modify the Definitive Map and Statement of Rights of Way.
6. To consider applications for the creation, diversion and extinguishment of rights of way including power to create footpaths and bridleways.
7. To promote and protect the rights of the public to use and enjoy highways.
8. The functions of the County Council as registration authority for commons and town and village greens.

#### Membership:

10 members of the County Council (not being members of the Cabinet).

## Committee Information

### Committee Information

#### Committee Details

Committee: Licensing and Registration Committee  
 Service: Democratic Services  
 Contact: Lee Gallagher  
 Telephone: 01305 224191  
 Email: l.d.gallagher@dorsetcc.gov.uk

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**Mr Daryl Turner**  
Chairman



**Ms Pauline Batstone**  
Vice-Chairman

#### Members of the County Council

Batstone Ms P H  
 Kimber Mr P R  
 Mannings Mr D G  
 Turner Mr D W  
 Walsh Mr D P L

#### Terms of Reference

##### Terms of Reference:

1. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.
2. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.
3. Power to licence the employment of children.
4. To hear and determine appeals from applicants for or existing holders of "approved premises" licences in accordance with the Marriage Act 1949 (as amended).
5. To determine applications made under Section 7 of the Explosives Act 1875 (now amended to the Manufacture and Storage of Explosives Regulation 2005) for the establishment of a factory or magazine.
6. The functions of the County Council in relation to elections.

#### Membership:

5 members of the County Council (not being members of the Cabinet).

© County Council

## Regulatory Committee

### Terms of Reference

#### Planning Matters

1. In relation to County matters (with the exception of slurry stores in the areas of these districts that have accepted delegations from the County Council to determine these matters) and applications under Regulation 3 of the Town and Country Planning General Regulations 1992, to determine applications for:-
  - (i) Planning Permission
  - (ii) Certificates of lawfulness of existing use or development
  - (iii) Certificates of lawfulness of proposed use or development
2. To respond to consultations on development proposals of strategic importance, by making recommendations to the Cabinet.
3. In relation to review powers incorporated in the Environment Act 1995.
  - (i) The approval of conditions and updating of old mineral permissions.
  - (ii) Carrying out a periodic review of all mineral permissions.
4. Enforcement of planning control.
5. To make orders for the modification, suspension, revocation, discontinuance or prohibition of mineral workings.
6. Power to enforce or dispense with the duty to replace trees whether incised Conservation Areas or not and to grant consents under a Tree Preservation Order, also functions relating to the protection of hedgerows.



## **Roads and Rights of Way Matters**

7. Making recommendations to the Cabinet on traffic regulation including:-
  - (i) Making of traffic regulation orders
  - (ii) Installation of minor traffic calming measures
  - (iii) aids to pedestrian movement
  - (iv) provision for cyclists
8. Legal proceedings and enforcement action relating to roads and bridges.
9. Power to make New Street Byelaws.
10. To review the Definitive Map and Statement of Rights of Way.
11. To determine applications to modify the Definitive Map and Statement of Rights of Way.
12. To consider applications for the creation, diversion and extinguishment of rights of way including power to create footpaths and bridleways.
13. To promote and protect the rights of the public to use and enjoy highways.
14. The functions of the County Council as registration authority for commons and town and village greens.

## **Licensing and Registration Matters**

15. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.
16. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.
17. Power to licence the employment of children.
18. To hear and determine appeals from applicants for or existing holders of "approved premises" licences in accordance with the Marriage Act 1949 (as amended).
19. To determine applications made under Section 7 of the Explosives Act 1875 (now amended to the Manufacture and Storage of Explosives Regulation 2005) for the establishment of a factory or magazine.
20. The functions of the County Council in relation to elections

Membership 15 (not being members of the Cabinet)

# Agenda

Dorset County Council



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Meeting: Regulatory Committee  
Time: 10.00 am  
Date: 9 May 2014  
Venue: Committee Room 1, County Hall, Dorchester, Dorset, DT1 1XJ

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## Notes:

- The reports with this agenda are available at [www.dorsetforyou.com/countycommittees](http://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 the agenda being sent out.
- We can provide this agenda and the reports as audio tape, CD, large print, Braille, or alternative languages on request.

- **Public Participation**

- (a) **Public Speaking**

- Members of the public can ask questions and make statements at the meeting. The closing date for us to receive questions is 10.00 am on 6 May 2014, and statements by midday the day before the meeting. A guidance leaflet is available on request or at <http://www.dorsetforyou.com/374629>.

- (b) **Petitions**

- Members will consider petitions submitted in accordance with the County Council's Petition Scheme, which is available on request or at [www.dorsetforyou.com/media.jsp?mediaid=184656&filetype=pdf](http://www.dorsetforyou.com/media.jsp?mediaid=184656&filetype=pdf).

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**Debbie Ward**  
Chief Executive

Contact:

Liz Eaton, Democratic Services Officer  
County Hall, Dorchester, DT1 1XJ  
01305 225113 – [e.a.eaton@dorsetcc.gov.uk](mailto:e.a.eaton@dorsetcc.gov.uk)

Date of Publication:  
30 April 2014

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## **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. Terms of Reference**

To receive the committee's terms of reference (appended)

## **4. Minutes**

To confirm the minutes of the meeting of the Planning Committee held on (attached).

## **5. Public Participation**

### **(a) Public Speaking**

### **(b) Petitions**

## **Planning Matters**

- 6. WD/D/14/000368 - To create a temporary gypsy transit site for three years including August 2016 for 25 caravans. To start March 2014 and end August 2014 inclusive for six months a year. Piddlehinton Camp, Church Hill, Piddlehinton, Dorchester, Dorset**

To consider a report by the Head of Planning (attached).

- 7. 1/D/13/000972 – Landfill with inert material to facilitate improvements to golf driving range and practice area. Lyme Regis Golf Club, Timber Hill, Lyme Regis, Dorset**

To consider a report by the Head of Planning (attached). This report was previously considered at the Planning Committee meeting on 28 March 2014.

## **8. Review of Development Management Activities for the year 2013-2014**

To consider a report by the Head of Planning (attached).

## **9. Site Visit**

The Committee is asked to agree a site visit on the 30 May 2014 to:

- (a) Redlands Quarry, Sturminster Newton (retention and addition of fill material)
- (b) Disused railway cutting adjacent to Bottomcoombe Masonry Works, Portland (continuation of quarrying, retention of facilities and sale of stone).

### **Rights of Way Matters**

- 10. Application for a public path order to divert for paths 37 (part) 38 and 103 (part) Thorncombe**
- 11. Item withdrawn**
- 12. Application for a definitive map and statement modification order to record a footpath from bridleway 11 Tarrant Gunville East South East to its junction with bridleway 12 and Bussey Stool Road at Stubhampton**

### **Traffic Regulation Matters (for recommendation to the Cabinet)**

- 13. Proposed crossing order – puffin crossing on high street Swanage.**



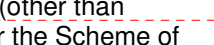
### **Other Matters**

- 14. Scheme of delegation**
- 15. Questions from Members of the Council**



**Appendix 1**

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

<b>Function</b>	<b>Decision-making Body</b>
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).	<u>Regulatory Committee</u>
2. All functions of the County Council relating to licensing and registration as set out in Section B, Schedule 1 to the Functions Regulations.	<u>Regulatory Committee</u> 
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.	<u>Regulatory Committee</u> 
4. All the functions of the County Council in relation to elections in Section D of Schedule 1 to the Functions Regulations.	<u>Regulatory Committee</u> (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

**Deleted:** Licensing and Registration Committee

**Deleted:** Licensing and Registration Committee

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Appendix 6

<p>6. All the functions of the County Council in relation to pensions in Section H of Schedule 1 to the Functions Regulations.</p>	<p>Personnel Appeals Committee (other 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.</p>	
<p>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.</p>	<p><del>Regulatory Committee</del></p>	<p><b>Deleted:</b> Roads and Rights of Way Committee</p>
<p>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.</p>	<p><del>Regulatory Committee</del></p>	<p><b>Deleted:</b> Roads and Rights of Way Committee</p>
<p>9. The exercise of powers relating to the regulation of the use of highways as set out in Schedule 1 to the Functions Regulations.</p>	<p><del>Regulatory Committee</del></p>	<p><b>Deleted:</b> Roads and Rights of Way Committee</p>
<p>10. All functions of the County Council relating to Sea Fisheries under Sea Fisheries legislation.</p>	<p>County Council</p>	
<p>11. Power to make Standing Orders and Standing orders as to contracts.</p>	<p>County Council (on recommendation from the Standards Committee)</p>	
<p>12. The duty to approve the County Council's statement of accounts, income and expenditure and balance sheets.</p>	<p>County Council</p>	
<p>13. Power to make payments or provide other benefits in cases of maladministration.</p>	<p>Standards Committee</p>	
<p>14. The functions of the County Council to make limestone pavement orders.</p>	<p><del>Regulatory Committee</del></p>	<p><b>Deleted:</b> Planning Committee</p>
<p>15. The functions of the County Council relating to the preservation of trees and protection of hedgerows.</p>	<p><del>Regulatory Committee</del></p>	<p><b>Deleted:</b> Planning Committee</p>

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

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Appendix 2¶  
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Responsibility for functions  
which may (but need not be)  
the responsibility of the  
executive, i.e. local choice  
functions¶  
¶  
Function

... [1]

## Scheme of Delegation

### 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>
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
The determination of an appeal against any decision made by or on behalf of the County Council in respect of:-  <p style="text-align: center;">Personnel matters</p> <p style="text-align: center;">Children's and Adult Services matters</p>	<p style="text-align: center;">Personnel Appeals Committee</p> <p style="text-align: center;">Children's and Adult Services Appeals Committee</p>
Any function relating to contaminated land.	Cabinet
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
The making of arrangements pursuant to Section 94(1) and (4) of, and Schedule 24 to, the 1998 Education Act (admission appeals).	Cabinet
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
The making of arrangements under Section 20 (questions on police matters	Cabinet

## Scheme of Delegation

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.	
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## Scheme of Delegation

<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>Leading the County Council's search for efficiency.</p>	<p>Cabinet supported by the Overview Committees</p>
<p>Making arrangements for the execution of Highways work.</p>	<p>Director for Environment in accordance with the Scheme of Delegation</p>
<p>Appointment of any individual:- to any office other than an office in which he is employed by the authority; to any body other than:-  the authority; a joint committee of two or more authorities; or  to any committee or sub committee of such a body;  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:-  (a) LGA; (b) South West Regional Assembly  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>

-----Section Break (Next Page)-----

## Scheme of Delegation

### 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

## Scheme of Delegation

### Appendix 4

#### 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.”

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### 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.

## **Scheme of Delegation**

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.

## Scheme of Delegation

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:-



## Scheme of Delegation

(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.

## Scheme of Delegation

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

## **Scheme of Delegation**

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;
- 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;
- Any application from which compensation is likely to arise from the determination of a review of the Mineral Planning Permissions (ROMPS) Application;
- 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.

## Scheme of Delegation

### 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

## Scheme of Delegation

	excluding where there is a likelihood of acquiring confidential information)
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Page Break

### Appendix 7

Delegations are to be exercised only within the framework of guidance and controls currently in operation. In particular, any exercise of authority under this scheme must be in accordance with guidance and procedures published on Insite (the corporate information framework) and take account of any supplementary advice provided by the Head of Human Resources and Exchequer Services and his/her staff.

Management Level for MSS		Proposed Delegation (all to be used in line with any relevant guidance on Insite)
0	Chief Executive, Directors and Statutory Chief Officers	(a) Early retirement recommendation.  and
1	Senior managers reporting direct to Level 0 (normally Heads of Service)	Lease Cars – agreement to early termination of contract. Redundancy recommendation. Suspension and dismissal of all employees up to and including second tier (i.e. those not employed on the conditions of service for Directors). Overpayments – recommendation for write off. Approval of giving lectures by employees at courses during office hours and retention of any fees received. and
2	Officers reporting to Level 1 (typically service managers)	Approval of Removal and Disturbance Allowances (including the exercise of discretion in respect of extensions etc.). Premature retirement on grounds of permanent ill health recommendation. Flexible retirement recommendation. Payment of honoraria (paragraphs 35(b)(i) and (ii)). and
3	Officers reporting to Level 2 (typically team managers)	Accelerated incremental progression in exceptional cases/merit increments. Creation of new post within existing budget (subject to establishment control). Creation of new post from new funding (subject to establishment control). Changes to post (subject to establishment control). and
4	Officers reporting to Level 3 (typically assistant team)	Recruitment and appointment of all employees up to and including second tier, including placing an advertisement, appointment (internal and external), commencing salary within service/competence increments of position. The payment of 'planned overtime'/additional hours to

## Scheme of Delegation

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

## Scheme of Delegation

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		<p>Signing of contracts under seal of any value.</p> <p>Signing of contracts valued in excess of £500,000.</p> <p>Signing of inter authority, collaboration, partnering and framework agreements.</p> <p>Approval to terminate contracts early with a value in excess of £500,000.</p> <p>Approval to extend contracts where the original contract value exceeds £500,000 and within the original terms and advertised scope of the contract.</p> <p>Authorisation and signing of letters of intent committing the County Council to expenditure in excess of £500,000.</p>
Chief Executive, Directors and Statutory Chief Officers	0	<p>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.</p> <p>Approval to terminate contracts early with a value not exceeding £500,000.</p> <p>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.</p> <p>Authorisation and signing of letters of intent committing the County Council to expenditure not in excess of £500,000.</p>
Senior managers reporting direct to Level 0 (normally Heads of Service)	1	<p>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.</p> <p>Approval to terminate contracts early with a value not exceeding £500,000.</p> <p>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.</p> <p>Authorisation and signing of letters of intent committing the County Council to expenditure not in excess of £500,000.</p>
Expenditure		
Director for		Authorisation of expenditure over £500,000 in

## Scheme of Delegation

Corporate Resources as s.151 Officer		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		



## Scheme of Delegation

Approval of finance appraisals for all supplier tenders for procurements contracts valued over £150,000.
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.
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.

Agenda Item:

# Standards and Governance Committee

Date of Meeting	7 July 2014
Officer	Paul Kent, Director for Corporate Resources
<b>Subject of Report</b>	<b>Proposed changes to the Dorset Health and Wellbeing Board membership and terms of reference and constitution</b>
Executive Summary	<p>This paper outlines the rationale behind the long-held intention to reduce the core membership of Dorset’s Health and Wellbeing Board. The proposal was first considered in February 2013, but not taken forward at that point. Following a development session for members in February 2014 and the meeting of a sub-group in April 2014, a core membership of 16 is suggested, instead of the current 28 members.</p> <p>If the proposals are adopted the core Board will assume responsibility for strategic issues, whilst the delivery against key outcomes and Joint Health and Wellbeing Strategy targets would be the responsibility of locality groups. A programme of meetings and events supported by a Forward Plan would facilitate planning and engagement.</p> <p>The terms of reference and constitution of the Dorset Health and Wellbeing Board need to be revised, should the proposals be formally adopted by the County Council.</p> <p>The proposals outlined in this report and a draft version of the terms of reference and constitution were agreed by a majority vote at the Dorset Health and Wellbeing Board meeting on 18 June 2014.</p>
Impact Assessment:	<p>Equalities Impact Assessment (EqIA):</p> <p>Not applicable.</p>

	<p>Locality Impact:</p> <p>The impact would be equal across all localities.</p> <hr/> <p>Budget:</p> <p>Not applicable (assuming no changes to current resources supporting locality working).</p> <hr/> <p>Risk Assessment:</p> <p>Having considered the risks associated with this decision using the County Council's approved risk management methodology, the level of risk has been identified as:          Current Risk: <del>HIGH/MEDIUM/LOW</del> (Delete as appropriate)          Residual Risk <del>HIGH/MEDIUM/LOW</del> (Delete as appropriate)  <i>(i.e. reflecting the recommendations in this report and mitigating actions proposed)</i></p> <hr/> <p>Other Implications:</p> <p>None.</p>
<p>Recommendation</p>	<p>That the Standards and Governance Committee:</p> <ol style="list-style-type: none"> <li>1 Support the recommendation to the County Council of a new Health and Wellbeing Board, as set out under "Proposed core membership" in paragraph 2.5, consisting of 16 members;</li> <li>2. Support the revised terms of reference and constitution for the Health and Wellbeing Board as outlined in Appendix 1 and Appendix 2.</li> </ol>
<p>Reason for Recommendation</p>	<p>Discussions around reducing the core membership of Dorset's Health and Wellbeing Board have taken place for over a year. It will be necessary to revise the Terms of Reference and Constitution accordingly.</p>
<p>Appendices</p>	<ol style="list-style-type: none"> <li>1 Dorset Health and Wellbeing Board Terms of Reference</li> <li>2 Dorset Health and Wellbeing Board Constitution</li> </ol>
<p>Background Papers –</p>	<p>Outcome of the development work with the Local Government Association – Establishing a statutory Board, 27 February 2013:  <a href="http://www1.dorsetforyou.com/COUNCIL/commis2009.nsf/MIN/6ADD5AA593D9015480257B19004598EC?OpenDocument">http://www1.dorsetforyou.com/COUNCIL/commis2009.nsf/MIN/6ADD5AA593D9015480257B19004598EC?OpenDocument</a></p>
<p>Report Originator and Contact</p>	<p>Name: Ann Harris, Health Partnerships Officer          Tel: 01305 224388          E mail: a.p.harris@dorsetcc.gov.uk</p>

## 1 Introduction

1.1 A Shadow Health and Wellbeing Board (HWB) operated in Dorset for one year prior to the establishment of a statutory Board in April 2013. During this time, three development sessions, facilitated by the Local Government Association, were held. A report which was presented to the Shadow HWB on 27 February 2013<sup>1</sup> identified the areas in which agreement had been reached:

- The HWB purpose – which was clear, with a focus on Dorset and the localities;
- Operating principles;
- Some design principles (and the need to move towards an executive focus).

1.2 However, at those early development sessions in 2013 there was not complete consensus as to the structure of the statutory Board, with attendees unable to reach agreement over proposals put forward to reduce from a Shadow Board membership of 26 to 18 individuals, going forward. At that point the report recommended that this proposal should therefore be taken to the full County Council, but following discussion at the Shadow Board meeting on 27 February 2013 it was resolved that the composition should continue for a further six months, deferring presentation to full Council until late 2013.

1.3 Further work on development did not recommence until February 2014, at which time the Local Government Association facilitated another development session with Board members. At this session, members acknowledged areas of success but also acknowledged the difficulties associated with a large membership.

1.4 Following the development session in February 2014, it was agreed that the following changes were necessary:

- A more focused agenda, possibly organised around themes or linked to the Health and Wellbeing Strategy;
- A reduced Board, with consideration of different ways of working, such as task and finish groups or workshops, co-opting members for time limited periods to deal with specific issues and clarification of how partners or stakeholders who are not members of the Board are able to engage with the Board's business;
- The implementation of a work programme or forward plan, that includes a transparent process for agreeing what and how items go on the agenda, and how decisions would be signed off outside formal Board meetings.

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<sup>1</sup> Outcome of the development work with the Local Government Association – Establishing a statutory Board, 27 February 2013:

<http://www1.dorsetforyou.com/COUNCIL/commis2009.nsf/MIN/6ADD5AA593D9015480257B19004598EC?OpenDocument>

- 1.5 A sub-group of eight members was nominated to meet and take forward the changes. In particular they were tasked with formulating a clear proposal for a reduced core membership of the Board, whilst ensuring the continued engagement and involvement of any members who were no longer part of that core. The sub-group met on 14 April 2014 and their discussions formed the focus of a report (on which this report is based) which was presented to and agreed by the Dorset Health and Wellbeing Board on 18 June 2014.

## **2 Proposals for core membership**

- 2.1 The sub-group reviewed the current membership and discussed options to, potentially, reduce the membership from 28 to 14 individuals. The rationale behind the suggestion that there should be 14 members included the following:
- There is a statutory requirement for some members:
    - One elected Council Member
    - Director for Adult Services
    - Director for Children’s Services
    - Director of Public Health
    - Clinical Commissioning Group Chief Officer
    - Healthwatch representative
  - It is not currently a statutory requirement to have a representative from NHS England, but it might become so.
- 2.2 One member noted that the proposal for 14 members allowed for only two individuals with a clinical remit, and only one GP. The group discussed how the GPs work with the locality groups and whether the Board made ‘clinical’ decisions. It was further noted that the Clinical Commissioning Group (CCG) localities have now formed into three ‘clusters’ – and it might make sense to have three GPs on the Board to align with this. The group reflected on previous discussions about the possibility of either GPs or District Councillors attending meetings to represent the six localities – but conceded that this could result in occasions where only Councillors (or indeed GPs) attended. The group concluded that the Board’s membership would include three GPs (one for each cluster), which would balance clinical members and Councillor representation. This would take core Board membership to 16.
- 2.3 The issue of whether the District and Borough Councils would be happy with the proposal to have three GP members but only one District/Borough member was raised, but it was felt that this would be acceptable, particularly if Senior Officers (the three Dorset County Council Directors) commit to attending the District /Borough briefing meetings already held prior to all Board meetings.
- 2.4 HWB workshops would be open to all; non-core members could continue to attend Board meetings as observers.
- 2.5 A reduction from 28 current members to 16 core Board members was proposed as follows:

	<b>Current membership</b>	<b>Proposed core membership</b>	<b>Statutory requirement?</b>
Elected County Council Members	4	2	At least 1
Elected District and Borough Members	6	1	No
Director for Adult and Community Services	1	1	Yes
Director for Children's Services	1	1	Yes
Director of Public Health	1	1	Yes
District/Borough Council Officer	1	1	No
Clinical Commissioning Group Officers	2	2	At least 1
NHS England (was NHS Commissioning Board)	1	1	No
Locality Executive Teams (GPs)	7	3	No
Local NHS Provider Trust	1	1	No
Healthwatch Representative	1	1	Yes
Voluntary Sector Representative	2	1	No

NB – Substitutes would also be nominated to cover all members; with regard to elected District and Borough members, there could be 5 nominated substitute members.

2.6 With respect to the proposal above, it may be helpful to reiterate what the legislation states, as described in the guide published by the Local Government Association: Health and Wellbeing Boards – A Practical Guide to Governance and Constitutional Issues<sup>2</sup>.

*“It is clear from the Health and Social Care Act 2012 that health and wellbeing boards are different to other section 102 committees, in particular in relation to the appointment of members. Specifically, the Act:*

- *Sets a core membership that health and wellbeing boards must include [see section 2.1 above];*
- *Requires that the councillor membership is nominated by the executive leader or elected mayor (in councils operating executive arrangements) or by the council (where executive arrangements are not in operation) with powers for the mayor/ leader to be a member of the board in addition to or instead of nominating another councillor;*

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<sup>2</sup> Health and Wellbeing Boards – A Practical Guide to Governance and Constitutional Issues, Local Government Association, March 2013:  
[http://www.local.gov.uk/c/document\\_library/get\\_file?uuid=4503fcd2-4934-4962-8a58-f1b6ed38d5d2&groupId=10180](http://www.local.gov.uk/c/document_library/get_file?uuid=4503fcd2-4934-4962-8a58-f1b6ed38d5d2&groupId=10180)

- *Under the regulations (Regulation 7) modifies sections 15 to 16 and Schedule 1 of the Local Government and Housing Act 1989 to disapply the political proportionality requirements for section 102 committees in respect of health and wellbeing boards - this means that councils can decide the approach to councillor membership of health and wellbeing boards;*
- *Requires that the CCG and local Healthwatch organisation appoint persons to represent them on the board;*
- *Enables the council to include other members as it thinks appropriate but requires the authority to consult the health and wellbeing board if doing so any time after a board is established;*
- *The NHS Commissioning Board must appoint a representative for the purpose of participating in the preparation of JSNAs and the development of JHWSs and to join the health and wellbeing board when it is considering a matter relating to the exercise, or proposed exercise, of the NHS Commissioning Board's commissioning functions in relation to the area and it is requested to do so by the board."*

### **3 Locality working – supporting the core Board**

3.1 Throughout discussions over the future of the HWB it has been clear that the establishment of a core Board would only achieve success with the continued full support of the six localities. Comments made by the sub-group which met on 14 April included the following:

- There was reiteration of the value of the work which takes place in the localities. It was felt that strategic discussions should continue at Board level, but with detailed discussions taking place at locality level.
- There was concern about only having one designated representative if an item for discussion was of particular relevance to a locality other than the one to which the representative was affiliated. In cases such as this it was suggested that the Districts/Boroughs should be able to select the most appropriate person to sit at the Board. The onus would be on the Districts/Boroughs to reach agreement as to who would be designated for each Board meeting. It should not be necessary for every District/Borough representative to attend every Board meeting, since their key role would be to deliver the Board's objectives.
- The situation was felt to be comparable to the way in which the Children's Trust operates: like the Trust, the locality would effectively be a sub-group which delivers on actions and reports back to the HWB.
- The difficulty in engaging 28 members in debate at Board meetings was highlighted, as were instances where duplication has arisen, for example, where a report was presented to both the Community Safety Partnership and the HWB. The need for a 'line of sight' to the HWB from existing partnerships, as well as the localities, was noted.

- The importance of ensuring that individuals did not feel disengaged if they are no longer core members was stressed. There would be a need to change the focus – which would be supported by the confidence that is now held in the locality partnerships.
  - A perceived lack of opportunity to influence the Board meeting agendas was a concern raised by attendees at the development session in February. The sub-group agreed that the agenda could be influenced by the localities and that individuals could attend the agenda setting meetings as observers if they wished. A forward plan was felt to be important and it was agreed that this will be developed.
- 3.2 Following the meeting on 14 April, guidance was sought from DCC Legal Services as to how the District and Borough members could attend Board meetings on an ‘as and when’ basis, should an item be of particular interest to their locality. The response was that one substantive member (elected Councillor) would need to be appointed to represent the Districts and Boroughs and the remaining five would need to be nominated as substitutes. The substantive member would be the person entitled to attend and participate in Board meetings and would therefore control whether one of the five substitutes could attend in his or her place.

#### **4 Programme of meetings and events**

- 4.1 An annual programme of meetings and events to facilitate the delivery of HWB business and on-going engagement was proposed by the sub-group, and could include the following:
- 4 meetings per year for the main core Board;
  - 4 meetings per year for the Districts/Boroughs, with opportunity to present at main Board;
  - Annual conference (possible joint event with Bournemouth and Poole HWB);
  - Annual workshop for Dorset – open to wider Board.

#### **5 Recommendations**

- 5.1 That the Standards and Governance Committee:
- 1 Support the recommendation to the County Council of a new Health and Wellbeing Board, as set out under “Proposed core membership” in paragraph 2.5, consisting of 16 members;
  2. Support the revised terms of reference and constitution for the Health and Wellbeing Board as outlined in Appendix 1 and Appendix 2.
- 5.2 The next full County Council meeting at which the recommendations could be considered will be held on 24 July 2014.

**Ann Harris**  
**Health Partnerships Officer, supporting Dorset Health and Wellbeing Board**



## **Dorset Health and Wellbeing Board - Terms of Reference:**

The Dorset Health and Wellbeing Board will:

- a) Identify outcome and investment priorities from the key groups that report to the HWB.
- b) Hold partners to account for achieving improved outcomes by developing and updating the Joint Strategic Needs Assessment and by developing and updating the Pharmaceutical Needs Assessment.
- c) Measure progress against local plans, including the Clinical Commissioning Group Strategy and the Joint Health and Wellbeing Strategy, to ensure action is taken to improve outcomes when monitoring or performance indicators show that plans are not working.
- d) Develop, approve and implement the Better Care Fund and any future developments related to the Better Care Fund, as well as anticipating future policy developments in terms of integration and system change between the NHS and local government partners.
- e) Encourage and oversee integrated working between health and social care commissioners, including providing advice, assistance and other support to encourage commissioning, pooled budget and/or integrated provision in connection with the provision of health and social care services.
- f) Ensure that the patient / service user voice, including that of seldom heard groups and children and young people, is intrinsic to the commissioning cycle and commissioning decisions.
- g) Develop a strategic approach to tackling health inequalities in Dorset and support communities to achieve wellbeing.
- h) Provide an effective link to NHS England.
- i) Provide an effective link to local NHS commissioning decisions and strategy.
- j) Consider Equality and Diversity issues and deliver its public sector equalities duties under the Equality Act 2010.
- k) Work cooperatively with the Bournemouth and Poole HWB and develop opportunities to share views and expertise in the development and delivery of common goals and priorities.
- l) Make timely and effective decisions.

## **Membership - Total 16**

### Elected Members (3 in total)

- County Council (2 Cabinet Members in total)
- District / Borough Council (1 representative to represent all)

### Local Authority Officers (4 in total)

- Director for Adult and Community Services DCC
- Director for Children's Services DCC
- Director of Public Health DCC / NHS
- District / Borough Council (1 representative to represent all)

### NHS Representatives (7 in total)

- Locality Executive Teams (GPs) (3 in total)
- Chairman of Dorset Clinical Commissioning Group Board
- Clinical Commissioning Group Accountable Officer
- NHS England
- Local NHS Provider Trust

### Other (2 in total)

- Healthwatch
- Voluntary Sector

### Dorset Health and Wellbeing Board - Constitution

#### 1. The Purpose of the Health and Wellbeing Board (HWB)

- 1.1 The agreed purpose of the Dorset Health and Wellbeing Board is to improve health and wellbeing, reduce health inequalities and promote closer integration between social care and health services. It is recognised that this will require: shared leadership; systems integration; and the mobilisation of both local and county-wide action.
- 1.2 There is recognition that the role and functioning of the HWB is evolving and will be subject to regular review. The HWB is a committee of the County Council.
- 1.3 The HWB is to be the integrated governing board through which senior representatives of key partner organisations will:
  - **Give strategic leadership** and direction through the agreement of outcomes for health and wellbeing across Dorset, based on the Joint Strategic Needs Assessment and make recommendations for prioritising investment across organisations to deliver these outcomes through the publication of the Joint Health and Wellbeing Strategy.
  - **Drive change** through an outcomes based approach to improve health and wellbeing and reduce health inequalities for residents of Dorset recognising that many health gains come from work done outside of the NHS. The responsibility for health improvement falls to all partners. An example would be a local planning policy that supports home insulation, renewable energy initiatives, carbon reduction, the local economy and active travel schemes.
  - **Be accountable** and responsible for better outcomes for people's health and wellbeing in Dorset by facilitating collaboration and promoting integrated commissioning to support the delivery of cost effective services.

#### 2. Key areas of responsibility

- 2.1 Identify health and wellbeing needs and priorities, and coordinate the development and updating of the Joint Strategic Needs Assessment (JSNA) for Dorset and make recommendations on the development of services based on evidence from the JSNA and in accordance with the Joint Health and Wellbeing Strategy.
- 2.2 Coordinate the development and updating of the Pharmaceutical Needs Assessment (PNA) for Dorset and publish it every three years. The PNA will be used to support commissioning intentions.
- 2.3 Co-ordinate and develop effective partnership working to ensure that commissioning crosses organisational boundaries, promoting integrating working, and promoting health and wellbeing.
- 2.4 The HWB will:
  - Identify outcome and investment priorities from the key groups that

report to the HWB.

- Hold partners to account for achieving improved outcomes by developing and updating the Joint Strategic Needs Assessment and by developing and updating the Pharmaceutical Needs Assessment.
- Measure progress against local plans, including the Clinical Commissioning Group Strategy and the Joint Health and Wellbeing Strategy, to ensure action is taken to improve outcomes when monitoring or performance indicators show that plans are not working.
- Develop, approve and implement the Better Care Fund and any future developments related to the Better Care Fund, as well as anticipating future policy developments in terms of integration and system change between the NHS and local government partners.
- Encourage and oversee integrated working between health and social care commissioners, including providing advice, assistance and other support to encourage commissioning, pooled budget and/or integrated provision in connection with the provision of health and social care services.
- Ensure that the patient / service user voice, including that of seldom heard groups and children and young people, is intrinsic to the commissioning cycle and commissioning decisions.
- Develop a strategic approach to tackling health inequalities in Dorset and support communities to achieve wellbeing.
- Provide an effective link to NHS England.
- Provide an effective link to local NHS commissioning decisions and strategy.
- Consider Equality and Diversity issues and deliver its public sector equalities duties under the Equality Act 2010.
- Work cooperatively with the Bournemouth and Poole HWB and develop opportunities to share views and expertise in the development and delivery of common goals and priorities.
- Make timely and effective decisions.

2.5 The HWB will **not**:

- Take the place of any statutory commissioning body.
- Exercise the functions of the Dorset Health Scrutiny Committee.
- Hold any budgets.
- Duplicate the role of the existing Children and Adult Safeguarding Boards.

### 3. Membership

3.1 The membership of the HWB shall be:

#### Elected Members (3 in total)

- County Council (2 Cabinet Members in total)
- District / Borough Council (1 representative to represent all)

#### Local Authority Officers (4 in total)

- Director for Adult and Community Services DCC
- Director for Children's Services DCC
- Director of Public Health DCC / NHS
- District / Borough Council (1 representative to represent all)

#### NHS Representatives (7 in total)

- Locality Executive Teams (GPs) (3 in total)
- Chairman of Dorset Clinical Commissioning Group Board
- Clinical Commissioning Group Accountable Officer
- NHS England
- Local NHS Provider Trust

Other (2 in total)

- Healthwatch
- Voluntary Sector

Total 16

3.2 **Substitute members:** Each Board member should nominate a substitute who can attend in their place. There will be 5 nominated substitute members to represent the District / Borough Councils, although only 1 will be in attendance at any one time, as nominated by the Board member. Only Board members or their named substitutes can attend HWB meetings in a voting capacity.

3.3 **Quorum:** The quorum for meetings of the HWB shall be 6, of which at least 2 must be statutory members.

3.4 **Review of Membership:** It is proposed that the membership is kept under review to ensure that the group is fit for purpose.

#### 4. Peer-Groups and Sub-Groups

4.1 Alongside the 'core' HWB, locality groups will meet in each of the six Districts / Boroughs of Dorset. Whilst the Board will assume responsibility for strategic issues and key decisions, delivery against outcomes and Joint Health and Wellbeing Strategy targets will be the responsibility of these locality groups.

4.2 A number of other partnerships to and from which information must flow to align strategies are also fundamental to the HWB, and it is recognised that there will be a number of groups whose work will be intrinsic to the functioning of the HWB, because of their focus on delivery in key areas.

4.3 The nature of the interrelationships between the HWB and these various groups will need to be established as the Board evolves and appropriate links will need to be established.

#### 5. Accountability

5.1 The main focus of the HWB is the improvement of health and wellbeing with a reduction in health inequalities.

5.2 Those stakeholders with statutory responsibilities will retain responsibility for meeting their individual statutory duties and responsibilities.

#### 6. Decisions and recommendations

6.1 Decisions and recommendations will be agreed through consensus. Board members can ask for a vote if they wish. If this happens then decisions or recommendations will be agreed on the basis of a majority vote. In the

event of an equality of votes the Chairman will have a second (casting) vote.

## 7. Meetings of the HWB

- 7.1
- **Frequency of Meetings:** The HWB will meet quarterly.
  - **Chairman and Vice-Chairman:** The Chairman of the HWB will be an elected member of the County Council. The Vice-Chairman will be drawn from the membership.
  - **Public participation:** Meetings of the Board will be held in public and the County Council's Standing Orders shall apply. For public meetings reports and agendas will be published on [www.dorsetforyou.com](http://www.dorsetforyou.com). Public participation in meetings will be in accordance with the requirement of Dorset County Council's Standing Orders.
  - **Conduct of meetings:** Meetings will be open but this will be subject to review if sensitive items are under discussion. Meetings may involve workshop style methods such as small group work to promote discussion and debate.
  - **Secretariat:** Meetings will be serviced by the Chief Executive of Dorset County Council or his/her representative.
  - **Circulation of papers:** Agendas and related papers will be circulated in line with the County Council's Standing Orders for meetings held in public
- 7.2
- **Frequency of locality group meetings:** The District / Borough Council locality group member and substitutes will meet quarterly, prior to each HWB meeting. The Director for Adult and Community Services, the Director for Children's Services or the Director of Public Health will attend the locality group quarterly meetings, or their appointed substitute will attend if this is not possible.
  - **Participation at Board meetings:** The locality group member or substitute will have an opportunity to present at the main Board meetings.

## 8. Responsibilities of HWB Members

8.1 The organisations that are members of this partnership are expected to:

### **Be Accountable**

- Be accountable to their organisation / sector for their participation in the HWB and ensure that there is in place a robust route for two way communication.

### **Observe Good Governance**

- Uphold and support the HWB decisions and be prepared to follow through on actions and decisions including observing necessary financial approval from their organisation for HWB proposals and declaring any conflict of interest should it arise.

### **Represent and make decisions**

- Be prepared to make difficult decisions based on evidence about priorities at a time when resources will be limited; and represent the HWB at events and support the agreed majority view when speaking on behalf of the HWB to other parties.
- Be willing to learn more about issues and the work of others and lead on pieces of work and act as a “champion”.

8.2 The Members of the Board will be expected to subscribe to the seven principles of public life in their work and decision making. The principles are selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

### **9. Review of the Terms of Reference**

9.1 It is understood that the Terms of Reference for the Health and Wellbeing Board will evolve over time, and will require regular review.

9.2 The Dorset Health and Wellbeing Board will meet the obligations for Health and Wellbeing Boards set out in the Health and Social Care Act 2012 and modified under the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

June 2014



# Standards and Governance Committee

**Dorset County Council**



Date of Meeting	7 July 2014
Officer	Director of Public Health
Subject of Report	<b>Governance Arrangements for the Public Health Responsibilities of Dorset County Council</b>
Executive Summary	<p>Responsibility for Public Health transferred to the Local Authority from April 2013, with five mandatory programmes defined in statute which fall under the remit of Public Health Dorset.</p> <p>However, local authorities have a long and distinguished history of improving population health. Decisions which will impact on health outcomes are taken across all directorates and in many committees of Dorset County Council and not just in Public Health Dorset. The responsibilities of the local authority in relation to population health are much wider than the commissioning responsibilities of Public Health Dorset.</p> <p>This paper makes recommendations for Dorset County Council to embed its role as a public health organisation into its structures and ensure effective &amp; appropriate overview of its broader population health responsibilities.</p>
Impact Assessment:  <i>Please refer to the <a href="#">protocol</a> for writing reports.</i>	<p>Equalities Impact Assessment:</p> <p>Not applicable</p>
	<p>Use of Evidence:</p> <p>As described in the paper</p>

	<p>Budget:</p> <p>No budgetary implications</p>
	<p>Risk Assessment:</p> <p>Having considered the risks associated with this decision using the County Council's approved risk management methodology, the level of risk has been identified as:  Current Risk: LOW  Residual Risk: LOW</p>
	<p>Other Implications:</p> <p>None</p>
Recommendation	<p>The Committee is requested to recommend to the County Council:-</p> <ul style="list-style-type: none"> <li>• That the terms of reference of the Overview Committees for Children's services, Adult and Community Services, and the Environment directorate are revised to include a responsibility to review the wider role of the local authority for population health and wellbeing.</li> <li>• That a responsibility to consider the impact of policy and commissioning decisions on health inequalities and population health is included in all council reports.</li> <li>• That the outstanding responsibilities to review performance of the public health commissioning at a Dorset County Council geography be picked up within the Adult and Community Services Overview Committee.</li> </ul>
Reason for Recommendation	<p>More could be done to explicitly recognise the role of all local authority directorates in improving population health and wellbeing.</p>
Appendices	<p>1. Public Health Outcomes Framework</p>
Background Papers	
Report Originator and Contact	<p>Dr Nicky Cleave, Assistant Director of Public Health  01305 225879</p>



## **1. Background**

- 1.1 Responsibility for Public Health transferred to the three top tier local authorities in April 2013 and the three organisations set up different processes for overview and scrutiny of the Public Health function:
- Dorset County Council initially established a new Public Health Overview Committee with scrutiny undertaken by the Audit and Scrutiny Committee.
  - Borough of Poole undertakes overview and scrutiny through its pre-existing Children and Young People Overview and Scrutiny Committee
  - Bournemouth Borough Council undertakes overview and scrutiny through its pre-existing Adult and Community Overview and Scrutiny Committee
- 1.3 The collective thinking about the appropriate governance structures to support decision making within Dorset County Council evolved during the first year of the new Public Health arrangements, and experience demonstrated that the Public Health Overview Committee had in practice a very limited role in relation to decision making.
- 1.4 In April 2014 the County Council resolved to cease the Public Health Overview Committee with responsibility for public health being shared in the future by the Children's Services, and Adult and Community Services Overview Committee, with the latter taking responsibility for budgetary issues.
- 1.5 The purpose of this paper is to propose a modification to the existing agreement and, in so doing, to embed the role of Dorset County Council as a public health organisation into its structures and ensure effective & appropriate overview of its broader population health responsibilities.

## **2. The role of local authorities in improving population health**

- 2.1 Five mandatory programmes were defined in statute for Public Health in local authorities at the time of transition:
- Sexual health services commissioning
  - Health Checks programme commissioning
  - National Child Measurement Programme commissioning
  - Health Protection
  - Public health advice to Clinical Commissioning Groups
- 2.2 In addition there are a number of non-mandatory services which are commissioned by the Public Health team whose budgets were transferred to local authorities under the Department of Health (DH) grant, these include:
- Services for drugs and alcohol
  - Health Improvement services including smoking cessation and adult weight management
- 2.3 However, local authorities have a long and distinguished history of improving population health and decisions which will impact on health outcomes are taken across all directorates and in many committees of Dorset County Council and not just in Public Health Dorset.

2.4 A paper published in 2013 by the Kings Fund and endorsed by the Local Government Association, Public Health England, and the Association of Directors of Public Health identified nine key areas where local authorities can positively improve public health and reduce inequalities and recommended action that local authorities can take in these nine areas<sup>1</sup>. These recommended areas for action clearly demonstrate that impacts on population health can be influenced by decisions made, in the case of DCC by Children's Services, Adult and Community Services and Environment and are, in the main, outside of the Council's direct public health commissioning responsibilities:

- The best start in life
- Healthy School and pupils
- Helping people find good jobs and stay in work
- Active and safe travel
- Warmer and safer homes
- Access to green and open spaces and the role of leisure services
- Strong communities, wellbeing and resilience
- Public protection and regulatory services
- Health and spatial planning

2.5 The national Public Health Outcomes Framework for 2013 -2016 includes a small number of indicators which are the direct responsibility of the public health team, but the majority are influenced by the actions of a range of stakeholders including the other directorates in Dorset County Council, Districts and Boroughs and Dorset CCG (appendix 1). Performance for these outcomes is reported on the Public Health England website at both county council and district level.

2.6 The responsibilities of the local authority in relation to population health are clearly much wider than the commissioning responsibilities of Public Health Dorset. This is clearly reflected in the choice of priorities within the Corporate Plan for Dorset County Council for 2014/15 which includes Health and Wellbeing as one of its two core priorities. However, more could be done to explicitly recognise the role of all local authority directorates in improving population health and wellbeing.

### **3. Member involvement**

3.1 There are several key roles for members in the overview and scrutiny of local authority functions: decisions about service development and redesign; policy development; overview of performance, budget and scrutiny.

3.2 The Joint Public Health Board with member representation from all three local top tier authorities is now established and is working effectively to ensure appropriate pan-Dorset member involvement in the functioning of Public Health Dorset.

3.3 The Board has primary decision making responsibilities for all three authorities, including decisions about service development and redesign, review of performance of Public Health core programmes pan-Dorset and allocation of resources and budgetary management of the pooled budget. The pan-Dorset commissioning

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<sup>1</sup> Buck D; Gregory S. Improving the public's health: A resource for local authorities. The King's Fund, London 2013.

arrangements mean that we are unable to disaggregate spend from the pooled budget by local authority.

- 3.4 The Board has agreed that any work looking forward around policy development would best be led and coordinated at a pan-Dorset level as any recommendations are likely to be applicable to all three local authorities, and therefore have implications for the pooled budget. The Board at its last meeting agreed that task and finish groups comprising members from all three authorities be formed to consider and develop policy around specific public health topics. This will enable representation from the appropriate DCC overview committees in the formulation of policy by the Board.
- 3.5 The outstanding roles not adequately covered by the Joint Public Health Board are overview of performance at a locality level, and scrutiny. For Dorset County Council, the scrutiny function for the Public Health function is undertaken through the Audit and Scrutiny Committee.
- 3.6 Member involvement around the broader population health and wellbeing agenda for the county council is less explicit. This causes ongoing confusion amongst members regarding the roles and responsibilities of Public Health Dorset and for which areas of performance they should be held to account.
- 3.7 Many of the population health challenges facing Dorset County Council are complex and decisions made across several directorates will impact on outcomes e.g. obesity with links to transport planning, access to leisure services, etc. Whilst clearly much work is done throughout the council to improve outcomes for the population across a range of population health indicators, the links to the broader health and wellbeing agenda and inequalities are not explicitly identified within the roles of member led committees.

#### **4. Recommendations to the County Council**

- That the terms of reference of the Overview Committees for Children's services, Adult and Community Services, and the Environment directorate are revised to include a responsibility to review the wider role of the local authority for population health and wellbeing.
- That a responsibility to consider the impact of policy and commissioning decisions on health inequalities and population health is included in all council reports.
- That the outstanding responsibilities to review performance of the public health commissioning at a Dorset County Council geography be picked up within the Adult and Community Services Overview Committee.

**Dr David Phillips**  
**Director of Public Health, July 2014**

# Appendix 1: Public Health Outcomes Framework

## Public Health Outcomes Framework 2013–2016 At a glance

### Alignment across the Health and Care System

- \* Indicator shared with the NHS Outcomes Framework.
  - \*\* Complementary to indicators in the NHS Outcomes Framework
  - † Indicator shared with the Adult Social Care Outcomes Framework
  - †† Complementary to indicators in the Adult Social Care Outcomes Framework
- Indicators in italics are placeholders, pending development or identification*

### VISION

To improve and protect the nation's health and wellbeing and improve the health of the poorest fastest

#### Outcome measures

- Outcome 1) Increased healthy life expectancy, i.e. taking account of the health quality as well as the length of life
- Outcome 2) Reduced differences in life expectancy and healthy life expectancy between communities (through greater improvements in more disadvantaged communities)

1 Improving the wider determinants of health
<p><b>Objective</b></p> <p>Improvements against wider factors which affect health and wellbeing and health inequalities</p> <p><b>Indicators</b></p> <p>1.1 Children in poverty</p> <p>1.2 School readiness</p> <p>1.3 Pupil absence</p> <p>1.4 First time entrants to the youth justice system</p> <p>1.5 16-18 year olds not in education, employment or training</p> <p>1.6 Adults with a learning disability / in contact with secondary mental health services who live in stable and appropriate accommodation<sup>†</sup> (ASCOF 1G and 1H)</p> <p>1.7 People in prison who have a mental illness or a significant mental illness</p> <p>1.8 Employment for those with long-term health conditions including adults with a learning disability or who are in contact with secondary mental health services<sup>††</sup> (NHSOF 2.2) ††(i) (ASCOF 1E) ** (ii) (NHSOF 2.5) †† (ii) (ASCOF 1F)</p> <p>1.9 Sickness absence rate</p> <p>1.10 Killed and seriously injured casualties on England's roads</p> <p>1.11 Domestic abuse</p> <p>1.12 Violent crime (including sexual violence)</p> <p>1.13 Re-offending levels</p> <p>1.14 The percentage of the population affected by noise</p> <p>1.15 Statutory homelessness</p> <p>1.16 Utilisation of outdoor space for exercise / health reasons</p> <p>1.17 Fuel poverty</p> <p>1.18 Social isolation<sup>†</sup> (ASCOF 1I)</p> <p>1.19 Other people's perception of community safety<sup>††</sup> (ASCOF 4A)</p>

2 Health improvement
<p><b>Objective</b></p> <p>People are helped to live healthy lifestyles; make healthy choices and reduce health inequalities</p> <p><b>Indicators</b></p> <p>2.1 Low birth weight of term babies</p> <p>2.2 Breastfeeding</p> <p>2.3 Smoking status at time of delivery</p> <p>2.4 Under-18 conceptions</p> <p>2.5 Child development at 2 – 2 ½ years</p> <p>2.6 Excess weight in 4-5 and 10-11 year olds</p> <p>2.7 Hospital admissions caused by unintentional and deliberate injuries in children and young people aged 0-14 and 15-24 years</p> <p>2.8 Emotional well-being of looked after children</p> <p>2.9 Smoking prevalence – 15 year olds (Placeholder)</p> <p>2.10 Self-harm</p> <p>2.11 Diet</p> <p>2.12 Excess weight in adults</p> <p>2.13 Proportion of physically active and inactive adults</p> <p>2.14 Smoking prevalence – adults (over 16s)</p> <p>2.15 Successful completion of drug treatment</p> <p>2.16 People entering prison with substance dependence issues who are previously not known to community treatment</p> <p>2.17 Recorded diabetes</p> <p>2.18 Alcohol-related admissions to hospital</p> <p>2.19 Cancer diagnosed at stage 1 and 2</p> <p>2.20 Cancer screening coverage</p> <p>2.21 Access to non-cancer screening programmes</p> <p>2.22 Take up of the NHS Health Check programme – by those eligible</p> <p>2.23 Self-reported well-being</p> <p>2.24 Injuries due to falls in people aged 65 and over</p>

3 Health protection
<p><b>Objective</b></p> <p>The population's health is protected from major incidents and other threats, whilst reducing health inequalities</p> <p><b>Indicators</b></p> <p>3.1 Fraction of mortality attributable to particulate air pollution</p> <p>3.2 Chlamydia diagnoses (15-24 year olds)</p> <p>3.3 Population vaccination coverage</p> <p>3.4 People presenting with HIV at a late stage of infection</p> <p>3.5 Treatment completion for TB</p> <p>3.6 Public sector organisations with board approved sustainable development management plan</p> <p>3.7 Comprehensive, agreed inter-agency plans for responding to health protection incidents and emergencies</p>

4 Healthcare public health and preventing premature mortality
<p><b>Objective</b></p> <p>Reduced numbers of people living with preventable ill health and people dying prematurely, whilst reducing the gap between communities</p> <p><b>Indicators</b></p> <p>4.1 Infant mortality* (NHSOF 1.6)</p> <p>4.2 Tooth decay in children aged 5</p> <p>4.3 Mortality rate from causes considered preventable** (NHSOF 1a)</p> <p>4.4 Under 75 mortality rate from all cardiovascular diseases (including heart disease and stroke)* (NHSOF 1.1)</p> <p>4.5 Under 75 mortality rate from cancer* (NHSOF 1.4)</p> <p>4.6 Under 75 mortality rate from liver disease* (NHSOF 1.3)</p> <p>4.7 Under 75 mortality rate from respiratory diseases* (NHSOF 1.2)</p> <p>4.8 Mortality rate from communicable diseases</p> <p>4.9 Excess under 75 mortality rate in adults with serious mental illness* (NHSOF 1.5)</p> <p>4.10 Suicide rate</p> <p>4.11 Emergency readmissions within 30 days of discharge from hospital* (NHSOF 3b)</p> <p>4.12 Preventable sight loss</p> <p>4.13 Health-related quality of life for older people</p> <p>4.14 Hip fractures in people aged 65 and over</p> <p>4.15 Excess winter deaths</p> <p>4.16 Estimated diagnosis rate for people with dementia* (NHSOF 2.6)</p>

Agenda Item:



# Staffing Committee/ Standards and Governance Committee

**Dorset County Council**



Date of Meeting	6 June 2014 – Staffing Committee 7 July 2014 – Standards and Governance Committee
Officer	Monitoring Officer
Subject of Report	<b>Proposed Changes to the Officer Employment Procedure Rules</b>
Executive Summary	<p>This report arises from work being undertaken to review the roles of senior managers within the County Council. As part of this work it became apparent to me that the County Council’s long standing arrangements under which Heads of Service are appointed by Directors and not by elected members might not comply with the law. Legal Counsel was consulted and he has confirmed my view that Heads of Service fall within the definition of “Deputy Chief Officers” within the legislation and must therefore be appointed by elected members. Whilst this is not the title of the roles the work they do falls within this definition.</p> <p>The County Council’s officer employment procedure rules are part of the Constitution and describe the arrangements to be followed when recruiting, appointing, taking disciplinary action against and dismissing certain officers. The existing rules are included as Appendix 1 to this report and a proposed new set of rules with tracked changes is Appendix 2.</p>

Impact Assessment:	<p>Equalities Impact Assessment:</p> <p>No impact assessment has been undertaken as these changes are necessary in order to comply with the law.</p>
	<p>Use of Evidence:</p> <p>This report draws upon advice from both the Monitoring Officer and from Counsel.</p>
	<p>Budget:</p> <p>No direct budget implications have been identified as arising from the recommendations in this report. Changing the Officer employment procedure rules in the way suggested will expand the group of senior managers subject to appointment by elected members but this is a small group of some 15 Heads of Service.</p>
	<p>Risk Assessment:</p> <p>This is a report for which it is not appropriate to use the County Council’s usual risk management methodology. As the current arrangements for appointing Heads of Service do not comply with the law and the County Council cannot choose to act unlawfully this is not a question of assessing risks and options.</p>
	<p>Other Implications:</p> <p>This is not simply about the arrangements for the appointment of senior managers. The proposed changes to the officer employment procedure rules extend to the arrangements for discipline and dismissal of Heads of Service and also make these decisions for elected members rather than Directors.</p>
Recommendation	<p>That the Staffing Committee and the Standards and Governance Committee recommend to the County Council the suggested changes to the Officer employment procedure rules set out in Appendix 2 to this report and consequential changes to other parts of the Constitution.</p>
Reason for Recommendation	<p>In order to comply with legal requirements relating to the arrangements for the appointment and discipline of Chief and Deputy Chief Officers.</p>
Appendices	<p>Appendix 1 - Officer employment procedure rules Appendix 2 - Proposed changes to the Officer employment procedure rules.</p>
Background Papers	<p>Not for publication (exempt information under paragraph 5 of Part 1 of Schedule 12A of the Local Government Act 1972) Opinion of Counsel.</p>

Report Originator and Contact	Name: Jonathan Mair Tel: (01305) 224181 Email: j.e.mair@dorsetcc.gov.uk
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1. Background

1.1 The long standing position within the County Council is that the Chief Executive, Directors and any Statutory Officer who is not also a Director (the Monitoring Officer is within this category) are, as Chief Officers, appointed by elected members. The overall position is that elected members are responsible for the appointment and any disciplining of Chief Officers whilst all other appointments into the staffing structure are made by or on behalf of the Chief Executive as Head of Paid Service.

1.2 This position is reflected in the Officer employment procedure rules at Appendix 1 to this report. In particular, the procedure rules describe the arrangements for the recruitment and appointment of the Head of Paid Service, Directors and Statutory Officers before going on to provide at paragraph 4 under the heading “other appointments”;

“Subject to the above, the appointment of officers below Director is the responsibility of the Head of Paid Service or his/her nominee and may not be made by Councillors.”

1.3 The procedure rules go on to describe the arrangements for disciplinary action against the Chief Executive and particular officers. In accordance with the Local Authorities (Standing Orders) (England) Regulations 2001 the procedure rules make special provision in respect of any disciplinary action against the Head of Paid Service, Monitoring Officer and Chief Financial Officer. In essence, the rules prevent disciplinary action against these Officers without the Authority first having obtained a report from a designated independent person. This statutory protection does not apply to other Chief Officers. It is understood that the Secretary of State intends to make regulations amending the additional statutory protection afforded to the Head of Paid Service, Monitoring Officer and Chief Finance Officer by instead requiring that none of these Officers be dismissed without prior consultation with an independent Panel and a final decision by the full Council. These changes are yet to take effect.

2. The Legal Position in respect of Heads of Service

2.1 The 2001 Regulations referred to above and the Local Government and Housing Act 1989 set out the legal framework within which local authority staff are appointed. The starting point in the Regulations is that all staff are appointed by or on behalf of the Head of Paid Service, subject to exceptions listed in the Regulations. These exceptions are primarily for Chief Officers and “Deputy Chief Officers” within the meaning of Section 2 (8) of the 1989 Act.

2.2 Section 2(8) of the 1989 Act defines a Deputy Chief Officer to mean a person who as respects all or most of the duties of his post is required to report directly or is directly accountable to one or more of the statutory or non-statutory Chief Officers. An exception is made for those whose role is mainly in the nature of support so that, for

instance, a Chief Officer's Personal Assistant is not caught within the definition of a Deputy to be appointed by members.

- 2.3 Counsel has advised that the meaning of the Regulations and the Act are very clear. Given the way in which the County Council is structured, with Heads of Service reporting directly to and accountable to Directors, they necessarily fall within the definition of Deputy Chief Officers who must be appointed by elected members.
- 2.4 All of the existing Heads of Service have been appointed by Directors under the current arrangements. The fact that members did not formally make these appointments does not bring into doubt the employment status of these individuals. Nevertheless, it is important going forward that now that we are aware of the need for these to be member appointments this requirement is acted upon.
- 2.5 One point of practical concern is how we address the position of staff who are not Heads of Service but who nonetheless report directly and are accountable to a Director or one of the Statutory Officers. There are a small number of such posts and it will be necessary to address through reporting lines how we avoid the need for these less senior posts to be appointed to unnecessarily by elected members.

**Jonathan Mair**  
**Monitoring Officer**  
May 2014



**1. Recruitment and Appointment****1.1 Definitions**

- (a) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are related to an existing councillor or an officer of the Council; or the partner of such persons.
- (b) No candidate so related to a councillor or an officer will be appointed without the authority of the relevant Director or an officer nominated by him/her.

**1.2 Seeking support for appointment**

- (a) The Council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- (b) No councillor will seek support for any person for any appointment with the Council.
- (c) Nothing in paragraph (a) or (b) above will preclude a councillor from giving a written reference for a candidate for submission with an application for appointment.

**2. Recruitment of Head of Paid Service, Directors and Statutory Officers**

Where the Council proposes to appoint the Chief Executive, a Director, i.e. Chief Officer, or a Statutory Chief Officer (who is not a Director) within the meaning of the Local Authorities (Standing Orders) (England) Regulations 1993, and it is not proposed that the appointment be made exclusively from among the County Council's existing officers, the council shall:-

- (a) draw up a statement specifying:
  - (i) the duties of the post concerned; and
  - (ii) any qualifications or qualities to be sought in the person to be appointed
- (b) make arrangements for the post to be advertised in such a way as to bring it to the attention of people who are qualified to apply for it; and
- (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

Where a post has been advertised as provided in paragraph (b) above, the Chief Executive may, having regard to the number of qualified applicants for the post, select a short list of qualified applicants

### 3. **Appointment of Head of Paid Service, Directors, Statutory Officers and designation of Deputy Chief Executive**

The appointment of the Chief Executive will be recommended by the Staffing Committee to the County Council for approval.

Every appointment of a Director, including any designation of a Deputy Chief Executive and appointment of a Statutory Officer (where this post is not held by a Director) shall be made by the Staffing Committee.

The Staffing Committee which will include at least one member of the Cabinet shall:-

- (a) interview all qualified applicants for the post, or
- (b) if a short list has been selected in accordance with this standing order, interview those applicants included on the short list.

Where no qualified person has applied, the Chief Executive shall make further arrangements for advertisement in accordance with paragraph 2(b) above.

NB: An offer of appointment to the post of Chief Executive, Monitoring Officer or Chief Financial Officer (as Statutory Officers), other Directors as Non-Statutory Chief Officers, designation of Deputy Chief Executive or appointment of a Head of Service (reporting to the Chief Executive, a Statutory Officer or a Director) must not be made until, through the Proper Officer, every member of the Cabinet has been notified of the proposed offer (with relevant details) and a specified period of days has elapsed within which the Leader of the Cabinet may indicate whether he or any other member of the Cabinet has any objection to the making of the offer. In the absence of any objection, the offer of appointment can be made, or in the case of the Chief Executive be recommended to the County Council.

If an objection is made, the Staffing Committee must be satisfied that it is not material or well founded before the appointment is confirmed or recommended to the County Council.

### 4. **Other appointments**

Subject to the above, the appointment of officers below director is the responsibility of the Head of Paid Service or his/her nominee and may not be made by councillors.

### 5. **Disciplinary action against Chief Executive**

No disciplinary action in respect of the Chief Executive, except action described in the next paragraph of this procedure, may be taken by the Council, or by a committee, sub-committee, relevant joint committee or any other person acting on their behalf, other than in accordance with a recommendation in a report by a designated independent person under Regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001 (investigation of alleged misconduct). The action mentioned in the above paragraph is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension

shall be on full pay and terminate no later than the expiry of two months beginning on the day on which suspension takes effect.

Where the Staffing Committee discharges the function of the dismissal of the Chief Executive, the following must apply:

- At least one member of the Cabinet must be a member of the Staffing Committee.
- The County Council must approve the dismissal before notice of dismissal is given to the Chief Executive.

## 6. **Disciplinary action against particular Officers**

No disciplinary action in respect of the Monitoring Officer and Chief Financial Officer (as Statutory Officers) except action described in the next paragraph of this procedure may be taken by the council or by a committee, sub-committee, relevant joint committee or any other person acting on their behalf, other than in accordance with a recommendation in a report by a designated independent person under Regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001 (investigation of alleged misconduct).

The action mentioned in the above paragraph is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension shall be on full pay and terminate no later than the expiry of two months beginning on the day on which suspension takes effect.

Disciplinary action may be taken in respect of Non-Statutory Chief Officers in accordance with the County Council's Disciplinary Procedures.

Where the Staffing Committee discharges the function of the dismissal of a Statutory Chief Officer or a non-statutory Chief Officer, at least one member of the Cabinet must be a member of that committee.

## 7. **Notice of Dismissal**

No notice of dismissal of the Chief Executive, the Monitoring Officer, the Chief Financial Officer or other Directors as non-statutory Chief Officers, must be given until, through the proper Officer, every member of the Cabinet has been notified of the proposed dismissal (with relevant details) and a specified period of days has elapsed with which the Leader of the Cabinet may indicate whether he or any other member of the Cabinet has any objection to the dismissal. In the absence of any objection, the dismissal notice must be given (or in the case of the Chief Executive recommended to the County Council).

If an objection is made, the Staffing Committee must be satisfied that the objection is not material or well founded before notice of dismissal can be given, or in the case of the Chief Executive, recommended to the County Council.

NB: The Scheme of Delegation for the Discharge of Functions contains details of authority to appoint, discipline and deal with dismissal of staff below the level of Chief Officer.

NB: Councillors will not be involved in the dismissal of any officer below Director, except where such involvement is necessary for any investigation or enquiry into alleged misconduct, through the council's disciplinary, capability and related procedures as adopted from time to time may allow a right of appeal to members in respect of dismissals.

#### **8. Political Assistants**

No appointment shall be made to any post allocated to a political group of the County Council until the County Council has allocated a post to each of the groups which qualify for one.

- (i) No allocation of a post shall be made to a political group which does not qualify for one;
- (ii) Not more than one post shall be allocated to any one qualifying political group.

For the purposes of these procedures a political group shall qualify for such a post if:

- (a) the membership of that group comprises at least 1/10 of the membership of the County Council;
- (b) the number of the groups (if any) which are larger than that group does not exceed two, and
- (c) where the number of the other groups which are the same size or larger than that group does exceed two, the County Council have determined that group should be a group to which a post should be allocated.

When considering whether to make an appointment of a political assistant, the County Council shall, before making any allocation in cases in which there are groups which would qualify for posts if paragraph (c) above were discarded, make such determination as secure that there are no more nor less than three groups which do qualify for a post.

The Cabinet shall not exercise any power for arranging the discharge of any of the County Council's functions by a political assistant.

#### **9. Pay Policy**

The County Council approves a pay policy statement for each financial year in accordance with the requirements of the Localism Act 2011.

#### **10. Political restriction of posts**

In accordance with the provisions of the Localism Act (schedule 4) decisions about the grant of any exceptions from political restriction are to be taken by the Chief Executive as Head of Paid Service in consultation with the Monitoring Officer.

**Officer Employment Procedure Rules**

**1. Recruitment and Appointment**

**1.1 Definitions**

- (a) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are related to an existing councillor or an officer of the Council; or the partner of such persons.
- (b) No candidate so related to a councillor or an officer will be appointed without the authority of the relevant Director or an officer nominated by him/her.

**1.2 Seeking support for appointment**

- (a) The Council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- (b) No councillor will seek support for any person for any appointment with the Council.
- (c) Nothing in paragraph (a) or (b) above will preclude a councillor from giving a written reference for a candidate for submission with an application for appointment.

**2. Recruitment of Head of Paid Service, Directors, Statutory Officers and Deputy Chief Officers**

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Where the Council proposes to appoint the Chief Executive, a Director, i.e. Chief Officer, ~~a Statutory Chief Officer (who is not a Director)~~ or a Deputy Chief Officer (usually a Head of Service) within the meaning of the Local Authorities (Standing Orders) (England) Regulations 1993 and the Local Government and Housing Act 1989, and it is not proposed that the appointment be made exclusively from among the County Council's existing officers, the council shall:-

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- (a) draw up a statement specifying:
  - (i) the duties of the post concerned; and
  - (ii) any qualifications or qualities to be sought in the person to be appointed
- (b) make arrangements for the post to be advertised in such a way as to bring it to the attention of people who are qualified to apply for it; and
- (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

Where a post has been advertised as provided in paragraph (b) above, the Chief Executive may, having regard to the number of qualified applicants for the post, select a short list of qualified applicants

3. **Appointment of Head of Paid Service, Directors, Statutory Officers, Deputy Chief Officers and designation of Deputy Chief Executive**

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The appointment of the Chief Executive, Monitoring Officer and Section 151 Officer will be recommended by the Staffing Committee to the County Council for approval.

Every appointment of a Director, including any designation of a Deputy Chief Executive and appointment of a Deputy Chief Officer shall be made by the Staffing Committee.

Deleted: Statutory Officer (where this post is not held by a Director)

The Staffing Committee which will include at least one member of the Cabinet shall:-

- (a) interview all qualified applicants for the post, or
- (b) if a short list has been selected in accordance with this standing order, interview those applicants included on the short list.

Where no qualified person has applied, the Chief Executive shall make further arrangements for advertisement in accordance with paragraph 2(b) above.

NB: An offer of appointment to the post of Chief Executive, Monitoring Officer or Chief Financial Officer (as Statutory Officers), other Directors as Non-Statutory Chief Officers, designation of Deputy Chief Executive or appointment of a Deputy Chief Officer must not be made until, through the Proper Officer, every member of the Cabinet has been notified of the proposed offer (with relevant details) and a specified period of days has elapsed within which the Leader of the Cabinet may indicate whether he or any other member of the Cabinet has any objection to the making of the offer. In the absence of any objection, the offer of appointment can be made, or in the case of the Chief Executive, Monitoring Officer and Section 151 Officer be recommended to the County Council.

Deleted: Head of Service (reporting to the Chief Executive, a Statutory Officer or a Director)

If an objection is made, the Staffing Committee must be satisfied that it is not material or well founded before the appointment is confirmed or recommended to the County Council.

4. **Other appointments**

Subject to the above, the appointment of officers below Deputy Chief Officer is the responsibility of the Head of Paid Service or his/her nominee and may not be made by councillors.

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5. **Disciplinary action against Chief Executive**

No disciplinary action in respect of the Chief Executive, except action described in the next paragraph of this procedure, may be taken by the Council, or by a committee, sub-committee, relevant joint committee or any other person acting on their behalf, other than in accordance with a

recommendation in a report by a designated independent person under Regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001 (investigation of alleged misconduct). The action mentioned in the above paragraph is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension shall be on full pay and terminate no later than the expiry of two months beginning on the day on which suspension takes effect.

Where the Staffing Committee discharges the function of the dismissal of the Chief Executive, the following must apply:

- At least one member of the Cabinet must be a member of the Staffing Committee.
- The County Council must approve the dismissal before notice of dismissal is given to the Chief Executive.

## 6. Disciplinary action against particular Officers

No disciplinary action in respect of the Monitoring Officer and Chief Financial Officer (as Statutory Officers) except action described in the next paragraph of this procedure may be taken by the council or by a committee, sub-committee, relevant joint committee or any other person acting on their behalf, other than in accordance with a recommendation in a report by a designated independent person under Regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001 (investigation of alleged misconduct).

The action mentioned in the above paragraph is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension shall be on full pay and terminate no later than the expiry of two months beginning on the day on which suspension takes effect.

Disciplinary action may be taken in respect of Non-Statutory Chief Officers and Deputy Chief Officers in accordance with the County Council's Disciplinary Procedures.

Where the Staffing Committee discharges the function of the dismissal of a Statutory Chief Officer, ~~a non-statutory Chief Officer~~ or Deputy Chief Officer, at least one member of the Cabinet must be a member of that committee.

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## 7. Notice of Dismissal

No notice of dismissal of the Chief Executive, the Monitoring Officer, the Chief Financial Officer, ~~Directors as non-statutory Chief Officers~~ or Deputy Chief Officers, must be given until, through the proper Officer, every member of the Cabinet has been notified of the proposed dismissal (with relevant details) and a specified period of days has elapsed with which the Leader of the Cabinet may indicate whether he or any other member of the Cabinet has any objection to the dismissal. In the absence of any objection, the dismissal notice must be given (or in the case of the Chief Executive, Monitoring Officer or Section 151 Officer recommended to the County Council).

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If an objection is made, the Staffing Committee must be satisfied that the objection is not material or well founded before notice of dismissal can be given, or in the case of the Chief Executive, Monitoring Officer or Section 151 Officer recommended to the County Council.

NB: The Scheme of Delegation for the Discharge of Functions contains details of authority to appoint, discipline and deal with dismissal of staff below the level of Deputy Chief Officer.

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NB: Councillors will not be involved in the dismissal of any officer below Deputy Chief Officer, except where such involvement is necessary for any investigation or enquiry into alleged misconduct, through the council's disciplinary, capability and related procedures as adopted from time to time may allow a right of appeal to members in respect of dismissals.

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## 8. Political Assistants

No appointment shall be made to any post allocated to a political group of the County Council until the County Council has allocated a post to each of the groups which qualify for one.

- (i) No allocation of a post shall be made to a political group which does not qualify for one;
- (ii) Not more than one post shall be allocated to any one qualifying political group.

For the purposes of these procedures a political group shall qualify for such a post if:

- (a) the membership of that group comprises at least 1/10 of the membership of the County Council;
- (b) the number of the groups (if any) which are larger than that group does not exceed two, and
- (c) where the number of the other groups which are the same size or larger than that group does exceed two, the County Council have determined that group should be a group to which a post should be allocated.

When considering whether to make an appointment of a political assistant, the County Council shall, before making any allocation in cases in which there are groups which would qualify for posts if paragraph (c) above were discarded, make such determination as secure that there are no more nor less than three groups which do qualify for a post.

The Cabinet shall not exercise any power for arranging the discharge of any of the County Council's functions by a political assistant.

## 9. Pay Policy

The County Council approves a pay policy statement for each financial year in accordance with the requirements of the Localism Act 2011.

## 10. Political restriction of posts

In accordance with the provisions of the Localism Act (schedule 4) decisions about the grant of any exceptions from political restriction are to be taken by the Chief Executive as Head of Paid Service in consultation with the Monitoring Officer.





**Meanings**

**4.1 Policy Framework**

The Policy Framework means the following Plans and Strategies:-

4.1.1 those required by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 to be adopted by the Council and any amending/repealing provisions under the Localism Act 2011.

- Children and Young People's Plan
- Community Strategy
- Crime and Disorder Reduction Strategy
- Local Transport Plan
- Plans and strategies which together comprise the Development Plan (i.e. the Structure Plan, the Waste Local Plan, the Minerals Local Plan)
- Youth Justice Plan

4.1.2 those other plans and strategies which government guidance recommends should be adopted by the County Council as part of the policy framework and others which the County Council has decided to include:-

- Economic Development Plan
- Lifelong Learning Development Plan (Adult Learning Plan)
- The Dorset Waste Strategy
- Food Law Enforcement Service Plan
- Local Cultural Strategy
- Capital Programme
- Treasury Management Policy Statement

**4.2 Budget**

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

**4.3 Functions of the full Council**

Only the County Council will exercise the following functions:-

4.3.1 adopting and changing the Constitution;

4.3.2 approving or adopting or making material changes to the Policy Framework which comprises the plans and strategies listed in paragraph 4.1 and the budget referred to in paragraph 4.2 above;

4.3.3 making decisions about any matter in the discharge of an Executive function which is covered by the Policy Framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to/or not wholly in accordance with the budget. This is subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution;

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- 4.3.4 instructing the Cabinet to reconsider any draft plan or strategy submitted by it to the County Council for consideration;
- 4.3.5 appointing and removing the Leader of the Council;
- 4.3.6 agreeing and amending the terms of reference for Committees, deciding on their composition and making appointments to them in accordance with the wishes of Group Leaders where they are politically balanced;
- 4.3.7 appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;
- 4.3.8 to establish an Independent Remuneration Panel and to adopt a Members' Allowances Scheme under Article 2.6 upon recommendation from the Remuneration Panel;
- 4.3.9 appointing staff (for which responsibility is not delegated under the Scheme of Delegation to Officers) through a Staffing Committee save for the Head of Paid Service, Monitoring Officer and Section 151 Officer whose appointment shall be recommended by the Staffing Committee to the County Council;
- 4.3.10 confirming the appointment of the Head of Paid Service, Monitoring Officer and Section 151 Officer,  
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- 4.3.11 making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- 4.3.12 all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Executive;
- 4.3.13 all other matters which, by law, must be reserved to Council;
- 4.3.14 adopting the Code of Conduct for members;
- 4.3.15 taking decisions in respect of functions which are the responsibility of the Cabinet but which are not in accordance with the policy framework or budget agreed by the full Council;
- 4.3.16 the County Council may delegate non-Executive functions to other local authorities as referred to in Article 11 of this Constitution;
- 4.3.17 the County Council may accept the delegation of functions from other local authorities as referred to in Article 11 of this Constitution.

**4.4 Council Meetings**

There are four types of Council meeting:-

- (a) the annual meeting;
- (b) ordinary (quarterly) meetings;
- (c) extraordinary meetings;
- (d) the ordinary meeting to set the Council's budget for the forthcoming year.

**4.5 Responsibilities for Functions**

This Council will maintain the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Cabinet.

## **Article 8: Quasi-judicial, Regulatory and other Committees**

### **8.1 Quasi-judicial, Regulatory and other Committees**

The County Council will appoint the Committees with the terms of reference and membership set out below.

### **8.2 Ad Hoc Accounts Committee**

#### Terms of Reference:-

- (a) To consider procedural issues relating to the Accounts and Audit Regulations.
- (b) To scrutinise and authorise the County Council's Statement of Accounts, including the Annual Governance Statement.
- (c) To review any Auditor's reports under the Statement of Auditing Standards (SAS610), consider the officer recommendations and make proposals to the County Council regarding the formal response to be given to the Auditor.

Membership: 9 members

### **8.3 Children's and Adult Services Appeals Committee**

#### Terms of Reference:-

- (a) To determine appeals by parents and students against the decision of the Director for Children's Services on pupil and student support.
- (b) To determine appeals by parents against the decision of the Director for Children's Services on boarding education matters.
- (c) In respect of school and college transport, to determine appeals:-
  - (i) against the decision of the Director for Children's Services in cases of need and in special circumstances, and;
  - (ii) on safety grounds.
- (d) To determine appeals against the decision of the Director for Children's Services on the provision of transport to denominational schools.
- (e) To consider applications for discharge from mental health guardianship.
- (f) To refuse or revoke parking concessions for disabled and blind people on the grounds of misuse.
- (g) To determine disputes arising from financial assessments of persons admitted to the County Council's residential accommodation or any registered residential or nursing home where the County Council is responsible for funding all or part of the person's care.
- (h) Within the provisions of the Data Protection Act 1998, to review the authority's decision, when required to do so by an individual who is the subject of personal data held by the authority for the performance of its education, social services (and housing) functions and who is aggrieved by any decision concerning his/her access to or rectification or erasure of that personal data.

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## Article 8: Quasi-judicial, Regulatory and other Committees

- (i) To determine appeals in respect of applications for disabled parking bays.

Membership: 5 (not being members of the Cabinet)

Reserve members for each political group represented on the Committee are also appointed to ensure that meetings can be arranged at short notice.

### 8.4 Licensing and Registration Committee

Terms of Reference:-

- (a) Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.
- (b) Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.
- (c) Power to licence the employment of children.
- (d) To hear and determine appeals from applicants for or existing holders of 'approved premises' licenses in accordance with the Marriage Act 1949 (as amended) and the Civil Partnership Act 2004 (as amended).
- (e) To determine applications made under Section 7 of the Explosives Act 1875 for the establishment of a factory or magazine.
- (f) The functions of the County Council in relation to elections.

Membership: 5 (not being members of the Cabinet).

### 8.5 Personnel Appeals Committee

Terms of Reference:-

- (a) Except in the case of the Chief Executive, Directors, Statutory Officers and Heads of Service the award of discretionary payments in cases of early retirement or redundancy under the Local Government Pension Scheme Regulations 1997 (as amended) which involve the early introduction of pension benefits, including the introduction of deferred benefits on compassionate grounds.
- (b) To take decisions in relation to the early introduction of pension benefits arising from cases where staff redeployment has not been possible upon redundancy or reorganisation.
- (c) To act as a pay board to hear and determine matters relating to labour market adjustments for additional increments or zonal pay;
- (d) To determine whether costs arising from the premature retirement and redundancy of a member of staff whose salary is charged to a school's delegated budget should be borne by a budget retained by the County Council or by the delegated budget of the school, except in the following circumstances:-

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## **Article 8: Quasi-judicial, Regulatory and other Committees**

- (a) when these costs arise from a change in the organisation of schools, including amalgamations and closures;
- (b) when these costs will be funded from the budget for schools in financial difficulty, held within the school's budget.

In these two circumstances, responsibility for the determination is delegated to the Director for Children's Services.

- (e) To take decisions on 'flexible retirement' of employees aged 55 and above, in relation to the waiver of actuarial benefit reductions.

### Note:

- i. In the case of staff paid under School Teacher Scales or under related Scales, one non-voting teacher member, to be selected by the Director for Corporate Resources after consultation with the Director for Children's Services, shall be appointed for each meeting.
- ii. In cases of appeals against grading decisions the quorum for meeting shall be three members.

Membership: 5 (not being members of the Cabinet)

Reserve members for each political group represented on the Committee are also appointed to ensure that meetings can be arranged at short notice.

### **8.6 Planning Committee**

#### Terms of Reference:-

- (a) In relation to County matters, with the exception of slurry stores that shall be determined by district councils (save for slurry stores for county farms that shall continue to be determined by the county planning authority) and applications under Regulation 3 of the Town and Country Planning General Regulations 1992, to determine applications for:-
  - (i) Planning Permission
  - (ii) Certificates of lawfulness of existing use or development
  - (iii) Certificates of lawfulness of proposed use or development
- (b) To respond to consultations on development proposals of strategic importance, by making recommendations to the Cabinet.
- (c) In relation to review powers incorporated in the Environment Act 1995.
  - (i) The approval of conditions and updating of old mineral permissions.
  - (ii) Carrying out a periodic review of all mineral permissions.
- (d) Enforcement of planning control.
- (e) To make orders for the modification, suspension, revocation, discontinuance or prohibition of mineral workings.
- (f) Power to enforce or dispense with the duty to replace trees whether incised Conservation Areas or not and to grant consents under a Tree Preservation Order, also functions relating to the protection of hedgerows.

Membership: 10 (not being members of the Cabinet)

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## Article 8: Quasi-judicial, Regulatory and other Committees

### 8.7 Roads and Rights of Way Committee

#### Terms of Reference:-

- (a) Making recommendations to the Cabinet on traffic regulation including:-
  - i. making of traffic regulation orders
  - ii. installation of minor traffic calming measures
  - iii. aids to pedestrian movement
  - iv. provision for cyclists.
- (b) Legal proceedings and enforcement action relating to roads and bridges.
- (c) Power to make New Street Byelaws.
- (d) To review the
- (e) Definitive Map and Statement of Rights of Way.
- (f) To determine applications to modify the Definitive Map and Statement of Rights of Way.
- (g) To consider applications for the creation, diversion and extinguishment of rights of way, including power to create footpaths and bridleways.
- (h) To promote and protect the rights of the public to use and enjoy highways.
- (i) The functions of the County Council as registration authority for commons and town and village greens.

Membership: 10 (not being members of the Cabinet)

### 8.8 Staffing Committee

#### Terms of Reference:-

- (a) To determine the terms and conditions on which staff hold office (including procedures for dismissal).
- (b) To appoint Directors, ~~the Deputy Chief Executive and Heads of Service~~ and to deal with the appointments process and recommend an appointee for the posts of Chief Executive, ~~Monitoring Officer and Section 151 Officer.~~
- (c) To deal with issues relating to redundancy, disciplinary action or capability in respect of the Chief Executive, ~~Directors, Statutory Officers and Heads of Service.~~
- (d) The award of discretionary payments in cases of early retirements or redundancy under the Local Government Pension Scheme Regulations 1997 (as amended) in respect of the Chief Executive, ~~Directors, Statutory Officers and Heads of Service.~~
- (e) To exercise the functions of the County Council in relation to pension benefits other than those exercised by the Personnel Appeals Committee.

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Note: The Officer Employment Procedure Rules shall apply in respect of terms of Reference 2 and 3 above.

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## **Article 8: Quasi-judicial, Regulatory and other Committees**

Membership: The County Council has agreed to a departure from the rules requiring political balance for this Committee. Its membership will include:-

5 members to include the Chairman of the County Council, Leader of the Council and 3 other members (to be nominated by the Group Leaders).

When sitting as an appointments panel, its membership will be varied to comprise the Chairman and Leader of the County Council and three other members to be nominated by the Group Leader on each occasion (one of which needs to be a Cabinet member).

### **8.9 Pension Fund Committee**

Terms of Reference:-

To exercise all functions of the Council as administering authority under the Local Government Superannuation Act and Regulations and deal with all matters relating thereto.

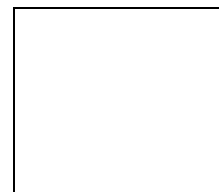
In broader terms this means that the Committee has responsibility for:

- Determining the overall investment strategy and strategic asset allocation of the Fund, and in doing so taking proper professional advice
- Overseeing the preparation of and regularly reviewing the Fund's key policy documents including the Statement of Investment Principles (SIP), Funding Strategy Statement, Governance Policy and Compliance Statement, Business Plan, Communications Strategy.
- Appointing and reviewing the performance of all Fund Managers and other professional service providers
- Reviewing all aspects of performance across the Pension Fund service
- Deciding upon requests for admission of qualifying organisations wishing to join the Fund
- Deciding upon key pension policy and discretions that are the responsibility of the Administering Authority
- Ensuring that at all times that these responsibilities are discharged in the best interests of the Fund.

Membership: 9 (all with voting rights) comprising 5 members of the County Council, (not more than one being a member of the Cabinet), 1 nominated by Bournemouth Borough Council, 1 nominated by the Borough of Poole and 1 representing Dorset District Councils, plus 1 scheme member nominated by the unions.

Note: As an exception to Council Procedure Rule 51(d), the Chairman and Vice Chairman may be any member of the Committee with voting rights.

Agenda Item:



# Standards and Governance Committee

**Dorset County Council**



Date of Meeting	7 July 2014
Officers	Director for Corporate Resources and the Chief Executive
Subject of Report	<b>Restructuring the Corporate Resources Directorate and the Chief Executive’s Office – amendments to the County Council’s Constitution</b>
Executive Summary	<p>The report to the Staffing Committee (attached at Annex A) sets out proposals to amalgamate the Corporate Resources Directorate with the Chief Executive’s Office, to form a single department with associated efficiencies and combined management arrangements.</p> <p>The Staffing Committee agreed to recommend to the County Council a new senior management structure, as set out in Appendix 2, Option 2 of the report.</p> <p>Since the recommended option will mean deletion of the post of Director for Corporate Resources and separation of the S151 Officer role, it is necessary to revise Article 12 of the County Council’s Constitution.</p> <p>The Committee is asked to approve the amended Article 12 as set out in Annex B.</p> <p>The revised County Council Management Structure (to replace the Management Structure in Part 7 of the Constitution) is set out in Annex C.</p>
Impact Assessment:	<p>Equalities Impact Assessment:</p> <p>The equality implications of these proposals are covered by existing policy. Consultation on re-structuring proposals and any subsequent appointments to posts will be made in accordance with</p>

	<p>the council’s existing policy.</p>
	<p>Use of Evidence:</p> <p>The Staffing Committee report (Annex A) takes into account evidence regarding the functions set out in the current senior management structures, the recommendations of the Peer Review in July 2013 and the subsequent follow up review in April 2014, together with the Peer Review of Communications, Consultation and Research undertaken in March 2014.</p>
	<p>Budget:</p> <p>The new structure would produce financial savings estimated of around £70,000 net.</p>
	<p>Risk Assessment:</p> <p>Section 6 of the Staffing Committee report (Annex A) identifies risks in terms of senior management capacity, the role and status of the statutory officers, and recruitment and retention risks which together are assessed as MEDIUM. Mitigation measures as set out in the report should mean the residual risk can be assessed as LOW.</p>
	<p>Other Implications:</p> <p>Following the decision of Staffing Committee, full consultation will take place with the staff affected, together with evaluation of the new Head of Service posts, prior to making permanent appointments. All staff directly affected will be aware of the proposal before its discussion.</p> <p>It is proposed to implement these changes as soon as possible, with recruitment for all three posts being progressed but with the option for an interim appointment to the post of Assistant Chief Executive if necessary. All changes below these appointments will initially be on a “drag and drop” approach.</p>
Recommendation	<p>The Committee are asked to agree the changes to Article 12 of the County Council’s Constitution arising from the recommendations of the Staffing Committee to combine the Corporate Resources Directorate and the Chief Executive’s Office from 1 October 2014.</p>
Reason for Recommendation	<p>To facilitate the rationalisation of central support services as part of the Forward Together Transformation Programme and achieve financial savings.</p>
Appendices	<p>Annex A - Report to Staffing Committee 6 June 2014 Annex B – Proposed Revisions to Article 12 of the Constitution</p>

	Annex C – Management Structure wef 1 October 2014 (to replace Part 7 of the Constitution)
Background Papers	None.
Report Originator and Contact	Name: Paul Kent Tel: 01305 224177 Email: p.j.kent@dorsetcc.gcsx.gov.uk

# Staffing Committee

## Dorset County Council



Date of Meeting	6 June 2014
Officers	Director for Corporate Resources and the Chief Executive
Subject of Report	<b>Restructuring the Corporate Resources Directorate and the Chief Executive’s Office</b>
Executive Summary	<p>Over the next few years the council will be looking to redesign services to meet changing business needs and reducing budgets. In some cases this will involve adopting a very different operating model in line with customer needs to drive this. Central support services will need to adapt to the requirements of the business, and to ensure that statutory functions are performed and that proper systems and infrastructure are in place to support current and future operations. The Chief Executive’s Office will also need to ensure external relationships, policy and the transformation programme are delivered to drive the Forward Together Transformation Programme. It is proposed that the best structural option to deliver the One Council approach is to bring the two areas together.</p> <p>Our core policy and support services will need to both drive change in a strong consistent and considered way and also change themselves. Such changes will see restructuring of support services. However, it is essential to establish clear leadership to enable more significant structural change to take place later. During the period of change the demand on support services will increase and there will be a need for clear leadership, accountability and drive. It is also important during this period to focus resources on achieving and enabling change if financial targets are to be met with good information systems and good communications.</p> <p>The retirement of the Director for Corporate Resources offers an opportunity to review the current management structure for central</p>

	<p>support services in both the Corporate Resources directorate and the Chief Executive's office. It also offers an opportunity to join up with services currently located in other directorates and address gaps in the strategic leadership of certain key functions, such as communications, consultation and research, partnerships and to develop our corporate and strategic commissioning function.</p> <p>On this basis we have looked to establish an effective and efficient way to join together the Corporate Resources functions with those in the Chief Executive's office to integrate policy and support services and improve strategic leadership. The aim is to have clear lines of communication and accountability, which will require some changes in responsibility and scope in certain areas.</p> <p>If members support this view, the recommended structure is to merge the Chief Executive's Office with the Corporate Resources teams and to delete the post of Director for Corporate Resources and merge the directorate functions with the Chief Executive's office under a new post of Assistant Chief Executive (option 2). The changes would also mean making permanent appointments to the new posts of Head of Policy, Partnerships and Communications, and Head of Business Development as set out in Appendix 2.</p>
<p>Impact Assessment:</p>	<p>Equalities Impact Assessment:</p> <p>The equality implications of these proposals are covered by existing policy. Consultation on re-structuring proposals and any subsequent appointments to posts will be made in accordance with the council's existing policy.</p>
	<p>Use of Evidence:</p> <p>The report takes into account evidence regarding the functions set out in the current senior management structures, the recommendations of the Peer Review in July 2013 and the subsequent follow up review in April 2014, together with the Peer Review of Communications, Consultation and Research undertaken in March 2014.</p>

	<p><b>Budget:</b> The new structure would produce financial savings estimated of around £80,000, subject to the further evaluation of senior staff posts as proposed elsewhere on this agenda. Opportunities for further savings may though arise, hence the need for the flexibility offered by the fifth recommendation below. Against these savings would need to be set the additional cost of the S151 Officer designation (£9,400 pa) with effect from October 2014.</p> <p>These savings would, at least in part, offset the current budget base shortfall within Corporate Resources amounting to £350,000 in 2015-16. In the current year the shortfall is being managed using one-off funds, including a forecast under-spend of £198,000 carried forward from 2013-14. Further actions are in hand to reduce the projected overspend.</p> <p><b>Risk Assessment:</b></p> <p>Section 6 of the report identifies risks in terms of senior management capacity, the role and status of the statutory officers, and recruitment and retention risks which together are assessed as MEDIUM. Mitigation measures as set out in the report should mean the residual risk can be assessed as LOW.</p> <p><b>Other Implications:</b> Following the decision of Staffing Committee full consultation will take place with the staff affected, together with evaluation of the new heads of service posts prior to making permanent appointments. All staff directly affected will be aware of the proposal before its discussion.</p> <p>It is proposed to implement these changes as soon as possible with recruitment for all three posts being progressed but with the option for an interim appointment to the post of Assistant Chief Executive if necessary. All changes below these appointments will initially be on a “drag and drop” approach.</p>
<p>Recommendation</p>	<p>1. The Committee are asked to:</p> <ul style="list-style-type: none"> <li>i) Agree the re-structuring proposals to create a combined directorate from the current Corporate Resources directorate and the Chief Executive’s office;</li> <li>ii) Agree the proposal, which would mean transferring the whole of the Corporate Resources functions under the Chief Executive, to be led by a new post of Assistant Chief Executive, and the two heads of service roles.</li> <li>iii) Agree to proceed to recruitment for the posts whilst recognising the need for County Council approval for the change in structure.</li> <li>iv) Appoint Jonathan Mair as the Interim Assistant Chief Executive from 1 October 2014, if needed.</li> <li>v) Agree that the Chief Executive be given delegated authority, after consultation with the Cabinet member for Corporate Resources to vary the number of Heads of Service</li> </ul>

	<p>and the groupings of services for which they are responsible if opportunities for further savings arise.</p> <p>2. The Committee are asked to recommend to the County Council the new directorate structure as a change to Article 12 of the Council’s Constitution, subject to the recommendations of the Standards and Governance Committee.</p>
Reason for Recommendation	To facilitate the rationalisation of central support services as part of the Forward Together Transformation Programme and achieve financial savings.
Appendices	<p>Appendix 1 - Current Management Structures</p> <p>Appendix 2 - Proposed Management Structure</p>
Background Papers	None.
Report Originator and Contact	<p>Name: Paul Kent</p> <p>Tel: 01305 224177</p> <p>Email: p.j.kent@dorsetcc.gcsx.gov.uk</p>



## **1. Background**

- 1.1 The council has embarked on an ambitious programme of change in order to maintain or improve services within diminishing resources, using our resources well to ‘work together for a strong and successful Dorset.’
- 1.2 Under the Forward Together Transformation Programme, there are some radical proposals for service delivery e.g. Local Authority Trading Companies, as well as engaging staff and the people of Dorset on how services are delivered in the future.
- 1.3 Increased partnership working with the NHS, Public Health and the district and borough councils is likely to encourage shared service or lead authority arrangements, as has happened with the Dorset Waste Partnership.
- 1.4 Also, the increasing number of academies, including multi-academy trusts, and potential collaborative arrangements between partners e.g. Dorset and Wiltshire Fire Authorities, may mean that income from external customers will be under threat.
- 1.5 All of this means that support services will look very different in two or three years’ time.
- 1.6 In the meantime, central support services provided by the Corporate Directorate and the Chief Executive’s Office are focused on delivering the Forward Together Transformation Programme to deliver the required budget savings.
- 1.7 In addition, the council has had the benefit of an LGA Peer Review which has pointed to a number of areas which could be improved, to strengthen the organisations ability to deliver a ‘radical and reforming’ Council required by the Leader.
- 1.8 The retirement of the current Director for Corporate Resources offers an opportunity to put in place a new senior management structure to deal with the challenges ahead and also achieve financial savings by reducing the number of senior posts.

## **2. Current structures**

- 2.1 Appendix 1 shows the current management structures to third tier level for both the Corporate Resources Directorate and the Chief Executive’s Office.
- 2.2 In the case of the Corporate Resources Directorate, this reflects the revised structure when the Resources and Corporate Services directorates were merged in 2006, amended subsequently for reductions in the number of Heads of Service e.g. Procurement, Business Change & Efficiency and Communications.
- 2.3 In 2011-12 a number of changes were made to reduce costs, including bringing all the business support functions of the directorate together under a single Business Unit and merging the posts of Director for Corporate Resources and Chief Financial Officer from April 2013. Over the last four years the directorate has made real terms savings of £6.2M or 38% to meet budget targets.
- 2.4 In the Chief Executive’s Office the budget was reduced by £1.2M or 38% between 2010 and 2013, including removal of the post of Head of Policy and Performance and replacing this with a lower graded post. The changes were managed but left some lack of resources in both teams to deliver on partnership, communications and transformation. In recognising the need to develop a new Council model, Cabinet

have allocated resources to support transformation and a new structural form is required to deliver these functions.

- 2.5 The table below shows the change in staff numbers over the last four years. Between March 2010 and March 2013 the number of full time equivalent posts in Corporate Resources fell by 145 posts or 21%. In the last year the numbers have increased by 42 or 7.7% - largely due to increased use of the Contact Centre (e.g. to deal with the roll out of Recycle for Dorset on behalf of the Dorset Waste Partnership) and temporary staff employed to support the Transformation Programme funded from the Business Transformation Reserve. In the Chief Executive’s Office the number of full time equivalent posts fell by seven or 33% between March 2010 and March 2012, increasing subsequently by two ftes reflecting secondments to support Forward Together.

	March 2010	March 2011	March 2012	March 2013	March 2014
<b>Corporate Resources</b>					
Total Full Time Equivalents	690.38	640.97	578.43	544.68	587.15
Total Headcount	772	714	650	621	669
<b>Chief Executive’s Office</b>					
Total Full Time Equivalents	21.51	21.04	14.40	16.14	16.61
Total Headcount	22	22	16	18	18

- 2.6 Benchmarking data suggests that Dorset’s central costs are low by comparison with other similar sized counties, but this is in large part due to the extent of external business. In 2013-14, out of a gross budget of £24 million for Corporate Resources, just over a third (£8.4 million) was met by external income. However, whilst this keeps unit costs low, it is also a vulnerability during times of change.
- 2.7 There are also a number of anomalies in central support functions which were highlighted by the Peer Review Team. For example, some elements of corporate support are currently provided in other directorates e.g. the Consultation and Research Team based in Environment and the Economy, and there are also gaps in terms of strategic leadership resource in areas such as partnerships, transformation, communications, and corporate and strategic commissioning.
- 2.8 In the Chief Executive’s Office, policy and performance work is undertaken on a county-wide basis but not currently integrated with policy development in HR or consultation and research across the county. Also, since the Dorset Waste Partnership was formed, the current Director of the partnership reports to the Chief Executive, which is anomalous with other partnership arrangements.
- 2.9 Generally, there is a need for a more integrated approach, particularly as future service transformation will involve new solutions e.g. strategic procurement, Local Authority Trading Companies and potentially new partnership arrangements with the NHS and the borough and district councils.

### 3. Transformation

- 3.1 Currently, central support services are focussed on supporting the transformation agenda whilst at the same time maintaining the support infrastructure and meeting statutory requirements. Our current operating practice supports our culture with

many strengths but also some weakness, and needs reform to embed culture change.

- 3.2 This includes a ‘one council’ approach to providing HR, finance, legal, ICT, communications and business change support as well as leading the transformation programme itself, formulating design principles to facilitate whole authority change and servicing the various transformation projects. This forms the basic operating model for the County Council for the future.
- 3.3 Corporate Resources staff and staff in the Chief Executive’s Office are also currently engaged in a whole range of activities with a view to helping form the future vision for the council. This includes working with elected members to restate our priorities, renew our Corporate Plan, and engage staff, partners and the public on what is important to them and develop the Performance Management Framework.
- 3.4 The directorate is also leading on key projects such as Assets and Workstyle, a major programme of IT developments including renewing key corporate systems for children’s services, adult social care and library management, mobile working, information management (IMPACT project) and developing a new Digital Strategy.
- 3.5 The extent of the changes and the pace at which changes need to be delivered has highlighted the need to strengthen support in some areas. For example, the recent Peer Review of Communications, Consultation and Research noted the need to improve internal and external communications, make better use of research and consultation with the Dorset community and take a more integrated approach, generally.
- 3.6 At the same time, the council must continue to meet its statutory requirements, pay staff and creditors accurately and on time and provide a good service to all its customers. Our financial base is a significant and essential strength.
- 3.7 Major service transformation will no doubt change the configuration of support services in the future, but until the requirements of the transformed services are clear (in say two to three years’ time) it would be extremely risky to make large-scale changes across the board.
- 3.8 However, we can help integrate support services and prepare the organisation for more radical change later by re-configuring senior management.

#### **4. Opportunities for rationalisation**

- 4.1 The retirement of the current Director for Corporate Resources offers an opportunity to consider how the senior management structure of both the Corporate Resources Directorate and the Chief Executive’s Office might be re-configured. The diagram in Appendix 2 illustrates how individual services might be re-grouped to provide a more integrated service overall and address some of the current anomalies.
- 4.2 Essentially, it is proposed to combine the existing functions of the two directorates, reduce the number of heads of services in Corporate Resources from five to four and make permanent the two posts currently seconded to the Chief Executive’s office dealing with policy development and business transformation. Two options were considered, Option 1 would involve absorbing the Chief Executive’s Office within the Corporate Resources Directorate; Option 2 would mean transferring the whole of the Corporate Resources functions under the Chief Executive, to be led by a new post of Assistant Chief Executive. Option 2 is the recommended option.

- 4.3 In the new structure, Head of Service posts would be responsible for Policy, Partnerships and Communications (incorporating Consultation and Research and GIS Services, currently in the Environment and the Economy directorate), Business Development, Finance, ICT and Customer Service, Human Resources and Legal and Democratic Services. Procurement would transfer from Financial Services to Business Development, and would include a new Strategic Commissioning role and a greater focus on transformation work. This would also be the base for corporate commissioning giving clarity on corporate needs such as property rationalisation and commissioning of partnerships and income generation projects.
- 4.4 The new structure can be facilitated by the retirement of the current Head of Corporate Finance at the end of July and the current Director for Corporate Resources at the end of September.
- 4.5 Option 1 would require a recruitment exercise to replace the current Director for Corporate Resources; Option 2 would require deletion of the post of Director and creation of a new post of Assistant Chief Executive (based on % of the Director’s salary but to be evaluated circa. £90,000) to whom four heads of service would report. Since this would mean a change to Article 12 of the County Council’s Constitution, the proposals would also need to be considered by the Standards and Governance Committee and County Council.

## **5. Financial Implications**

- 5.1 The new structure would produce financial savings estimated at £52,000 for Option 1 and £87,500 for Option 2, subject to the further evaluation of senior staff posts as proposed elsewhere on this agenda. Against this would need to be set the additional cost of the S151 Officer designation (£9,400 pa) with effect from October 2014.
- 5.2 These savings would, at least in part, offset the current budget base shortfall within Corporate Resources amounting to £350,000 in 2015-16. In the current year the shortfall is being managed using one-off funds, including a forecast under-spend of £198,000 carried forward from 2013-14.

## **6. Risk Assessment**

- 6.1 The proposed new structure is not without risk.
- Senior Management Capacity – Since 2006, the number of senior management posts in Corporate Resources and the Chief Executive’s Office has been reduced from nine to five. The retirement of Peter Illsley will reduce this to four. The new structure will also include new functions such as Consultation and Research, Partnerships and Strategic Commissioning. When combined with the additional demands of the Forward Together Transformation, there is a risk that performance will be affected adversely or that elected members will not receive the support they require. The current risk is assessed as MEDIUM. Making permanent the two senior posts in the Chief Executive’s office will mitigate this risk and integration of functions will reduce the potential for duplication. And there is scope for further mitigation by delegation of some functions to the next tier of management. The residual risk is assessed as LOW subject to some strengthening of the next tier.
  - Statutory Officer Roles - Under the County Council’s Constitution, the S151 Officer and the Monitoring Officer should both be present or represented at

decision-making meetings i.e. the County Council, the Cabinet, Staffing Committee and Standards Committee. This was never a problem when both the Director for Corporate Resources and the Chief Financial Officer attended these meetings. There is a risk that with these functions sitting at head of service level the statutory officers may become marginalised. The risk can be mitigated by ensuring that both statutory officers (or their deputies) are attendees at all decision-making meetings, that they see all draft reports to these meetings and that they regularly attend the Corporate Leadership Team. The current risk is assessed as MEDIUM and the residual risk is assessed as LOW.

- Recruitment and retention – clearly further restructuring may be unsettling for staff and some may believe that their career opportunities have been reduced. As a result there could be some turnover in senior staff. The current risk is assessed as MEDIUM. Retirement of the current Head of Corporate Finance and the current Director for Corporate Resources may help mitigate the risk. Also, re-evaluation of senior posts within the County Council may create some headroom between heads of service and staff at the next tier. The residual risk is assessed as LOW.

## **7. Timing**

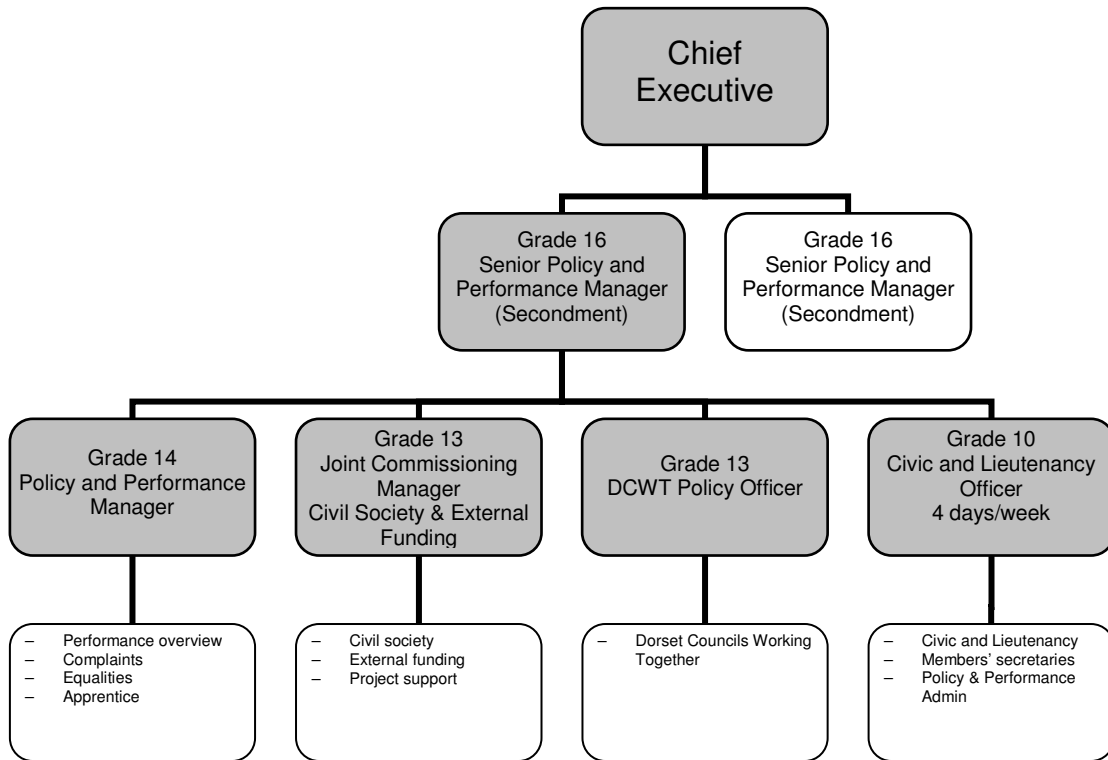
- 7.1 It is proposed that the new structure is introduced as soon as possible but from 1 October 2014 at the latest. Depending on the time taken to recruit a new Assistant Chief Executive, it may be necessary to make an interim appointment. Should that be necessary, it is proposed that the current Deputy Director for Corporate Resources, Jonathan Mair, be asked to undertake this role.
- 7.2 Elsewhere on this agenda is a proposal to re-evaluate the roles and grading of senior posts, including heads of service. The results of this job evaluation work will not be known until later in the year and are unlikely to be implemented until 1 April 2015. It is, however, necessary to decide now on the likely structure to enable the recruitment process to be planned and to inform restructuring proposals elsewhere within the Corporate Resources directorate e.g. in Financial Services, HR and ICT, during 2014-15. Agreement is requested for the Assistant Chief Executive grading to be based on a % of Directors salary and issued on similar contract terms e.g. working hours as required to do the job not fixed hours.

**Paul Kent**  
**Director for Corporate Resources**  
May 2014

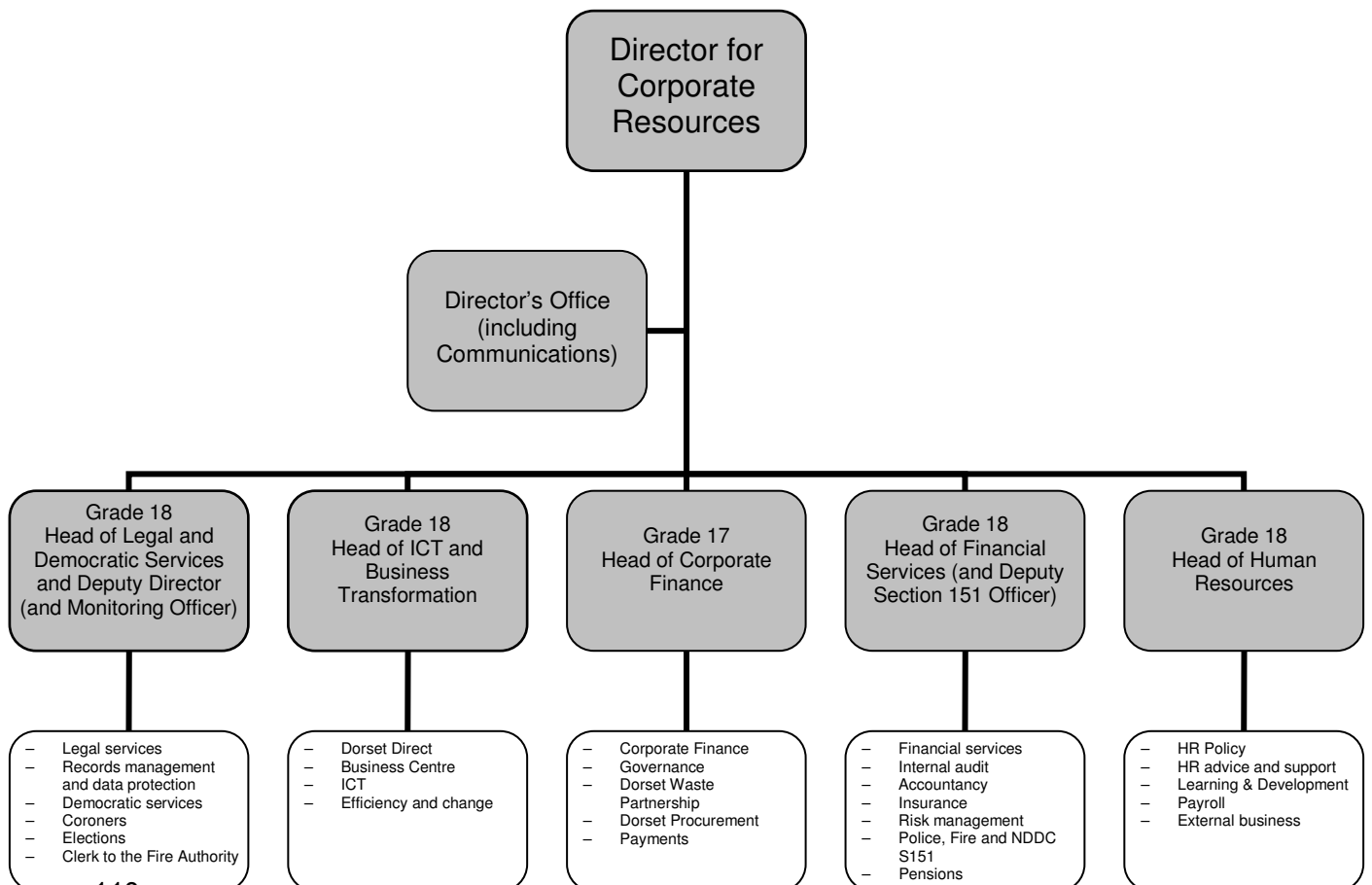
**Debbie Ward**  
**Chief Executive**

**CURRENT MANAGEMENT STRUCTURES**

**Chief Executive’s Office**

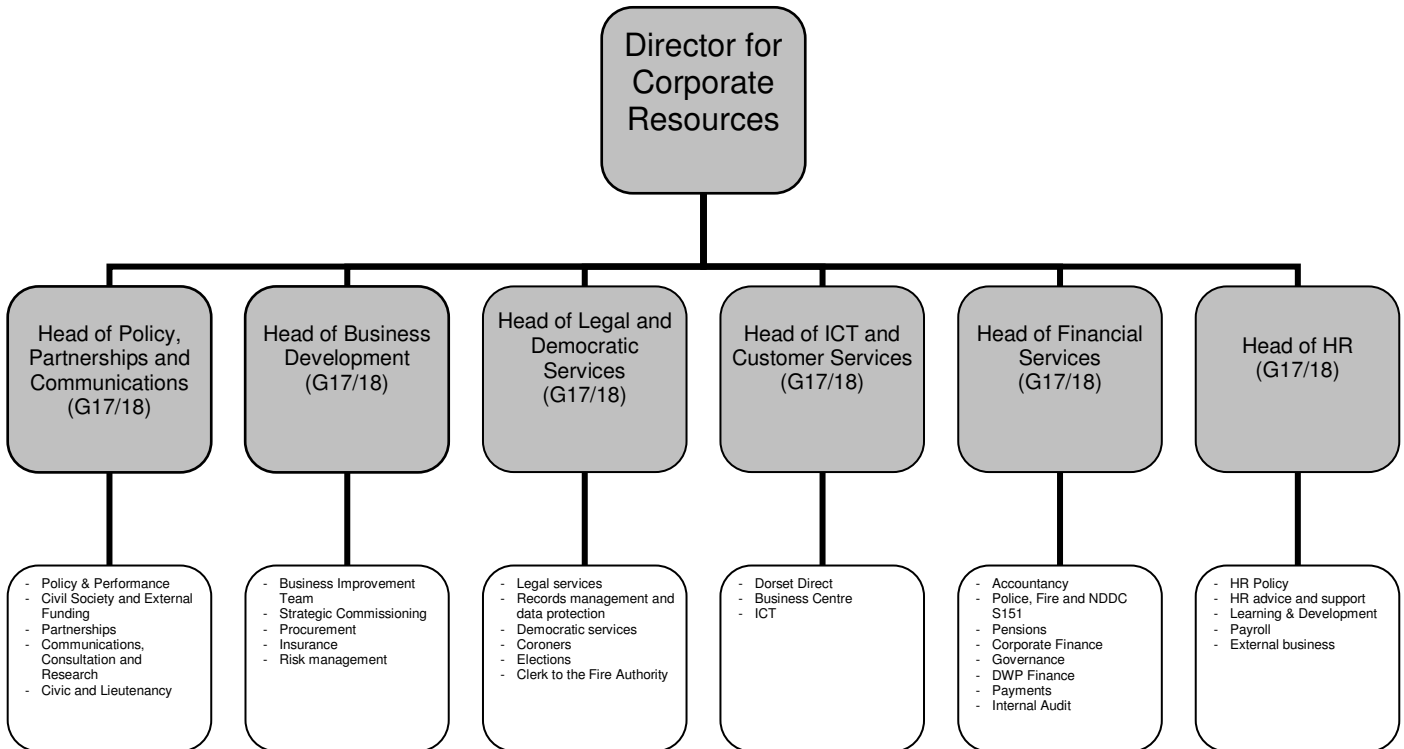


**Corporate Resources Directorate**

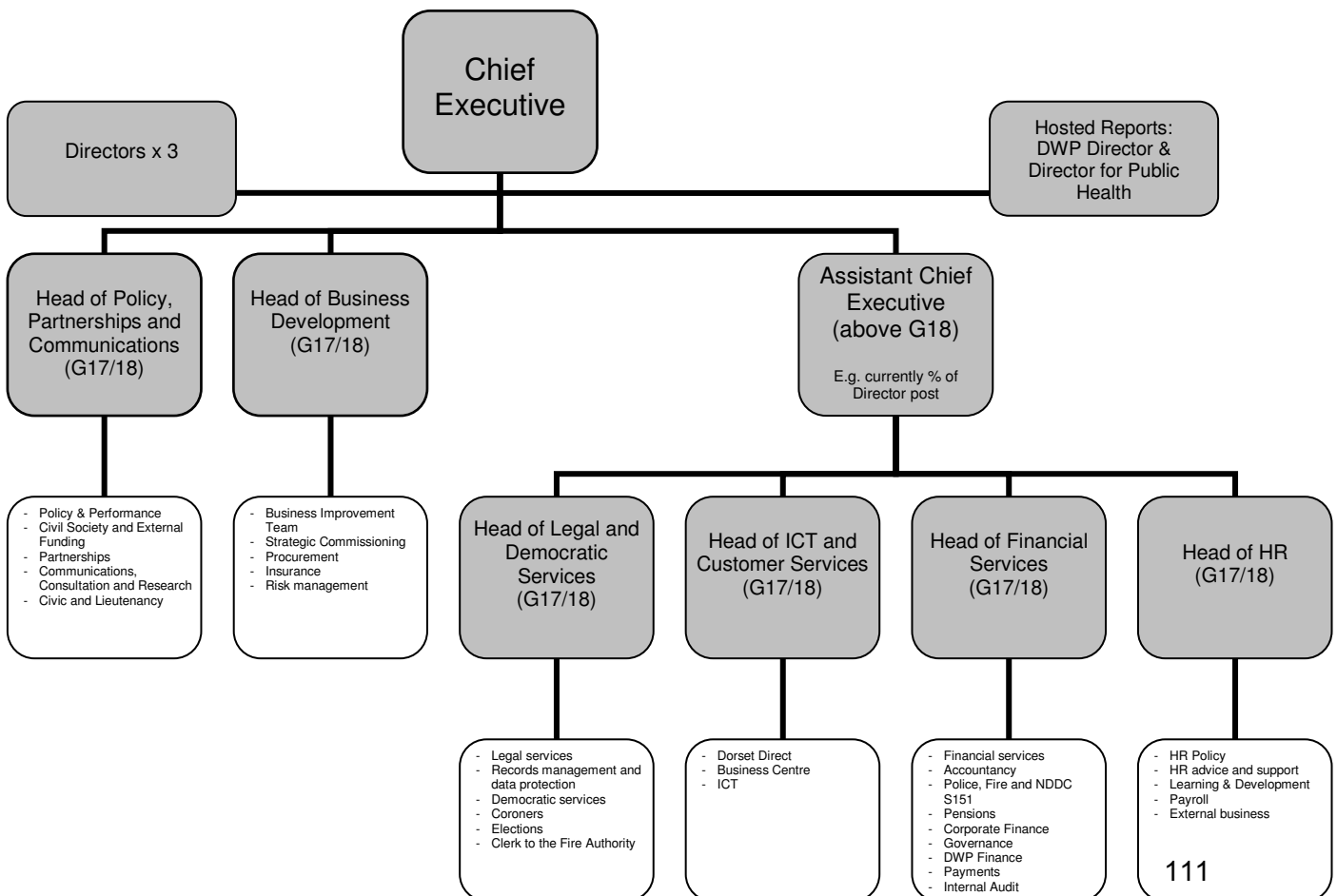


**PROPOSED MANAGEMENT STRUCTURE**

**Option 1**



**Option 2**



**Article 12: Officers**

12.1 The use of the word ‘officers’ means all employers and staff engaged by the County Council to carry out its functions. The word has been used instead of ‘employees’ to cover those engaged under short term, agency or other non-employed situations. Officers of the County Council serve all 45 members of the County Council.

**12.2 Management Structure**

(a) General

The County Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

(b) Chief Officers and Statutory Officers

The County Council will engage persons for the following posts who will be designated as Chief Officers and Statutory Officers.

<b>Post</b>	<b>Functions and areas of responsibilities</b>
Chief Executive (and Head of Paid Service)	<ol style="list-style-type: none"> <li>1. As Head of Paid Service to act as lead manager of the authority.</li> <li>2. To be the lead advisor to the County Council.</li> <li>3. To manage the corporate functioning of the authority to secure the development, implementation and maintenance of corporate and strategic policy, having regard to best value in the provision of services.</li> <li>4. To act as the authority’s principal policy adviser and give advice at Council and Committee meetings.</li> <li>5. To promote and maintain effective relationships between political and managerial processes.</li> <li>6. To lead fundamental reviews of the County Council’s services to secure efficiency, economy and effectiveness in service provision; encourage businesslike thinking and the adoption of appropriate commercial practices.</li> <li>7. To ensure that there is effective communication both internally and with the general and business</li> </ol>



**Article 12: Officers**

	<p>communities so as to promote the County Council’s services within the community, and responsiveness by the authority to the community’s needs.</p> <p>8. To ensure that the authority has a well managed, motivated and performance orientated workforce through the adoption of relevant, up to date management practices.</p> <p>9. To ensure that the authority remains up to date and compliant with all relevant legislation, organisational procedures, policies and professional codes of conduct in order to uphold standards of best practice.</p> <p>10. To lead and motivate people within the organization and externally in developing joint partnerships, which act to provide improved services or benefit the residents of the County.</p> <p>11. To build effective partnerships with key stakeholders within the community, in government and other public bodies, the voluntary sector and the business community, and undertake such external representation of the Council as agreed with the Cabinet.</p> <p>12. To promote and facilitate community engagement.</p> <p>Note: If appointed by the Lord Lieutenant, to act as Clerk to the Dorset Lieutenancy.</p> <p><b>Allocated Services:-</b></p> <ul style="list-style-type: none"> <li>- <b>Communications</b></li> <li>- <b>Human Resources and Exchequer Services</b></li> <li>- <b>Legal and Democratic Services (and Monitoring Officer)</b></li> <li>- <b>Financial Services</b></li> <li>- <b>Information and Communications Technology and Customer Services</b></li> <li>- <b>Policy, Partnerships and Communications</b></li> <li>- <b>Business Development</b></li> </ul>
<p>All Directors</p>	<p>Main Job Purpose:-</p> <p>1. To participate in the whole authority leadership of the County Council at the highest level.</p>

**Article 12: Officers**

	<ol style="list-style-type: none"><li>2. To provide leadership and direction in respect of the development and delivery of allocated Services including joint working and inter-agency co-operation, working closely with Lead Elected Members.</li><li>3. To contribute to the delivery of the County Council’s aims and objectives.</li><li>4. To promote high standards of achievement against Corporate and Service specific performance indicators.</li></ol> <p>Main responsibilities and duties:-</p> <ol style="list-style-type: none"><li>5. To lead, manage and be accountable for all aspects of service delivery and strategic development within allocated Services.</li><li>6. To promote radical and innovative ways of delivering County Council and service aims and objectives.</li><li>7. To provide high quality and cost effective services.</li><li>8. To act as a County Council Director for statutory purposes, providing strong leadership and management for the County Council’s functions, including the provision of relevant information to internal and external inspection bodies.</li><li>9. To provide support and advice to the Chief Executive and elected members, ensuring clear communication, and delivery of Council, Cabinet, and Overview objectives.</li><li>10. To promote an integrated approach to the management and delivery of the County Council’s corporate priorities and objectives, as a member of the County Management Team, and to lead on such corporate initiatives as may be allocated from time to time by the Chief Executive.</li><li>11. To maintain and improve effective</li></ol>
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**Article 12: Officers**

	<p>budgetary, planning and performance frameworks, so as to ensure that performance of allocated Services is demonstrably effective against national, regional, and local indicators, that objectives are achieved, and that high standards of probity are met.</p> <p>12. To contribute to fulfilling the County Council’s community leadership role by effective contribution to local strategic partnerships.</p> <p>13. To lead on the design of arrangements for services in Dorset which reflect local needs, and circumstances, involving the development of appropriate commissioning, management and governance arrangements.</p> <p>14. To work closely with the colleague Directors within the County Council to deliver an integrated approach to the delivery of service objectives.</p> <p>15. To work with and consult members of the public and a range of partners, to ensure the provision of appropriate, effective and integrated services.</p> <p>16. To build on the outcomes of Statutory Inspections and other external evaluations, so as to secure continuing improvements in performance. To promote a culture of continuous improvement throughout the County Council and within a Directorate, and to maintain quality assurance mechanisms to secure Best Value and diversity in the delivery of services.</p> <p>17. To set high standards and enhance the performance, effectiveness and reputation of the County Council.</p> <p>18. To play an active part in the County Council’s Management of Diversity Programme in respect of both employment and service provision aspects, with the accent on securing upper quartile performance or equivalent as appropriate on performance indicators.</p>
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## Article 12: Officers

Director for Environment	<p>Allocated Services:-</p> <ul style="list-style-type: none"> <li>- Highways and Transportation</li> <li>- Dorset Engineering Consultancy</li> <li>- Highways Client Services</li> <li>- Dorset Works Organisation</li> <li>- Property Management</li> <li>- Planning</li> <li>- Environment Policy</li> <li>- Waste Management</li> </ul>
Director for Children’s Services	<p>Allocated Services:-</p> <ul style="list-style-type: none"> <li>- Children and Families</li> <li>- Pupil and School Improvement</li> <li>- Children’s Services Partnership Development</li> <li>- Joint Commissioning</li> </ul>
Director for Adult and Community Services	<p>Allocated Services:-</p> <ul style="list-style-type: none"> <li>- Adult Services Operations (East and West)</li> <li>- Business and Resources (including Adult Education)</li> <li>- Older People Strategy</li> <li>- Adult Services Commissioning</li> <li>- Cultural Services</li> <li>- Regulatory Services</li> </ul>
Monitoring Officer	<p>Main job purpose</p> <p>Monitoring Officer duties and responsibilities</p> <ol style="list-style-type: none"> <li>1. To discharge the statutory duties of the Monitoring Officer under Section 5 of the Local Government and Housing Act 1989 and subsequent legislation.</li> <li>2. To advise the Chief Executive and members of the County Council on matters of law and propriety and the proper administration of the County Council’s decision making and scrutiny arrangements.</li> <li>3. To monitor and review the operation of the County Council’s Constitution and to ensure its publication.</li> <li>4. To institute, defend or participate in any legal</li> </ol>

**Article 12: Officers**

	<p>proceedings on behalf of the County Council, to authenticate documents on behalf of the County Council and to have custody of the Common Seal of the County Council.</p> <p>5. To lead and manage the effective and efficient provision of Legal and Democratic Services for all areas of the County Council’s activities.</p> <p>6. To lead and manage the effective and efficient provision of information and records management services including those steps necessary to ensure compliance with information, data protection and surveillance law.</p>
<p><del>Director for Corporate Resources (and Section 151 Officer)</del></p> <p>Section 151 Officer (Chief Financial Officer)</p>	<p><del>Allocated Services:-</del></p> <ul style="list-style-type: none"> <li><del>— Communications, including the Customer Contact Centre</del></li> <li><del>— Human Resources and Exchequer Services</del></li> <li><del>— Legal and Democratic Services</del></li> <li><del>— Financial Services</del></li> <li><del>— Information and Communications Technology and Business Transformation</del></li> </ul> <p>1. To lead and manage the effective and efficient provision of Financial Services for all areas of the County Council’s activities.</p> <p>2. To discharge the statutory duties under Section 151 of the Local Government Act 1972 and the Accounts and Audit Regulations 1996, including the CIPFA Code of Practice on Local Authority Accounting.</p> <p>3. To advise the Chief Executive and members of the County Council on the proper administration of the County Council’s financial affairs, advise on financial strategies.</p> <p><del>4. To lead and manage the effective and efficient provision of Corporate Property Services, including the preparation and maintenance of the corporate property strategy for the County Council.</del></p>

**Article 12: Officers**

	<p><del>5. To lead and manage the effective and efficient provision of Internal Audit, Insurance and Risk Management Services, ensuring the provision of a fully independent and objective opinion to the County Council on the control environment, comprising risk management, control and governance in support of the achievement of the County Council’s strategic and operational objectives.</del></p> <p>6. To act as administrator to the Pensions Fund.</p>
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**12.3 Structure**

The Chief Executive as Head of Paid Service will determine and publicise a description of the overall departmental management structure of the County Council (set out in Part 7 of this Constitution).

**12.4 Restrictions on Functions**

The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Financial Officer if a qualified accountant. The Monitoring Officer cannot be the Chief Financial Officer or the Head of Paid Service.

**12.5 Duty to provide sufficient resources to the Monitoring Officer and Chief Financial Officer**

The County Council will provide the Chief Financial Officer and Monitoring Officer with such officers’ accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

**12.6 Conduct**

Officers will comply with the Officers Code of Conduct and the County Council’s Protocol on Officer/Member Relations as set out in Part 5 of this Constitution.

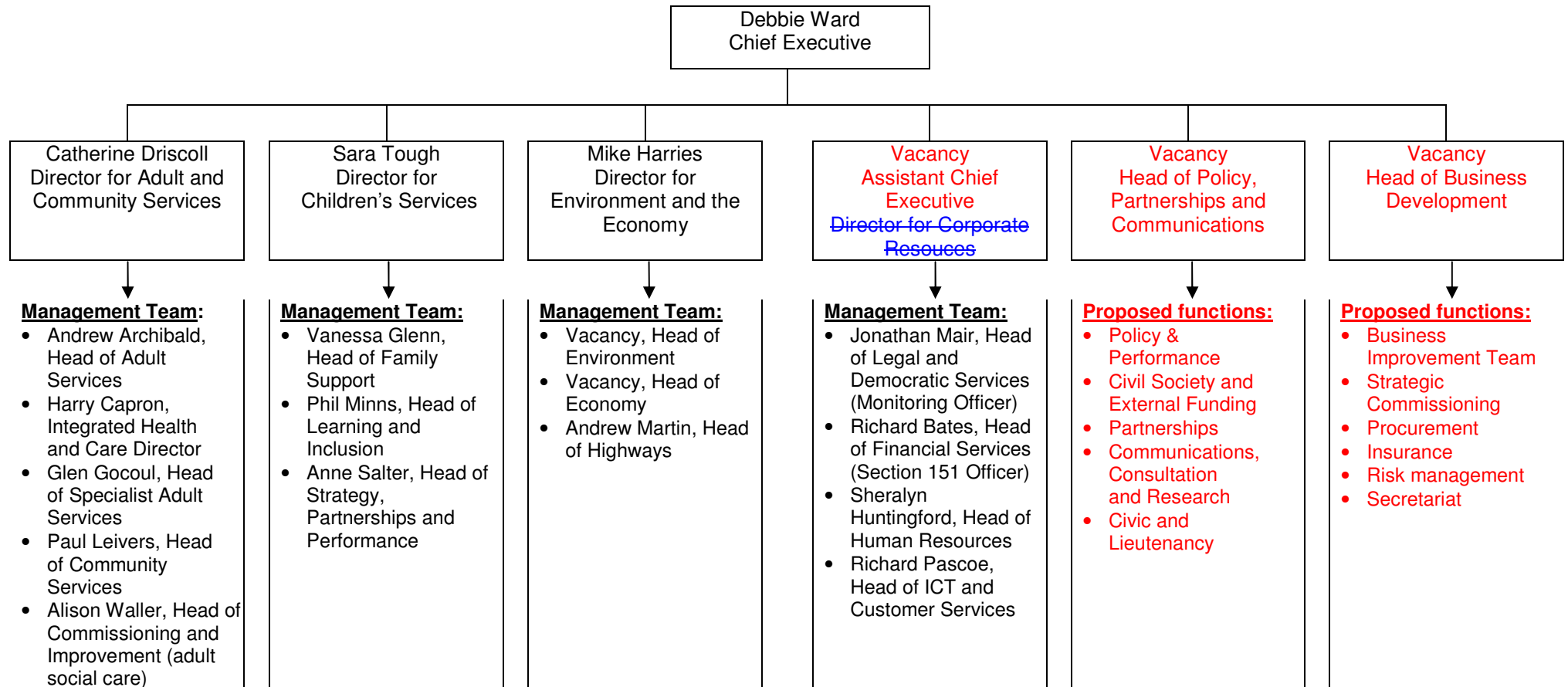
**12.7 Employment**

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules of the County Council as set out in Part 4 of this Constitution

Part 7: Management Structure

Dorset County Council   
County Council Management Structure

Proposed structure  
from 1 October 2014

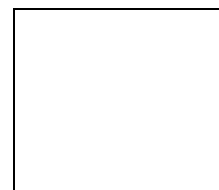


**Partnerships – lead authority**

**Dorset Waste Partnership:** Director of the Dorset Waste Partnership - Steve Burdis,

**Public Health:** Director of Public Health - Dr David Phillips

Agenda Item:



# Cabinet / Audit and Scrutiny Committee / Standards and Governance Committee

**Dorset County Council**



Date of Meeting	Cabinet: 4 June 2014 Audit and Scrutiny Committee: 10 June 2014 Standards and Governance Committee: 7 July 2014
<p><u>Cabinet Member</u> Spencer Flower – Leader of the Council</p> <p><u>Lead Director</u> Paul Kent – Director for Corporate Resources</p>	
<b>Subject of Report</b>	<b>Draft Annual Governance Statement 2013/14</b>
Executive Summary	<p>The Accounts and Audit (England) Regulations 2011 require a body such as the County Council to “approve an annual governance statement, prepared in accordance with proper practices in relation to internal control.”</p> <p>The attached draft Annual Governance Statement for 2013/14 has been prepared in line with the recommendations published in 2007 by CIPFA and SOLACE, the public sector accountancy and local authorities’ chief executives organisations, supplemented by additional guidance issued by CIPFA in 2010.</p>



	<p>The statement sets out key features of the governance framework in place in the Authority and provides a review of its effectiveness. It reports on the ten elements of the detailed governance framework (out of eighty two) on which the Council is considered to be only partially compliant. These have been increased from seven in the draft compliance assessment, following consideration of the comments made by members in the April meetings. The statement also discusses eight significant governance issues facing the Council.</p> <p>Consideration has been given to the findings of the benchmarking of 2011/12 Annual Governance Statements by the auditors Grant Thornton. As the Council's own external auditors are satisfied with the present form of the Annual Governance Statement, no major changes have been made. Some of the low-rated aspects have been addressed, such as a greater role for the Executive in the development of the Annual Governance Statement and explanation of the role of the Chief Financial Officer. Other points are harder to deal with. For example, rating the level of assurance the current system is delivering is to an extent a subjective view. As Dorset's statement was rated above average for the description of governance issues, readers have the opportunity to make their own judgement on the overall level of assurance they are given.</p> <p>Under the 2011 regulations, the accounts are not approved by the Council (or the Committee to which the responsibility is delegated) until after the external audit has been carried out. This means that approval will not take place until towards the end of September, whereas previously it was required by the end of June. However, the Cabinet and Audit and Scrutiny Committee are still asked to consider the draft Annual Governance Statement in June, so that the auditors can review a document that has been subject to member scrutiny. Any issues raised by the Standards and Governance Committee in July will be reported to the auditors. Final adoption of the Annual Governance Statement will take place at the Ad Hoc Accounts Committee meeting on 23 September.</p> <p>If the statement has to be amended for any significant new information arising in the meantime, this will be included in an update report submitted to a meeting of this Committee in the autumn.</p> <p>The report on the governance compliance assessment in April 2014 also contained a proposal to establish a member reference group to review the draft assessment informally in future before it is submitted to Committee / Cabinet. This approach was supported by members, and so this report contains at appendix 2 proposed terms of reference for such a group.</p>
<p>Impact Assessment:</p>	<p>Equalities Impact Assessment: Giving appropriate consideration to equalities issues is a key aspect of good governance, but there are no equalities issues arising directly from this report.</p>

	<p>Use of Evidence: Evidence to compile the governance compliance assessment and then to complete the Annual Governance Statement has been provided by senior officers across the organisation. It includes policies and procedures of the County Council, the Constitution, and reports and minutes of Committees.</p> <p>Budget: There are no budget requirements arising directly from this report. The overall financial position of the County Council is one of the significant issues covered in the Annual Governance Statement. Addressing other issues identified in the compliance assessment or the Annual Governance Statement may have budgetary implications, which will be considered in the relevant action plans.</p> <p>Risk Assessment:</p> <p>Having considered the risks associated with this decision using the County Council's approved risk management methodology, the level of risk has been identified as:  Current Risk: LOW  Residual Risk: LOW  <i>(this reflects the position regarding the County Council's governance arrangements, not on some of the issues identified through them)</i></p> <p>Other Implications: Section 5.5 of the draft Annual Governance Statement explains the significant governance issues facing the Council.</p>
<p>Recommendation</p>	<p>The Cabinet / Committee is asked to:</p> <ul style="list-style-type: none"> <li>(i) consider the draft Annual Governance Statement for 2013/14 at appendix 1 and any updates reported orally;</li> <li>(ii) put forward any amendments or further work needed before it is submitted to the external auditors by 30 June;</li> <li>(iii) [Cabinet and Audit and Scrutiny Committee] put forward any amendments to the proposed terms of reference for a member reference panel for compliance and the Annual Governance Statement at appendix 2;</li> <li>(iv) [Standards and Governance Committee] consider the proposed terms of reference for a member reference panel for compliance and the Annual Governance Statement at appendix 2 and any amendments to these put forward by the Cabinet and Audit and Scrutiny Committee, and recommend creation of the panel and the terms of reference to the County Council.</li> </ul>

Reason for Recommendation	<p>Approval and publication of an Annual Governance Statement by the County Council is a statutory requirement and provides evidence that the County Council maintains high standards of governance and addresses significant shortcomings and risks.</p> <p>A member reference panel to consider governance and compliance issues will increase the rigour of the assessment and the value of the work in providing assurance to the County Council and the people of Dorset.</p>
Appendices	<p>Appendix 1: Draft Annual Governance Statement 2013/14 Appendix 2: Draft terms of reference for a Member Reference Group on the governance compliance assessment</p>
Background Papers	<p>CIPFA / SOLACE publication: Delivering good governance in local government – framework Report to and minutes of the Committee / Cabinet in April 2014: Corporate Governance Framework – Annual Compliance Assessment 2013/14</p>
Officer Contact	<p>Name: Peter Illsley, Head of Corporate Finance Tel: 01305 224940 Email: p.illsley@dorsetcc.gov.uk</p>

**Paul Kent**  
**Director for Corporate Resources**  
 May 2014

## Draft Annual Governance Statement 2013/14

### Scope of responsibility

- 1.1. Dorset County Council is responsible for ensuring that its business is conducted in accordance with the law and appropriate standards, that public money is safeguarded and properly accounted for and that funding is used economically, efficiently and effectively. Dorset County Council also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- 1.2. In discharging this overall responsibility Dorset County Council is responsible for putting in place suitable arrangements for the governance of its affairs, which facilitate the effective exercise of its functions and include arrangements for the management of risk.
- 1.3. Dorset County Council has approved and adopted a code of corporate governance, which is consistent with the principles of the CIPFA/SOLACE *Delivering Good Governance in Local Government* framework. In 2010/11, additional requirements recommended by CIPFA in March 2010 were incorporated. A [report on the code and the latest assessment of compliance with it](#) was published with the Standards and Governance Committee papers for 10 April 2014 or can be obtained from the County Council Offices, County Hall, Colliton Park, Dorchester, Dorset, DT1 1XJ. This statement explains how Dorset County Council has complied with the code. It also meets the requirements of regulation 4(4) of the Accounts and Audit Regulations (England) 2011 in relation to consideration of the findings of a review of the system of internal control and approval and publication of an annual governance statement.

### 2. The purpose of the governance framework

- 2.1. The governance framework comprises the systems and processes, and culture and values, by which the authority is directed and controlled, together with the activities through which it accounts to, engages with and leads the community. It enables the authority to monitor the achievement of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate, cost-effective services.
- 2.2. The system of internal control is a significant part of that framework and is designed to manage risk to a reasonable level. It cannot eliminate all risk of failure to meet the targets in our policies, aims and objectives and can therefore only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of Dorset County Council's policies, aims and objectives, to evaluate the likelihood of those risks being realised and the impact should they be realised, and to manage them efficiently, effectively and economically.
- 2.3. The governance framework has been in place at Dorset County Council for the year ended 31 March 2014 and up to the date of approval of the annual statement of accounts.

### 3. The governance framework

- 3.1. Some of the key features of the governance framework are set out in the following paragraphs.
- 3.2. The corporate plan sets out the contribution we will make to enabling communities in Dorset to thrive, now and for the future. For 2013/14 a limited refresh was carried out of the existing corporate plan, pending a more fundamental review of the way that corporate priorities are determined. A single-year plan has been adopted for 2014/15 while an extensive consultation exercise is undertaken with the population of Dorset. A number of approaches are being used for this consultation; although our Citizens' Panel and Staff Panel will be involved as before, the Council is seeking to engage with all sections of the community.
- 3.3. Delivery of the County Council's corporate plan is supported by service plans, team plans and individual performance development reviews. These all include targets and, where appropriate, service standards against which service quality and improvement can be judged.

- 3.4 The Constitution of Dorset County Council establishes the roles and responsibilities for members of the executive (the Cabinet), Overview, Scrutiny, Regulatory and Standards Committees, together with officer functions. It includes details of delegation arrangements, codes of conduct and protocols for member/officer relations. The Constitution is kept under review to ensure that it continues to be fit for purpose. Proposed changes to the Constitution are overseen by the Standards and Governance Committee. Its views on the suitability of any changes are reported when they are presented to the full County Council for approval.
- 3.5 The Constitution also contains procedure rules, standing orders and financial regulations that define clearly how decisions are taken and where authority lies for decisions. The statutory roles of Head of Paid Service, Monitoring Officer and Chief Financial Officer are described together with their contributions to provide robust assurance on governance and that expenditure is lawful and in line with approved budgets and procedures. The influence and oversight exerted by these posts is backed by the post-holders' membership of or attendance at the Corporate Leadership Team.
- 3.6 Up until July 2012, a Standards Committee with a majority of independent external members was a statutory requirement. When this requirement ceased, the Council chose to establish a Standards and Governance Committee with similar terms of reference, but with a majority of elected members and non-voting independent members.
- 3.7 The primary counterbalance to the Cabinet is the Audit and Scrutiny Committee. The Committee provides a robust challenge to the Executive. Although there were no new calls to account during 2013/14, a number of reviews were undertaken into activities where it considered that performance could be improved, without the need to invoke the formal call to account process.
- 3.8 In July 2013, a peer challenge review of the County Council was carried out under the auspices of the Local Government Association. It was focused on leadership and corporate capacity at a broad organisational level. Key conclusions were:
- 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 with our communities;
  - we need to remove unnecessary processes and be more outcome focused;
  - we need to behave and act as One Council and bring together support functions such as transformation, communications, research, consultation and organisational development.
- 3.9 An action plan to address these issues has been adopted and good progress has already been made. In particular, in the context of governance of the authority, the approach to the decision-making process by the Executive has changed, so that Cabinet members now take ownership of reports submitted for consideration and decision, rather than them being prepared and presented solely by officers.
- 3.10 A complaints procedure and a whistle-blowing policy and procedure are maintained and kept under review, providing the opportunity for members of the public and staff to raise issues when they believe that appropriate standards have not been met. An annual report analysing complaints received and their resolution is presented to the Audit and Scrutiny Committee and the Standards and Governance Committee. The Standards and Governance Committee has responsibility for overseeing the investigation of complaints against members. One complaint was made towards the end of 2013/14, which the Monitoring Officer has concluded with the Chairman should be investigated.
- 3.11 The County Council has a strong risk management function. The risk management policy and strategy are reviewed annually. The Risk Management Group draws together lead officers from across the authority to ensure that issues and concerns are shared and that a consistent approach is adopted throughout the organisation. The Corporate Risk Register has informed preparation of the list of governance issues later in this statement.
- 3.12 During the year, the Corporate Evidence Strategy adopted in 2012/13 has been implemented. This includes an action plan and a Data Quality policy statement and good practice checklist. Follow up work has been undertaken to assess the use of evidence in practice, including a review of the use of evidence in a sample of Committee reports.
- 3.13 Appraisal and review processes are the general means of identifying the training needs of members and officers. Appropriate training is made available to staff to ensure that individuals are able to undertake their present role effectively and that they have the opportunity to develop to meet their and the County Council's needs. An extensive member induction programme is put in place after the County Council elections to ensure that newly elected members can quickly make

an effective contribution to the work of the authority. An Executive Advisory Panel on member learning and development was established following the 2013 elections to bring forward proposals for addressing the development needs of members. It work has resulted in adoption of a policy, a strategy and a programme for member development.

- 3.14 The County Council is committed to partnership working. The Dorset Compact sets out a framework for voluntary and public sector relationships in Dorset. Guidance on best practice in partnership governance has been adopted to ensure that partnership arrangements are as productive and secure as possible. The establishment of the Dorset Waste Partnership between the County Council and the six districts and boroughs is a major example of the positive outcomes achieved through partnership working. The seven authorities also have a record of successful partnership working on ICT, including the Dorsetforyou joint website, the Dorset Public Sector Network (DPSN), current co-operation on Superfast Broadband and joint work on the development of digital access.

#### **4. Review of effectiveness**

- 4.1 Dorset County Council has responsibility for conducting, at least annually, a review of the effectiveness of its governance framework including the system of internal control. The review of effectiveness is informed by the work of the managers within the authority who have responsibility for the development and maintenance of the governance environment, the Head of Internal Audit's annual report, and also by the findings and reports issued by the external auditors and other review agencies and inspectorates.
- 4.2 The Director for Corporate Resources has responsibility for:
- overseeing the implementation and monitoring the operation of the Code of Corporate Governance;
  - maintaining and updating the Code in the light of latest guidance on best practice;
  - reporting annually to the County Management Team and to Members on compliance with the Code and any changes that may be necessary to maintain it and ensure its effectiveness in practice.
- 4.3 The Chief Financial Officer has responsibility for the proper administration of the County Council's financial affairs. This includes responsibility for maintaining and reviewing Financial Regulations to ensure they remain fit for purpose, and submitting any additions or changes necessary to the full Council for approval. The Chief Financial Officer is also responsible for reporting, where appropriate, breaches of the Regulations to the Cabinet and/or the County Council. From the beginning of April 2013, the Chief Financial Officer has been the Director for Corporate Resources. This has secured compliance with the letter as well as the spirit of the governance requirements set out in the CIPFA Statement on the Role of the Chief Financial Officer in Local Government (2010).
- 4.4 Dorset County Council's Internal Audit Service, via a specific responsibility assigned to the Head of Internal Audit, is required to provide an annual independent and objective opinion to the Authority on its risk management, governance and control environment. Since April 2010, internal audit work has been carried out under contract by the South West Audit Partnership (SWAP).
- 4.5 Prior to 1 April 2013, the Director for Corporate Resources was the Council's Monitoring Officer. Following amalgamation of the posts of the Director for Corporate Resources and the Chief Financial Officer, to maintain a separation of duties, the statutory role of Monitoring Officer has been taken over by the Head of Legal and Democratic Services.
- 4.6 The review of compliance with the governance framework has involved:
- review of the latest position on the core principles by lead officers;
  - review of the overall assessment by the Corporate Governance Group;
  - discussion of the draft compliance assessment and significant governance issues at Directorate Management Teams and at Corporate Leadership Team;
  - review of the draft compliance assessment by the Audit and Scrutiny Committee, the Cabinet and the Standards and Governance Committee;
  - review of the draft Annual Governance Statement by the above three Committees and (before approval of the annual accounts) the Ad Hoc Accounts Committee.
- 4.7 The draft compliance assessment considered by the three Committees has been revised since the meetings to take account of comments made at the Committees and other recent developments. Plans to address weaknesses and ensure continuous improvement of the system are recorded in

the annual compliance assessment. A mid-year progress report will be considered by the Audit and Scrutiny Committee during 2014/15..

## 5. Significant governance issues

5.1 Governance issues can be put into two groups:

- (i) elements of the governance framework for which the compliance assessment has identified that some improvement is necessary to provide full assurance;
- (ii) issues that the governance framework has identified and which require action to mitigate the exposure of the County Council.

5.2 In the first group, there were no elements of the framework for which the judgement is that the County Council is non-compliant, but there are ten for which the judgement is only partial compliance and where improvement is necessary. This is one more than in 2012/13, although some of the areas of concern have changed. It is also three more than in the draft compliance assessment submitted to the Committees noted in 4.6 above, following reassessment in the light of comments made in these meetings.

5.3 Actions needed to achieve full compliance are largely covered by existing improvement plans. The issues and actions can be summarised as follows. More detail of the evidence is provided against the relevant core principles in the compliance assessment:

- a) Decide how the quality of service for users is to be measured and make sure that the information needed to review service quality effectively and regularly is available  
Although there are good examples of performance data driving service improvement at an operational level, many indicators are not being used in this way and there is less evidence of direct linkage to development of service policy and strategy. The intention for fewer, but outcome-based, indicators to be used in future is reflected in the one-year corporate plan adopted for 2014/15.
- b) Develop protocols to ensure effective communication between members and officers in their respective roles  
There has been a long-standing concern about adherence to the protocol to ensure effective communication between members and officers. The protocol has recently been relaunched. Monthly feedback on failures, for follow up by Group Leaders and the Chief Executive, may indicate compliance if the feedback provides evidence that the protocol is being adhered to, or will provide the specific evidence needed to enable behaviours to be changed. However, while monitoring by exception is generally appropriate, there is some risk that the focus on failure in the feedback process may have a negative effect.
- c) Develop and maintain open and effective mechanisms for documenting evidence for decisions and recording the criteria, rationale and considerations on which decisions are based  
A Corporate Evidence Strategy has been implemented and a good practice checklist for data quality has been produced. Mechanisms are in place to quality control the use of evidence in committee report writing and policy decision-making, the most recent review took place in June and August 2013. This identified a number of failures to present appropriate evidence to support decisions. To help address this a strategic evidence base needs to be brought together. To make use of data sources held throughout the authority a single view and analysis is required in order to provide the intelligence to support our decision making process.
- d) Assess the skills required by members, officers and managers [for their governance roles] and make a commitment to develop those skills to enable roles to be carried out effectively  
After the Council elections in May 2013 an Executive Advisory Panel on Member Development was established. It has developed a policy, a strategy and a programme for member development, which have been adopted by the Council. It has also led to new review arrangements for members, but these new arrangements now need to be embedded. For managers there is a renewed development programme, *Management Essentials*, which commenced in April 2014 and will equip managers better for their role.
- e) Develop skills on a continuing basis to improve performance, including the ability to scrutinise and challenge and to recognise when outside expert advice is needed  
This relates to the same supporting principle as (d) above and is being addressed in the ways outlined in that section.

- f) Ensure that effective arrangements are in place designed to encourage individuals from all sections of the community to engage with, contribute to and participate in the work of the authority

The concern relates to engagement of all sections of the community in the work of the authority. The framework requirement relates particularly to membership of the authority. Information for prospective candidates for election, including electoral division profiles, has been published on dorsetforyou and in *Your Dorset* but a more active part in promoting the role of elected members has been left to political parties. The County Council's action plan 2013-16 under the Dorset Equality Scheme includes actions:

- to support Dorset Race Equality Council to help Black and Minority Ethnic individuals and organisations and to provide challenge and support to the County Council, and
  - increase membership of protected people involved in our democratic / election process.
- However success measures for these actions have still to be set.

- g) Ensure that career structures are in place for members and officers to encourage participation and development

There has been inconsistency in the approaches to member progression and officer career development, which should be addressed to a significant extent by the initiatives outlined in (d) above.

- h) Ensure that arrangements are in place to enable the authority to engage with all sections of the community effectively

The corporate engagement framework is in place, but the Local Government Association (LGA) Peer Challenge in July 2013 recognised some practices and culture hindered effective engagement with our communities. There is a need to ensure that we engage as 'one Council' in a planned and coordinated way and all information we collect is shared as part of our single evidence base and fed back to the public. Our ability to do this will be tested by the *Ask Dorset* Community Engagement programme taking place in summer 2014. This is a multi-channel programme, tailored to reach a wide range of demographic groups.

- i) Establish a clear policy on the types of issues they will meaningfully consult on or engage with the public and service users including a feedback mechanism for those consultees to demonstrate what has changed as a result

As noted above, despite the adoption of a corporate engagement framework there has been a lack of coordination in the way that engagement takes place and how the information collected is used. The *Ask Dorset* Community Engagement programme will indicate whether the Council is successfully changing its approach.

- j) Ensure that councillors' roles and responsibilities for monitoring financial performance / budget management are clear, that they have adequate access to financial skills and are provided with appropriate financial training on an ongoing basis to help them discharge their responsibilities

Appropriate financial training will form part of the work of the Executive Advisory Panel referred to above. Following the County Council elections in May 2013, there are a number of new members of the Ad Hoc Accounts Committee, so there will be a particular need to train them on the complexities of local authorities' statutory accounts.

5.4 The second group are issues that involve a significant financial or reputational risk to the County Council. A prime purpose of the governance framework is to minimise the occurrence of such risks and ensure that any which do arise are highlighted so that appropriate mitigating action can be taken. These issues are largely substantial challenges to be managed over the long term. Many of the headings are the same as in previous years although the details change over time.

5.5 Significant issues in this group are:

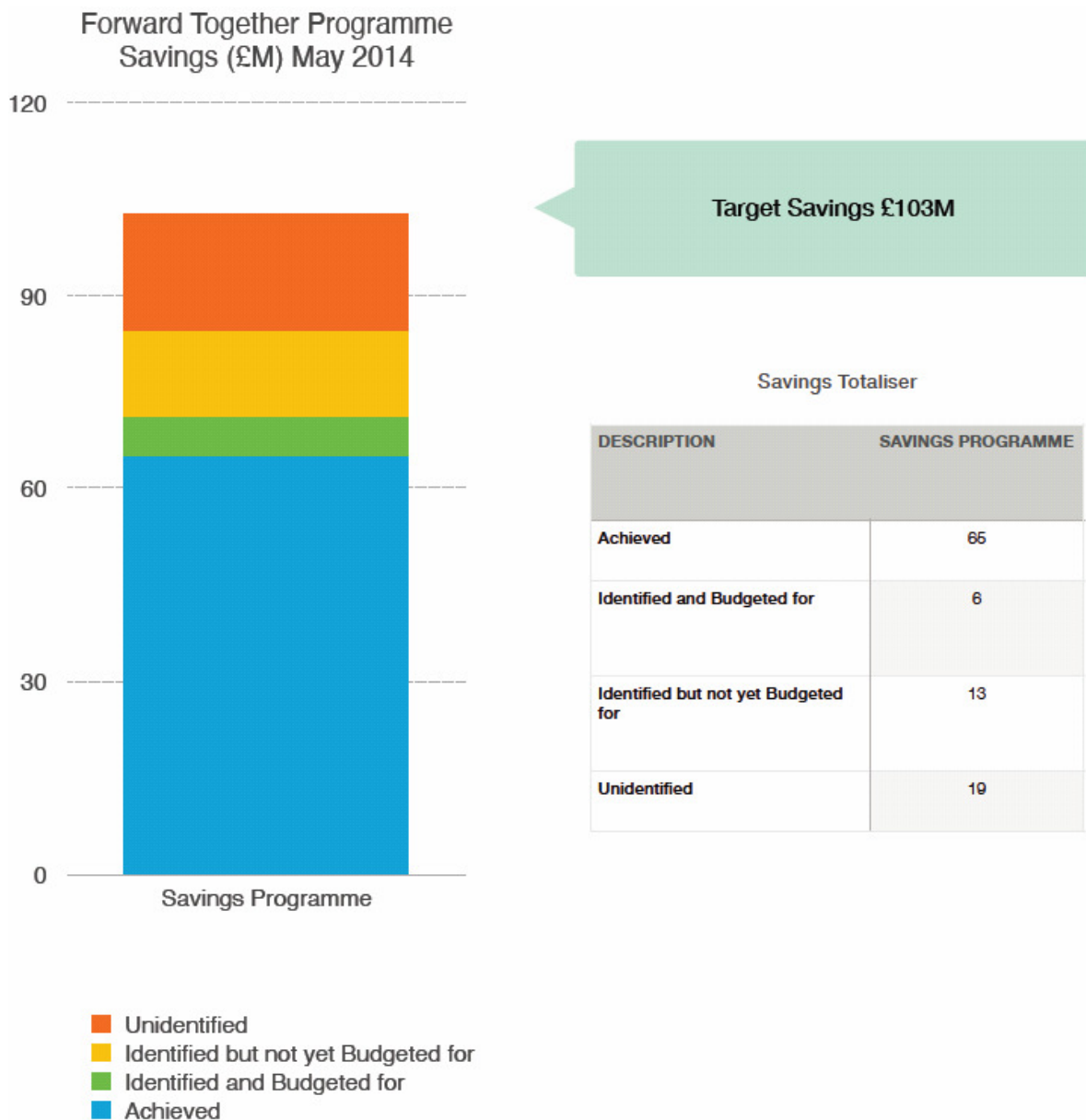
- (i) The County Council's budget and the impact of the economic downturn

Although the County Council continues to manage spending within the funds available, further reductions in funding will require radical changes to the way the Council supports the people of Dorset. A transformation programme, *Forward Together*, has been established to deliver these changes. Savings required, as indicated in the Government's provisional grant settlement and the autumn 2013 spending review, are in the order of £15 million per year up to 2016/17.



In the Chancellor’s Budget announcements in March 2014, he made clear that the public sector would be required to make further savings throughout the life of the next Parliament. So it is essential that the Council reforms fundamentally the way it works in order to ensure that essential services remain available to the local population.

The position on achieving the savings required over the period 2011/12 to 2016/17 is illustrated in the table below:



- (ii) Risk of overspending, including pressures such as campus re-provision, learning disability services, demand-driven transport costs and impacts of extreme weather conditions  
As with previous years recently, significant overspends projected early in the year have been eliminated by year end through a combination of careful budget management, additional targeted Government funding and underspending on central budgets for interest on borrowing and the contingency for unforeseen costs. However, most areas of underspending in service budgets have now been permanently removed to achieve budget targets and some of the mitigating factors have been one-off and cannot be relied on in forward planning. The problem of structural budget deficits now spreads across all three outward-facing Directorates and is being tackled as part of the Forward Together programme.

(iii) Repairs and maintenance backlog of buildings and roads, including the potential for increased claims

The Corporate Asset Management Plan was fundamentally re-written for 2012-15 to increase the focus on asset reduction, utilisation and workstyle issues. The target to reduce the property portfolio (non schools) by 25% over five years is challenging. Progress is reported monthly to the Council's Asset Management Group and quarterly to both the Cabinet and Audit & Scrutiny Committee. The position at the end of April 2014 was that 13.94% of the total floor area of the County Council's non schools property holdings, which amounts to 26,788 m<sup>2</sup>, had been disposed of. A further 2.6% (5,034 m<sup>2</sup>) had been declared surplus. All properties have been reviewed and identified as either core or non-core assets, which will define the level of future maintenance. The Council will focus on improving the condition and utilisation of the core properties, whilst looking to vacate, dispose of, or re-provide non-core properties; ideally as shared properties with other public bodies through the Dorset wide Joint Asset Management Board, or through the Dorset Development Partnership (the County Council's public/private limited liability partnership). Total maintenance need at March 2013 is £69M (from £87M) of which £46M (from £52M) is in schools (including Academies and Diocese Schools) and 38% (from 54%) is classed as backlog.

The condition of the highway network remains of concern. During December, January and February we experienced unprecedented levels of rainfall and heavy winds resulting in significant flooding and property damage. The consequential damage to the highway network has been significant with carriageway defects showing a 400% increase within these months. It is estimated that £12 million of damage was incurred on the network during this period. To address the issue, central government established a "Severe Weather Recovery Scheme". Our application within this process secured £5.8 million funding. However a legacy of problems still remains. A further funding stream entitled "The Pothole Fund" has been established by the Government. A bid has been submitted. At the time of writing, we are awaiting notification of the level of grant we will be awarded.

The increased surface dressing programme of 2013/14 is being replicated for the coming financial year and will be widened to include a number of principle roads seeing the total area dressed in 2014/15 increasing by 25%. An additional £1million has been diverted into structural maintenance from within the Local Transport fund to assist the maintenance effort. The condition survey of the minor road network was delayed by the bad winter weather but is now complete, allowing us to finish updating our Highway Asset Management Plan. It is intended that this will be presented to members in June, to enable us to identify a clear future strategy for the maintenance of the network.

(iv) Risks associated with occupied premises

Concerns about lack of clarity in responsibilities for premises under delegated management and the potential impact of the maintenance backlog have led to the risk associated with occupied premises being assessed as high in the corporate risk register.

These risks are managed within the scope of the Health & Safety at Work Act 1974. Under the leadership of the Chief Executive and a Corporate Duty Holder, each Directorate has appointed a Directorate Duty Holder and Premises Responsible Persons to manage and mitigate these risks. The 'Strategy and Responsibility Statement Managing Risk in the Built Environment' document accessible on the staff network provides guidance for managers. The governance structure is designed to ensure appropriate resources are in place, the risks are managed; suitable, competent help and advice is available; effective reporting and feedback takes place and reactive issues are resolved.

Work is continuing to reduce the risk as part of strategy implementation, asset reduction and ongoing monitoring of risk management. The Cabinet has supported the implementation of the 'Corporate Landlord Model' for asset management. Whilst DCC's asset management approach has mirrored the main elements of this model for some time, its implementation will enable more central control of specialist elements to reduce risk.

Schools adopting Academy status, by their nature, removes the employer risk of Dorset County Council. However, there may be expectation from the community to support safe access and occupation of these premises.

(v) Adult Social Care performance, including the impacts of funding changes

The financial pressure in Adult and Community Services corresponds to that facing the County Council as a whole. The expectation is that the Directorate's budget will reduce by over £16M by March 2016 and that further savings of £3-4M will be needed to cope with rising costs and an ageing population. Achieving savings of this amount will be very challenging, (particularly as the NHS is facing pressures of its own), and can only be done through fundamental reform of the way that we organise and provide care.

In 2013-14 the overspend in the total Adult Social Care budget was £\*\*\*M. This was reduced by one-off funding of £1.1M - meaning that the base budget pressure is currently around £3-4M. The closely monitored 'vulnerable budgets' within the total remained under severe pressure, with overspends in the Learning Disability Service of £3.1M; in older people's residential care placements of £1.8M; and in domiciliary care of £0.5M - mainly caused by demand. The same budgets were already over-committed at the start of 2014-15.

The Directorate has responded to these challenges by developing a three to five year programme to deliver fundamental reform. 'Pathways to Independence' will ensure we can offer high quality services, meet the requirements of the forthcoming Care Act and help to address the financial pressures. The 'Pathways' programme is developing new models of care that promote health and independence, increase choice and control, and reduce the need for long-term services through prevention and recovery work.

However, the 'Pathways' programme will not address the entire base budget problem. In January 2014, members of the Adult and Community Services Overview Committee also supported a strategic service plan for the Learning Disability Service. The plan involves a review and redesign of the way services are delivered, which will reflect the principles set out in 'Pathways', and achieve financial sustainability. Priority areas will be reviews, safeguarding, self-directed support pathways, and commissioning. The work also includes improvements to systems, processes and procedures.

Service performance is measured nationally by the Department of Health through a range of indicators that make up the Adult Social Care Outcomes Framework. The indicators include key areas of activity such as 'self-directed support' and 'delayed transfers of care from hospital', together with additional information relating to safeguarding and reviews. In the previous year 2012-13, Dorset did not perform well in the information reported and was in the bottom quartile nationally for eight of the 18 indicators. For 'self-directed support', which is a key priority; Dorset was ranked 134 out of 152 authorities nationally.

The worst performing authorities were identified by the Minister of State at the Department of Health. Dorset did not fall into the worst performing group, although the South West region was recognised as a poorly performing region. Nevertheless Dorset's position was very disappointing and recovery measures were put into place to lift our performance, with the immediate focus being to increase the number of service users receiving 'self-directed support' to achieve their personal outcomes. The national target is 70% and by the end of 2013/14 our provisional result was 77%, compared with 36% the previous year.

Regular reviews of service users' needs are essential to delivering effective outcomes. It is good social care practice, and it means the financial demands for the authority may be reduced, as outcomes are achieved and support arrangements are revised. The national target is 75%. The pace of improvement was a concern during the year, although by February 2014 our provisional result was 72% compared to 54% 2012-13.

Since the beginning of October 2013, the increased profile of our performance and the urgent need to improve has been evidenced through weekly reports to members of the Directorate Management Team (DMT) and scrutiny at the monthly DMT Budget, Performance & Forward Together meeting. The outcome was that the overall direction of travel for key areas of service performance was positive by the year end.

Work is also underway to join up health and social care in Dorset. The 'Better Together' transformation programme with the NHS, Poole and Bournemouth councils aims to deliver a shared operating model in the future. 'Better Together' met with Government approval, and the Dorset-area partnership will receive a multi-million package of Government support. The money will help us to transform the way health and social care services are delivered over the coming years. It aims to secure:

- improved health and care for residents;
- improved and more integrated business;
- a model for the delivery of adult care and health in the Dorset area; and
- cost reductions for all partners.

The Government has announced a 'Better Care Fund' of £27M for Dorset to support the integration of health and social care. This work will form part of the 'Better Together' programme. The Fund is not new money; it is taken mainly from Dorset NHS Clinical Commissioning Group. Work will take place on early intervention and prevention services; integration of commissioning; shared information and advice services; shared screening services in acute hospitals; and more help in arranging services for people who fund their own care.

The forthcoming Care Act will consolidate the law that underpins adult social care and increase the number of people who will in future be eligible for support. The Act will mark a generational shift in our system of care: a shift from a system that is essentially reactive and prescribed to one that is preventative, personalised and proactive in its approach. Preparations began during 2013-14 and are reflected in the design of 'Pathways' and other initiatives.

Additional financial pressure is expected to arise from the implementation of the Act. In particular, the Act puts carers on a par with those for whom they care; 'extends' the existing means-test; and introduces a 'cap' on the costs that people will have to pay for care in their lifetime. The Department of Health has said that some funds will be available to mitigate impact. At around the year-end the County Council participated in some pilot financial modelling which suggests there will be significant unfunded obligations. As the financial model is refined, it will be used to help plan ways to mitigate the residual financial impact.

(vi) Safeguarding of children and adults

Safeguarding in Children's services remains a significant priority. There are strong multi-professional strategic partnerships reflected in the Dorset Safeguarding Children's Board (DSCB), the Health and Well being Board and the sub group which is the Children's Trust Board. The Corporate Parenting Group takes a strong lead in supporting all children who are in care or who have been previously in care. The County Councillors take a leadership role in working with Officers to support and understand the key areas of service delivery that are required in relation to safeguarding. From 1 April 2014, the new Family Support service became operational bringing together both Children's Social care area offices and those services related to Early Intervention. This development has been further strengthened by the creation of an independent Safeguarding and Standards Service developing and delivering a Quality assurance framework against which the Family Support services outcomes in relation to Safeguarding can be measured. Over the last year there has been a serious case review, and Domestic homicide review, which have both led to the development of action plans. Over the next twelve months there will be a review of the current model of operational delivery in order to develop a strong preventative agenda for children, young people and their families through multi professional teams.

The year 2013-2014 has been one in which there was particular focus on performance and quality for the Dorset Safeguarding Adults Board (DSAB) and therefore for safeguarding adults more generally.

In response to a range of reports recommending actions following the Winterbourne View abuse scandal, there is now renewed attention to the robustness of strategies for commissioning services and the standards of these across Bournemouth, Poole and Dorset. The DSAB receives regular overview reports on services of serious concern, so it is both informed about these and can assess the sufficiency of the responses provided and challenge or support these as necessary. It has also overseen the implementation of actions arising from a Serious Case Review and monitored the effectiveness of this through audits of staff awareness. Two Serious Case Audits have been undertaken to review critical sets of circumstances in services and ensure lessons are learned. A further Serious Case Audit is underway and will report later this year.

Overview Committee has received the Business Plan for the Board's work in 2014-2015 at its April 2014 meeting and the Annual Report for 2013-2014 will be presented in June 2014.

The previous Annual Governance Statement referred to a decision made to introduce a new operational model for safeguarding investigations, utilising a small group of specialist managers and staff. After much deliberation, it was concluded that a pilot project would be an effective means of testing the model. This initiative started in October 2013 to run for a six month period, and so concluded at the end of March 2014. It ran in two of the six Adult Services localities and was applied to all services. The full evaluation will not be complete until July 2014 but a summary report has been provided which is very positive about the pilot. A principal benefit is that safeguarding investigations have concluded more quickly, thus providing timely outcomes for service users and improving performance standards. Greater scrutiny by specialists has led to more effective risk management and a reduction in the numbers of cases needing to progress to investigation. In addition, some progress has been made in intervening at an earlier stage with service organisations when a concern is raised thus facilitating focussed attention on the problems identified and, in some cases, avoidance of the need for investigations.

In due course a decision will be made about the future organisational delivery arrangements, taking account of the performance data and information which will then be available. The Director recently commissioned an external review of the operation of Adult and Community Services safeguarding service led by a senior manager from Hampshire County Council. The final report is awaited. The recommendations and conclusions will clearly need to be considered alongside the outcome of the pilot.

The quality and integrity of performance data on safeguarding adults has improved significantly and therefore DSAB and others can have increased confidence that the information provided is accurate and reflective of practice. There is though still scope to improve further. Both case audits and feedback from service users are key tools to monitor the delivery of safeguarding services and learn how improvements can be made. These are now implemented and regular reports are provided to DSAB. The County Management Team receives regular, quarterly reports on performance in safeguarding.

(vii) Consultation, use of evidence and equalities issues

The Audit and Scrutiny Committee discussed an update report on the Council's Corporate Evidence Strategy at its meeting on 17 October 2013. This report provided a six month update on the progress of Corporate Evidence Strategy, including results of latest evidence checks on committee reports. It also addressed questions related to the Citizen's Panel raised by the Audit and Scrutiny Committee in April 2013.

The Forward Together risk register has now been compiled and recognised the need for the use of good evidence in the decision making process and in particular the need ensure we are assess the impacts and potential cumulative impacts of service changes on local communities. The Forward Together programme gateway process also includes a requirement for use of evidence, assessment potential impacts and the need for effective engagement.

The *Ask Dorset* community engagement programme is the first significant piece of work which will provide a starting point to steer the Forward Together programme. This will provide a top level indication of what the public value most and least. A report outlining the *Ask Dorset* community engagement programme was presented to the Audit and Scrutiny Committee on 8 April 2014, where support was given.

The joint Equality Scheme, developed with the Districts and Boroughs, was approved by the Cabinet in September 2013. It promotes equality, values diversity and works to eliminate discrimination. It is about recognising and valuing our differences as well as challenging inequality and disadvantage. To do this effectively we need to understand the communities of Dorset and our workforce and strive to ensure we identify and understand their needs. This will help guide us in planning and providing services, and in the way we treat people. During a period of unprecedented organisational change, demonstrating continued commitment to equality and diversity is really important. We will use the Equality Scheme as our benchmark by which we can track our progress.

(viii) Supply of school places

There have been significant rises in birth rates in particular localities in Dorset that is causing pressure on places for children entering reception year. We are also mindful of the upstream impact of this, as children become eligible for transfer to middle or secondary schools. We are adopting a forward looking places strategy that will address the

immediate pressure as well as planning for any bulge that may appear in the system as this cohort move through education.

Sufficiency of school places has therefore become a new priority for the authority. Needs assessment has identified the key areas where pressure on school places will be most evident and work has taken place to secure development land to meet the needs in these areas. This has been challenging, but a programme is in place to secure land through a variety of procurement options. The Local Authority responsibility for the provision of school places to meet 'Basic Needs' drives our decision making about resource deployment. The position is monitored through the appropriate groups such as the Modernising School Programme Board.

- 5.6 We are satisfied that this statement provides a substantial level of assurance that good governance is in place in Dorset County Council and that appropriate arrangements are in place to address improvements identified in our review of compliance. Progress on these improvements and on addressing and mitigating the risks set out in section 5.5 will be monitored through the year by the officers' Governance Group and the Audit and Scrutiny Committee.

**Debbie Ward**  
**Chief Executive**

**Spencer Flower**  
**Leader**

**xx September 2014**

### **Member group and proposed terms of reference for governance compliance assessment and annual governance statement**

The group needs to complement the work of the Audit and Scrutiny Committee and the Standards and Governance Committee. The effectiveness and value of the group is to be reviewed after its first year of operation.

#### **Purpose of Panel**

To ensure the value of the annual governance statement and the local code of corporate governance as assurance tools and drivers for improvement.

#### **Operating Principles**

Panel to agree methodology and scope of the work (eg what level and type of assurance is required). Draft documents produced by officers first. Tested and amended by member group. Agreed with officers. Normal democratic procedures then follow.

Panel to test the progress of previous actions with officers. Panel's role is highlighting an issue for further investigation by Standards and Governance Committee or Audit and Scrutiny Committee - not to duplicate the work of these committees.

#### **Panel Composition**

3 members to meet as and when required, comprising:  
One independent member of the Standards and Governance Committee.  
One elected member of the Standards and Governance Committee  
One elected member of the Audit and Scrutiny Committee

*[To achieve maximum coverage, preference should be given to elected members who belong to both Committees]*

#### **Schedule of meetings**

Without prejudice to decisions of the group regarding the need to meet, there are likely to be three key meetings:

October / November: To agree the methodology and scope of the governance compliance assessment process

February: To review the outcome of the compliance assessment and to consider whether more assurance is needed and whether the assessment highlights issues requiring examination by either of the parent Committees

April / May: To review the outcome of formal consideration of the compliance assessment and to consider proposals for the form and content of the Annual Governance Statement