

FULL COUNCIL

Members of North Dorset District Council are invited to attend this meeting at Nordon, Salisbury Road, Blandford Forum, Dorset, DT11 7LL, to consider the items listed on the following page.

A handwritten signature in black ink, appearing to read 'Matt Prosser'.

Matt Prosser
Chief Executive

Date: Friday, 21 October 2016
Time: 10.00 am
Venue: Council Chamber - NDDC

Members of Committee:

P Batstone, B Batty-Smith MBE, D Beer, P Brown, A Burch (Vice-Chair), E Butler, G Carr-Jones, A Cattaway, B Cooper, D Croney, C Dowden, V Fox (Chairman), J Francis, M Gould, T Handford, G Jefferson, S Jespersen, A Kerby, C Langham, D Milsted, E Parker, V Pothecary, S Pritchard, B Ridout, M Roake, D Skipwith, J Somper, Jackie Stayt, John Stayt, J Tanner, D Walsh, J Westbrook and P Williams MBE

USEFUL INFORMATION

For more information about this agenda please telephone Sandra Deary 01258 484370 email sdeary@dorset.gov.uk

This agenda and reports are also available on the Council's website at www.dorsetforyou.com/committees/ North Dorset District Council.

Members of the public are welcome to attend this meeting with the exception of any items listed in the exempt part of this agenda.



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A G E N D A

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1 APOLOGIES

To receive any apologies for absence.

2 CODE OF CONDUCT

Members are required to comply with the requirements of the Localism Act 2011 and the Council's Code of Conduct regarding disclosable pecuniary and other interests.

Check if there is an item of business on this agenda in which the member or other relevant person has a disclosable pecuniary or other disclosable 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 within 28 days)

Disclose the interest at the meeting (in accordance with the Council's Code of Conduct) and in the absence of dispensation to speak and/or vote, withdraw from any consideration of the item where appropriate. If the interest is non-pecuniary you may be able to stay in the room, take part and vote.

For further advice please contact Stuart Caundle, Monitoring Officer, in advance of the meeting.

3 MINUTES

To confirm the minutes of the last meeting of Council. (previously circulated)

4 URGENT BUSINESS

To consider any items of business which the Chair has had prior notification and considers to be urgent pursuant to Section 100B (4) (b) of the Local Government Act 1972. The reason for the urgency shall be specified in the minutes.

5 UPDATE TO THE CONSTITUTION 5 - 42

To consider a report by the Corporate Manager, Legal Services.

6 CABINET REPORT 43 - 60

The Leader of the Council to present a report on Cabinet activities during August and September. Members may question individual Cabinet members on the contents of this report. Members are required to submit general questions, other than urgent ones, in writing to the Democratic Services Team by Monday 17 October at the latest.

7 CHANGES TO COMMITTEE MEMBERSHIPS

a) To consider the recommendations of the Organisation Advisory Panel with regard to changes to committee memberships as follows:

(i) Shared Services Joint Committee:

To remove Councillor Deborah Croney from the committee and to appoint Councillor Pauline Batstone.

Substitutes: Remove Councillor Cattaway and appoint Councillors David Walsh, Andrew Kerby and Sherry Jespersen.

(ii) Political Management Committee :

To remove Councillor Simon Pritchard from the Committee and to appoint Councillor Andrew Cattaway.

8 OUTSIDE BODIES QUARTERLY REPORT 61 - 64

To note the quarterly reports from members who represent the Council on key outside bodies.

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FULL COUNCIL 21st October 2016 Update to Constitution

For Approval / Recommendation to Council

Portfolio Holder(s)

Cllr Pauline Batstone

Senior Leadership Team Contact:

S Caundle, Assistant Chief Executive

Report Authors:

Corporate Manager – Legal; Monitoring Officer

Statutory Authority

Local Government Act 1972 including in particular section 101, 102; Local Government Act 2000, including in particular section 9P and for councils operating executive model section 9E

Purpose of Report

- 1 To update the Constitutions of the Councils of the Dorset Councils Partnership

Officer Recommendations

- 2 In so far as Members have power so to do:
 - (a) agree but otherwise support the updates to the Constitution as set out in Appendices 1 to 4 attached to this report;
 - (b) agree but otherwise support updating the Constitution to incorporate a uniform delegation relating to planning applications as set out in Appendix 5, Part 1 of this report; and
 - (c) delegate to the Monitoring Officer power to make such further consequential changes to the Constitution as are necessary to reflect the changes as set out in the appendices

[N.B. for the purposes of recommendation 2(a) Members should in particular consider whether they wish to incorporate the proposed change as set out in paragraph 9 below]

Reason for Decision

- 3 To introduce changes to the Constitution to reflect variations to legislative requirements, seek to secure the better alignment of various existing policies and powers within the different Constitutions of the partners of the

Dorset Councils Partnership, develop a clearer interaction between existing provisions within the Constitution and give further clarity to officer powers and responsibilities.

Background and Reason Decision Needed

4. Between April and June 2016 Members considered and approved various changes to the Constitutions of the Councils to seek to deliver an improved convergence of democratic issues across the partnership. At that time Members were informed that further changes to the Constitution would be necessary to gradually begin to seek to facilitate the better alignment of provisions.
5. This report brings in a number of changes many of which will help to deliver a standardised position across all three partner councils. The changes are set out in detail in Appendices 1 to 5. Reasons for many of the alterations identified are captured below the relevant proposal as set out in the Appendices. Generally, the changes can be summarised as follows:
 - Appendix 1:
 - amend various articles to reflect various updates to the Officer Employment Appointment and Dismissal Rules (see Appendix 3) and facilitates/clarifies power of Monitoring Officer to make various changes to the Constitution and to report direct to Full Council on other changes where he considers this appropriate;
 - make various amendments to the Officer Scheme of Delegations to clarify certain interactions between different parts of the Constitution, help facilitate other changes captured elsewhere in the Constitution, clarify various financial powers of the section 151 officer and generally to try and better align the exercise of various Officer powers across the DCP;
 - update various existing delegations to seek to better align them with existing/emerging practices;
 - seek to introduce a standard definition of a key decision across the DCP;
 - provide an updated introduction to the Financial Regulations to better clarify their interaction with the Officer Scheme of Delegations;
 - remove from NDDC constitution but not cancel the Anti-Fraud and Corruption Strategy to reflect the same approach across all councils.
 - Appendix 2: updates and aligns the existing Code of Conduct for Members and Officers dealing with Planning Matters;
 - Appendix 3: updates and secures across the DCP a standard Employment and Dismissal Procedure Rules; in particular now reflects new legislative requirements relating to disciplinary/dismissal action against statutory chief officers and makes clear a zero tolerance approach to bribery / fraud issues;
 - Appendix 4: updates and aligns across the DCP a standard Code of Conduct for Employees; in particular clarifies position regarding declaring any gifts / hospitality

- Appendix 5: proposes a single delegation focusing on planning (and similar) applications across the whole of the partnership.
6. Members should note that some of the changes above e.g. in relation to the Employee Code of Conduct and the Employment and Dismissal Procedure Rules inevitably have an impact on some or all Officers of the Council including the authors of this report; to that extent therefore all Officers have an interest to a greater or lesser extent in them and the provisions of this paragraph should be treated as a declaration for such purposes.
 7. The content of Appendix 5 has been separated from the other provisions as it seeks to introduce a single delegation relating to planning (and similar) applications across all three of the councils of the partnership (Part 1 of Appendix 5). This is considered to be of particular importance if it can be secured to better reflect the transformational arrangements currently taking place within the Planning Units across the Dorset Councils Partnership.
 8. Whilst it is not necessarily fatal if all 3 Councils do not completely adopt all the changes identified, certain change(s) do need to be delivered to secure compliance with various legal requirements. Further, as the officer core that serves the Dorset Councils Partnership becomes increasingly converged, the risk of error or confusion in operating different arrangements across all three Councils will increase. Most of the changes set out in the appendices are reflective in whole or part of arrangements, processes or procedures that have already been in operation across one or more Councils of the Dorset Councils Partnership. Ultimately, if in practice any of the changes give rise to issues which are found to be unacceptable to any of the partner Councils, there is nothing to prevent Members seeking further revisions to address such issues at a later stage.
 9. This report has now been considered by both the Political Management Committee and Cabinet. It is understood that the only recorded recommended change was by the Political Management Committee which recommended that the delegation to the Monitoring Officer as set out on page 1, paragraph 3 of Appendix 3 should be amended to read:

"... in all cases to prior consultation with at least two lead members being such members as the Monitoring Officer considers appropriate provided that one such member is the Chairman or Vice-Chairman of a committee with a scrutiny role unless unavailable or absent.

Members will therefore need to consider whether to adopt this proposed amendment. At this stage it has not been incorporated expressly within the recommendations as it is not a change currently being taken forward by either of the other two Councils that make up the partnership, albeit ultimately it is completely within the power of each sovereign council to determine the extent to which it is prepared to support the alignment of its Constitution with its partners.

10. Members should also note that a bit of the wording in Appendix 5 regarding scope to appoint nominees has been tidied up from previous iterations to make quite clear the intentions regarding the scope to appoint alternatives. Members will see that it therefore now reads as follows:

" The Chairman, Vice Chairman and Ward Member(s) can all be substituted by any other Member(s) of the Planning Committee if any are unavailable / absent at the time that the consultation is being undertaken.

The Head of Planning (Development Management and Building Control) can be substituted by any planning officer(s) nominated by the Head of Planning (Development Management and Building Control) for such a purpose."

Implications

Corporate Plan

11. The proposals set out generally fit with the overarching priority of Developing a Successful Partnership.

Financial

12. No direct financial implications have been identified with making the proposed changes to the Council's Constitution. Some of the alterations could potentially give rise to financial implications depending on circumstances e.g. changes to officer delegations such as the powers of the section 151 officer may result in decisions being taken that might have financial implications.

Equalities

13. None of the proposed changes have been identified as giving rise to any specific equality issues.

Environmental

14. No direct environmental implications have been identified with making the proposed changes to the Council's Constitutions. Some of the alterations could potentially give rise to environmental implications depending on circumstances e.g. changes to officer delegations such as some of the planning powers may give rise to decisions being taken that might have environmental implications.

Economic Development

15. No direct economic development implications have been identified with making the proposed changes to the Councils' Constitutions. Some of the alterations could potentially give rise to environmental implications depending on circumstances e.g. changes to officer delegations such as some of the planning powers may give rise to decisions being taken that might have economic development implications.

Risk Management (including Health & Safety)

16. Other than identified above, a number of the changes identified seek to better reflect existing legislative requirements and/or deliver clarity of alignment of internal processes and procedures across the Dorset Councils Partnership. Failure to adopt such provisions could render a Council more liable to legal challenge and/or expose the Councils to a greater risk of legal challenge as a result of confusion or inadvertent error.

Human Resources

17. The attention of the union has been brought to both appendix 3 and appendix 4.

Consultation and Engagement

18. All planning portfolio / brief holders, chairs and vice-chairs were given the opportunity to comment in advance on various iterations of the revised Code of Conduct relating to Planning Matters and also the proposed standard planning application delegation. All group leaders have had the opportunity in advance to consider the full extent of changes proposed. The Unions have had opportunity to comment on appendices 3 and 4.

Appendices

Appendix 1 – various textual changes to the Articles, Officer Scheme of Delegations, Procedural Rules and Codes and Protocols.

Appendix 2 – Code of Conduct for Members and Officers Dealing with Planning Matters;

Appendix 3 – Employment and Dismissal Procedure Rules

Appendix 4 – Code of Conduct for Employees

Appendix 5 – proposed revision to planning application delegation

Background Papers

Constitutions of the Dorset Councils Partnership

Footnote

Issues relating to financial, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

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Appendix 1 - NDDC

Proposed Further Revisions to the Constitutions

ARTICLES OF CONSTITUTION

[All Councils]

1. Amend Article – relating to Officers/Employees of the Council to provide that:
“The recruitment, selection and dismissal of Officers will comply with the Employment Appointment and Dismissal Rules contained within the Procedures section of the Constitution.”

[REASON: to contain an appropriate cross reference to the procedural rules containing employment and dismissal procedures]

2. Amend Article – relating to Finance Contract and Legal Matters to update and align the position regarding the common seal of the Council by replacing the existing paragraphs with the following:
“The Common Seal of the Council will be kept in a safe place in the custody of the Monitoring Officer or Corporate Manager – Legal Services. A decision of Full Council, or otherwise pursuant to the exercise of any powers identified within the Constitution will be sufficient authority for sealing any document needed to give effect to the decision. The affixing of the Common Seal can be attested by any of the Monitoring Officer, Corporate Manager – Legal Services, the Chief Executive and such other Officers as may be provided for in the Officer Scheme of Delegation.”

[REASON: to clarify who may attest the Council Seal following the creation of the Dorset Councils Partnership]

3. Amend Article – relating to Review and Revision to the Constitution to allow for Monitoring Officer to have power:
 - (a) *to make amendments to the Constitution without referral to any body of the Council where s/he considers this is necessary and/or expedient to reflect legislative change, secure consistency, provide alignment with existing or emerging internal practices and procedures, address any legal ambiguity, and/or address any uncertainty in interpretation subject in all cases to prior consultation with at least two lead members being such members as the Monitoring Officer considers appropriate provided that one such member is the chairman of a committee with a scrutiny role unless unavailable or absent;*
and
 - (b) *to take direct reports to Full Council relating to other constitutional changes where s/he considers this appropriate.*

[REASON: to clarify power of Monitoring Officer regarding changes to Constitution and reporting to Full Council on such matters in part to better align existing powers across the DCP]

OFFICER SCHEME OF DELEGATION

4. Amend the existing *Officer Scheme of Delegations* to provide as follows:
 - (a) Update the North Dorset District Council and West Dorset District Council *Officer Scheme of Delegation* so that they replicate the current Weymouth &

Portland Borough Council *Officer Scheme of Delegation* which was updated to take account of the creation of the Dorset Council's Partnership;

[REASON: to seek to align all wording of the Officer Schemes of Delegations across the DCP]

(b) Introduce the following new / replacement powers/ alterations to the *Officer Scheme of Delegation* for the reasons identified in brackets:

(A) Add new paragraphs 11 onwards to the *Introduction and Interpretation* section, renumber remainder of Officer Scheme accordingly and remove similar definitions from Part B:

"11. In addition to specific powers of Officers identified in this Officer Scheme of Delegations the Financial Regulations also identifies various powers and duties of Officers. Where such additional powers and duties are identified then for the purposes of the Constitution they shall be interpreted as being included in and forming part of this Officer Scheme of delegation. As with all the other powers and duties identified in the Constitution these powers and duties are exercisable independent of any other powers or duties that are specified. "

12. In this Officer Scheme of Delegation unless the context otherwise requires the terms below shall have the following meanings attributed to them:

12.1 "Town and Country Planning Legislation":

- (i) the Town and Country Planning Act 1990;*
- (ii) the Planning (Hazardous Substances) Act 1990;*
- (iii) the Planning (Listed Buildings and Conservation Areas) Act 1990;*
- (iv) the Planning (Control of Advertisement) Regulations 1992;*
- (v) the Hedgerows Regulations 1997;*
- (vi) the Anti-Social Behaviour Act 2004 (in so far as it relates to high hedges);*
- (vii) the Planning and Compulsory Purchase Act 2004;*
- (viii) Department of the Environmental Circular 18/84;*
- (ix) Planning Act 2008; and*
- (x) all the Housing and Planning Acts.*

12.2 "undertake all action" includes, without prejudice to the generality of the term, as necessary:

- (i) the undertaking of any inspection;*
- (ii) to enter upon any premises for the purposes of exercising any function;*
- (iii) the giving of authority;*
- (iv) the preparation, signing, issuing and serving of any documentation (including any notice, license, permission, permit, consent, approval, registration or certificate);*
- (v) the making of any determinations (including for the avoidance of doubt a decision to grant, refuse, transfer, vary, modify, suspend, revoke, withdraw, renew or replace any such documentation as referred to above together with the determination of any conditions, obligations,*

limitations or any restrictions or requirements considered necessary in respect thereof);

- (vi) conducting reviews;*
- (vii) the exercise of any relevant powers of sampling, analysis, detention, seizure, purchasing, checking (including checking of records whether electronic or otherwise) certification and destruction;*
- (viii) the recording of information through whatever medium including photographic and digitally; and*
- (ix) the managing of any assessment process including without prejudice to the generality of that term the determination of the appropriate assessment to use and the scoring of any such assessment.*

13. *Reference in any delegation to the need for consultation with any officer post shall be deemed to include any other officer(s) with management responsibility for the work that would normally be undertaken by that post and in the event of any other relevant officer being unavailable or absent any member of the Senior Leadership Team.*

[REASONS: to avoid the need to duplicate all the powers and duties set out in the Financial Regulations within the Officer Scheme of Delegations; to avoid the need for undue repetition of defining common terms used in the Officer Scheme of Delegations; to ensure adequate cover in the event of the need to consult with named officers].

- (B) Amend existing paragraph 11 e. of the Officer Scheme of Delegations to read as follows:

"Any of:

- the Monitoring Officer, Corporate Manager – Legal, Chief Executive or in all their absence any Strategic Director may attest the Council Seal,*
- the Monitoring Officer, Chief Executive, any Strategic Director, any Head of Service or any Corporate Manager may sign any document on behalf of the Council save those required to institute legal proceedings,*
- the Monitoring Officer or Corporate Manager – Legal may sign any documents required to institute legal proceedings,*

provided further that for the avoidance of doubt any of the above may also nominate any other Officer to exercise any of their attesting / signing powers."

- (C) Add new paragraph 25 to *Functions and responsibilities of the Chief Executive*, remove similar power in Part B and renumber accordingly:

Power to determine whether to grant a dispensation:

- (a) under the Localism Act 2011 / Member Code of Conduct for the purposes of participating and/or voting at a meeting; or*
- (b) in relation to any actual or perceived conflict of interest.*

[REASON: to reflect update to the Member Code of Conduct and clarify the powers of the Chief Executive/Head of paid Service]

- (D) add new heading to Part A *Section 151 Officer*, insert the following paragraph after existing paragraph 52 and remove similar power from Part B:

53. To authorise the overspend of any approved business unit budget by up to but not exceeding £150,000 (one hundred and fifty thousand pounds) in any one instance (including the use of virements from reserves or working balances if necessary for such purposes) subject to:

- (a) the same being reported as soon as reasonably practicable to the next available meeting of such member(s) and/or body as the section 151 Officer considers appropriate; and*
- (b) the total amount of any approved overspend across the Council pursuant to this delegation not exceeding £150,000 in any one financial year without there having been prior consultation with the lead member responsible for finance and / or such other member(s) as the section 151 officer considers appropriate*

[Reason: to enable the section 151 Officer and SLT to manage unforeseen case by case issues subject to appropriate reporting]

- (E) Add new heading to Part A of "*Monitoring Officer*" and insert new paragraph as follows:

"to determine such changes to the Constitution as s/he considers necessary and/or expedient provided that it is for such purpose(s) and accords with such consultation(s) as is set out in the Article of this Constitution relating to Review and Revision to the Constitution

[Reason: to reaffirm previous resolution of W&PBC to allow the Monitoring Officer to introduce changes to Officer Scheme during the interim period pending full revision of Constitutions of all 3 Councils and to reflect proposals elsewhere in this report]

- (F) Head of Planning (Development Management and Building Control), insert new power 17 to replace existing paragraph 17 and similar power in Part B:

To undertake all action in connection with any proposal / application for the cancellation, revocation, deletion, modification or variation to agreements, deeds and any other documents entered into wholly or partly pursuant to any Town and Country Planning Legislation including, without prejudice to the generality of the foregoing:

- i. agreements made pursuant to section 52 of the Town and Country Planning Act 1971; and*
- ii. planning obligations pursuant to section 106 of the Town and Country Planning Act 1990;*

provided that such power does not extend to the approval of an application to modify, vary or revoke an agreement or planning obligation imposed by an express decision of a committee of the Council where, in the opinion of the Head of Planning (Development Management and Building Control) such approval would result in a material reduction of benefit to the community secured pursuant to such agreement or obligation (as the case may be).

[REASON: to better align existing delegations across the DCP and to clarify extent of power of HOP to determine the approach to various agreements]

- (G) Add the follow new powers to Head of Planning (Development Management and Building Control):

To undertake all action in order to regulate any actual, perceived or potential breaches of any of the Town and Country Planning Legislation, including but without prejudice to the generality of the foregoing:

- (a) action to regulate breaches of any notices, orders, agreements, obligations or other documents, conditions, restrictions or other limitations issued pursuant to such Town and Country Planning Legislation;*
- (b) the authorising and issuing of requisitions for information;*
- (c) the authorising and issuing of Planning Contravention Notices;*
- (d) the authorising and issuing of Enforcement Notices;*
- (e) the authorising and issuing of Breach of Condition Notices;*
- (f) the authorising and issuing of notices under s215 of the Town and Country Planning Act 1990;*
- (g) determining whether or not to take or to cease action where in the opinion of the Head of Planning (Development Management and Building Control) a breach is trivial, there is insufficient demonstrable harm or, it is not expedient to take / continue to take action; and*
- (h) the authorising and issue of temporary stop notices.*

[REASON: to seek to align current delegations across the DCP and facilitate the ability of all appropriate planning officers to issue various planning notices]

To undertake all action in connection with applications for certificates of lawfulness of existing or proposed use or development

[REASON: to seek to align current delegations across the DCP and facilitate the ability of all appropriate planning officers to deal with certificate of lawfulness applications]

- (H) Replace existing delegated powers relating to Tree Preservation Orders to provide as follows:

Power to undertake all action relating to making and/or confirming Tree Preservation Orders including (for the avoidance of doubt) power to amend, vary modify and/or revoke the same subject to the making and confirming of any such Tree Preservation Order being notified to the ward member(s) of the ward affected by the Tree Preservation Order as soon as reasonably practicable after its making and confirming (as the case may be).

[REASON: to seek to align current delegations across the DCP relating to TPOs]

- (I) Replace powers 1 and 3 of the Head of Service for Community Protection as follows and amend similar power in Part B to reflect change:

1. To undertake all action in connection with any matter arising in relation to the hackney carriage or private hire licenses (which for the

avoidance of doubt includes any application for a licence relating to drivers, vehicles, operators and proprietors) provided that:

- (a) such power does not extend to refusing any application contrary to any extant policy (if any) expressly adopted by the Council for such purposes (as may be amended from time to time); and*
- (b) in the case of a revocation or suspension of a licence any decision is notified to a committee with power to determine such licences as soon as reasonably practicable following any such decision being made.*

[REASON: to seek to adopt a standard approach to such matters across the DCP whilst still ensuring the involvement /awareness of members of more contentious / urgent decisions]

PROCEDURAL RULES

5. Insert *Officer Employment and Dismissal Rules* in Procedural Rules section of the Constitution as set out in Appendix 3 of this report.

[REASON: to provide for a standard Officer Employment and Dismissal Rules across the Dorset Councils Partnership that reflect current arrangements of the Shared Services Joint Committee and legislative requirements relating to dismissal of certain Officers]

6. Amend relevant Procedural Rules to provide a definition of a key decision (in the case of those partners exercising executive functions then such definition to apply to the exercise of executive decisions) as follows:

A key decision is a decision that is considered likely to either:

- result in the Council incurring expenditure or making a saving within agreed budgets (but after any permitted virements(s) and/or agreed overspends), of more than £150,000; and/or*
- have a significant effect on a community living or working in the area of the Council comprising either any three member ward or two or more wards*

[REASON: so far as practicable to seek to apply a standard definition of a key decision across all the partner Councils]

FINANCIAL REGULATIONS

7. Insert at front of Financial Regulations:

INTRODUCTION

The Financial Regulations are written having regard to and seek to secure compliance with all relevant legislation. Where legislation expressly empowers any individual or body to be able to exercise specific powers (for example, for Councils exercising an Executive model, the Leader can exercise all powers of the executive), then nothing in the Financial Regulations shall prevent the exercise of those powers by that individual / body (as the case may be), and the Financial Regulations shall be interpreted as providing for the concurrent use of such powers so far as the legislation allows.

Further, insofar as these Financial Regulations identify powers and duties attributable to any Officer, body or Member(s) then such provisions shall be deemed to form part of the Officer Scheme of Delegations and / or Articles of the Constitution (as the case may be) for the purposes of identifying the powers and duties that can be exercised by the Officer, body or Member.

For the avoidance of doubt, in the case of any conflict between the provisions of the Financial Regulations and any other part of the Constitution then an interpretation that results in a decision not being ultra vires will take precedence. The Officer appointed to the post of Monitoring Officer in consultation with the Officer appointed to the post of section 151 officer (or any deputies appointed by them) shall have power to resolve such conflicts and amend the Constitution accordingly, and the Articles of this Constitution shall be interpreted to incorporate this provision.

[REASON: to provide clarity as to the status of the Financial Regulations in relation to the provision of various powers and duties and responsibilities for interpretation in the event of any conflicts].

CODES AND PROTOCOLS

8. Replace the existing *Code of Conduct for Members and Officers Dealing with Planning Matters* with a new Code of Conduct as set out in Appendix 2 to this report.

[REASON: to seek to provide a standardised Code across the Dorset Councils Partnership which reflects the latest legislation]

9. Update existing *Member Code of Conduct* to include the following:

- (a) *"The Code will be kept under review by a committee with a scrutiny role which will make recommendations to the Council of any revisions to the Code as it considers necessary from time to time" ;*

[REASON: to clarify the alternative review mechanism in the absence of a Standards Committee]

- (b) *"To the extent it is permitted by law, the Chief Executive may upon receipt of a written request grant a dispensation in relation to a restriction against participation / voting arising under the Member Code of Conduct in accordance with such procedure as the Monitoring Officer may from time to time adopt for this purpose (if any).*

[REASON: to provide clarity as to the route for securing a dispensation]

10. Replace the existing Code of Conduct For Employees with an amended Code as set out in Appendix 4 to this report.

[REASON: to seek to provide a standardised Code which reflects the existence of the Dorset Councils Partnership]

[NDDC only]

11. Remove from Constitution the whole of the Anti-Fraud & Corruption Strategy (N.B. policy to remain live)]

[REASON: to align all Constitutions and in preparation for new Anti-Fraud & Corruption Strategy to be introduced in the next few months]

Appendix 2

**CODE OF CONDUCT FOR
MEMBERS &
OFFICERS
DEALING WITH
PLANNING MATTERS**

Code of Conduct for Members and Officers dealing with Planning Matters

1. Introduction

- 1.1 This code applies to all Members irrespective of whether or not they are a Member of a Committee responsible for determining planning applications and to all Officers.
- 1.2 This Code of Conduct is supplemental to the Members' Code of Conduct. Consideration must therefore be had to the relevant provisions of that Code, including in particular, the obligation on a Member not to use their position as a Member improperly to confer on or secure for themselves or any other person an advantage or disadvantage or put themselves in a position where they appear to do so. In the event of a complaint being made against a Member under the Member Code of Conduct, as part of any investigation regard is likely to be had to whether there was compliance with the provisions of this code in circumstances where it is relevant.
- 1.3 Although this code principally deals with the processing of planning applications and similar matters, its provisions also apply to the determination of land use allocations in the Local plan.

2. Pre-Application and Post-Application Discussions

- 2.1 Pre and post-application discussion can be of significant benefit to both the potential applicant and the Council. However, it is easy for such discussions to become, or seen to become part of the lobbying process on the part of the applicant.
- 2.2 The Localism Act 2011 has sought to recognize that Members can have a useful role to play in certain pre-determination discussions, particularly having regard to their likely greater knowledge of local community interests. This guidance does not therefore seek to prevent any Member involvement prior to a determination of a planning application taking place. However, it does seek to reduce the likelihood of allegations of pre-determination and generally encourages a "no-shocks" approach; this form of approach is supported by the Planning Advisory Service. For Members of a committee that determines a planning application, it is recognised that it can be difficult to try and strike the right balance between being an active local representative and fulfilling the duty to approach all arguments in an open-minded way. This guidance seeks to give assistance in this respect, but striking this balance is ultimately the responsibility of each Member.
- 2.3 In order to avoid any perceptions of pre-determination, it should be made clear at the outset of any pre-application discussions (or indeed any discussions about a planning application), that nothing said will bind the Council to make a particular decision, and that any views expressed are purely personal and provisional. By their very nature such discussions will take place in the absence of all the relevant information.
- 2.2 So far as reasonably practicable, as a general rule of good practice, a written note should be made of all potentially contentious meetings and other discussions including telephone discussions, and should be followed up by a letter if there is any likelihood of substantive disagreement over the issue in the

future. The object of such records is to ensure that someone not involved with the application will understand what the decision was and how it was reached.

- 2.3 If any Member or Officer is approached to provide advice, in most instances the best course of action will be to refer the person seeking such advice to a relevant planning Officer. Members of a committee that determine planning applications should be particularly careful when engaging in conversations of this nature as it could easily be misinterpreted as suggesting a pre-determined opinion and Members will not have all relevant information available to them at the time of such discussions. Such Members should therefore usually aim to confine any discussions to giving procedural advice only. Where Officers seek to provide planning advice, it should be made clear that such advice is informal and not binding on the Council, it should be consistent and should be based upon the development plan and material considerations.

3. **Lobbying**

3.1 **Of Members**

- (a) Lobbying, whether by applicants or objectors, is accepted as being a normal and proper part of the political processes. Lobbying can take the form of meetings, both private and public, formal presentations or correspondence. However, clearly it is important that it does not take effect to such an extent that it calls into question the impartiality and integrity of the planning process.
- (b) Members of a committee that determine planning applications (which might include ward members), should remain impartial if they intend to participate in a decision involving that application. Members can of course test the validity of any concerns in reaching their own conclusion about the merits of the application when all the information is before them at the committee meeting.
- (c) Invitations to Members appointed to a committee responsible for determining planning applications to attend a presentation or meeting give rise to a particular concern since, if accepted, they may encourage allegations that a Member is no longer impartial and appears to favour a particular person. As a general rule therefore, the safest approach would usually be to decline any invitation to a presentation or meeting relating to a planning application that has been registered with the Council.

In certain circumstances a public consultation may be held in relation to an actual or proposed application. Whilst it is understandable that Members involved in committees that determine planning applications may wish to attend such consultations to observe what is happening, great care is needed as there is a high likelihood that the Member will be approached by applicants and/or objectors to express their views and either could give rise to allegations of bias. If a consultation is being held, Members should therefore think very carefully whether it is really necessary for them to attend such an exercise or if some alternative might be available e.g. seeing whether a planning Officer might be able to visit. If a Member does attend such a consultation it is likely to be sensible for them to keep a note of any discussions they have at such a meeting and they should in any event consider identifying their attendance at the time when the application is considered.

- (d) As a general principle, where a Member of a committee responsible for determining planning applications is approached in person by an applicant or by

a third party (including other Members), they should always have in mind the principles relating to Pre-Application and Post-Application Discussions and Lobbying set out above. If such a Member thinks that their involvement in a pre-application discussion would be beneficial to the planning application process, then the most appropriate course of action would be to seek to discuss with a relevant planning Officer the possibility of whether a meeting which includes that Officer might be arranged. To ensure a consistent approach, Members should not seek to get involved in negotiations relating to a planning application. Officers should ensure a note is taken of any such discussion and placed on the public file.

- (e) If under whatever circumstance a person does try to orally lobby a Member with responsibility for determining a planning application, then the most appropriate course of action to avoid allegations of bias or a breach of natural justice will usually be to suggest that person write to the relevant planning officer to express their views and politely decline to engage in any discussion on the merits of the matter.
- (f) Members may often receive correspondence or other documentation from an applicant to a planning application or a third party. If the Member is the primary named recipient of such communications it will normally be desirable for that Member to seek to make arrangements to notify receipt to the Head of Service for Planning or such other Officer as s/he may nominate from time to time. Inevitably there will be many circumstances when a Member is not the primary recipient. There is no absolute rule to cover every eventuality that might arise in relation to correspondence of this nature and in many cases it may well be reasonable to assume that the communication has been received by the relevant planning Officer (indeed the Officer may have been copied in on the correspondence as well). However, the general overarching principle is to seek to ensure that all relevant representations are considered as part of an application and that is something Members ought to have in mind when considering how to approach such communications.

3.2 **By Members**

- (a) Members, particularly Ward Members, may often be approached to secure their support for a particular planning decision outcome.
- (b) Ward Members have an important role to play as representatives of their communities and to bring local information to the decision making process. Ward members may therefore become involved in discussions with Officers about individual applications. However, they should remember that it is very easy to create the impression that they are using their position to influence the progress of the application. Any discussions with Officers should be seen to be open and above board. So far as reasonably practicable, Officers should seek to make a written note on the file of any such discussion.
- (c) Members of the Council should not seek to approach Members of a committee that determines a planning application with a view to orally lobbying them towards a particular favoured outcome.
- (d) If any Member, whether or not a Member of committee that determines an application speaks on behalf of a lobby group at the decision-making committee, they would be well advised to withdraw once any public or ward member speaking opportunities had been completed in order to counter any suggestion that Members of the committee may have been influenced by their

continuing presence. Members should always have regard to the Member Code of Conduct in this respect.

- (e) Any representations or any address by a Member should relate to the planning merits of a planning application.

3.3 Political group meetings

- (a) Given that the point at which the determination of a decision on a planning application is made cannot occur before its consideration by the committee responsible for the determination of that planning application when all available information will be to hand and has been duly assessed, any political group meeting prior to the meeting of the Committee should not be used to decide how members should vote.
- (b) Furthermore, the Ombudsman takes the view that the use of political whips at group meetings in the way described above may be maladministration.

4. Scheme of Delegation

4.1 Outline of Scheme

The detail of the Officer Scheme of Delegation is set out in the Constitution, but in general terms most significant planning applications are likely to be determined by a committee with power to determine such matters. The Officer Scheme of Delegation will be subject to review from time to time.

4.2 Applications by the Council or in respect of Council owned land

Applications submitted by the Council or made by any person in respect of Council owned land are to be considered and determined in the same way as any other application for planning permission.

4.3 Applications by Members and Officers

- (a) Whilst it is perfectly legitimate for any Member or Officer to submit a planning application, it can easily give rise to suspicions of impropriety unless handled properly. Accordingly, all such applications will be reported to and determined by a committee with responsibility for determining planning applications.
- (b) Any application from a Member or Officer should usually be identified as part of the registration process. However, Members and Officers are encouraged to draw the fact that such an application has been submitted to the attention of the Head of Service of Planning or any other Officers nominated by him/her for such a purpose in case it is not identified.
- (c) No Member or Officer who submits a planning application should participate in the decision making process relating to that application.
- (d) No Member or Officer who acts as an agent for people pursuing a planning matter with the Council should take part in the decision making process for that proposal, nor seek in any way to influence it.

5. Reports to and minutes of a Committee responsible for determining Planning Applications

- 5.1 All planning applications falling to be determined by a Committee responsible for determining planning applications shall be the subject of a written report from the Head of Service for Planning or any other Officer nominated by him/her for such purposes. The report should aim to be as accurate as possible and include a summary of the substance of objections and representations received, the relevant policies, identify any other material considerations including site or related history, contain an appraisal of the application and give a recommendation. Where the recommendation is contrary to policy or is a departure from the development plan the report should identify this and provide reasoned justification.
- 5.2 Verbal reporting (except to update a report) should be avoided so far as reasonably practicable and carefully minuted when it does occur.
- 5.3 Committee minutes should summarise key discussion points in respect of contentious applications.

6. Committee Site Visits

- 6.1 It is the responsibility of each Member to familiarize himself/herself with the location of any proposed development. This might well include seeking to view the site from areas that are accessible to the public. In no circumstance should a Member enter onto private land without the permission of the owner and occupier. If the owner or occupier is present the Member should bear in mind the advice in paragraphs 2 and paragraph 3 above.
- 6.2 Due to the delay caused to the determination of planning applications, site visits by a whole committee responsible for determining planning applications should only be considered where there is a clear and substantial benefit to the decision making process. This will usually arise only where the impact of the proposed development is difficult to visualize from both the submitted plans and other supporting material including photographs taken by Officers or an Officer's presentation. With this in mind, committee site visits should only therefore generally occur as an exception rather than a rule and a Member proposing a site visit at committee should be able to identify at committee the reason(s) why s/he considers a site visit is necessary when called upon to do so.
- 6.3 To avoid being unduly intrusive and an inefficient use of the committee's time Officers will ensure that formal site visits are carefully organised with a clear purpose and format understood by all those who are present. Procedure notes to deal with such visits may be produced from time to time. Any extant procedure note produced for such purposes should normally be followed unless the Chairman or person presiding at the meeting determines otherwise.
- 6.4 Committee site visits should aim to be conducted along the lines of those carried out by Planning Inspectors. The purpose of the committee site visit is to give all parties the opportunity to point out relevant features of the site or adjoining sites, or other physical aspects relevant to the consideration of the application. No attending party should therefore address Members either individually or collectively other than to address factual matters at the request of Members or Officers. Members should channel any questions they have through the Member presiding at the formal site visit or in accordance with such

other arrangements that may otherwise have been agreed by the person presiding with the most senior Officer present.

- 6.5 A record will be kept of the reasons for the committee site visit and of what happened during that site visit. This will normally be by a Democratic Services Officer (if present).
- 6.6 No discussion about the merits of the application will take place before, during or after the committee site visit until the committee has formally reconvened for the specific purpose of determining the application.

7. Decision Making

7.1 General Principles

The principles referred to in the Articles of this Constitution concerning "Decision Taking" apply to the determination of planning applications.

7.2 The legal framework

- (a) Legislation requires the Council to have regard to the provisions of the development plan, so far as material to the application and to any other material consideration. Furthermore, the application is to be determined in accordance with the provisions of the development plan unless material considerations suggest otherwise.
- (b) The courts are the final arbiters of what is a material consideration, but any consideration which relates to the use and development of land is capable of being a planning consideration. Whether a particular consideration is material in any given case will depend upon the circumstances of the particular application.

7.3 No pre-determination / bias

- (a) The determination of a planning application is an administrative act, and the courts will strike down a decision where it is shown that the Council or Members sitting on a committee that determines a planning application were or gave the appearance of being biased or of having pre-judged the application. However, this does not mean that such a Member may not hold strong views on a particular application or issue, or indeed, express those views. However, in doing so a Member should make it clear that they are keeping an open mind until they have heard all the relevant considerations. A Member who sits on a committee that determines planning applications should never indicate how they intend to vote in advance of a meeting.
- (b) When making representation on behalf of their constituents Members should make it clear that it is their constituents' views and not the member's own that are being expressed. Furthermore, the aim of Members should be to seek to express representations on behalf of constituents in such a way that no individual or group feels that they have been unfairly represented.

7.4 Determination of applications contrary to Officer's advice

- (a) Decisions should be based on any written report prepared by officers. Members are not obliged however to accept and follow the professional advice given by officers. Nevertheless, when members are minded to determine an

application contrary to the officer recommendation they should ensure that they have sound planning-based reasons for doing so and clearly set them out in advance of voting. Such reasons must be capable of being justified objectively, including where relevant by reference to Development Plan policy. Where the reasons (i.e. the reason for departing from the Officer recommendation), being advanced are complex or need to be the subject of careful drafting/minuting, then consideration may be deferred to a later meeting. For the avoidance of doubt, this applies both to those applications recommended for approval and subsequently refused; and to those recommended for refusal and subsequently approved.

- (b) Before a vote is taken, the person presiding at the meeting of the committee determining the planning application should ensure that the Officer is given the opportunity to explain the likely implications of any subsequent decision.
- (c) When members decide to determine an application contrary to the officer's recommendation a detailed minute will be taken, stating the reasons and if those reasons are based on development plan policies, identifying the relevant policies and stating in what way the application supports or infringes those policies.

8. Interests

8.1 Fundamental principle

It is a fundamental principle that those who have a significant interest in the outcome of a particular planning application or enforcement matter should not make decisions in relation to that application or matter. This applies to members and officers alike.

8.2 Declaration

- (a) The Member Code of Conduct forms part of the Constitution. Declarations and attendance at an item considering a planning application should be made in accordance with the Member Code of Conduct having regard to any relevant dispensations that may have been granted.
- (b) Notwithstanding the existence or otherwise of a dispensation, Members should still have regard to all relevant facts concerning their relationship to, or conduct in respect of, an application (or parties associated with it). Issues that could be relevant to such a consideration could include:
 - (i) a strong association with the application or applicant (e.g. the applicant is a close relative, or the Member has had previous acrimonious personal dealings with the applicant); and/ or
 - (ii) a Member's conduct specifically relating to a possible outcome of the application.

Where a Member of a committee that determines an application considers that having regard to all such facts a reasonable and fair minded observer could conclude that they were bias / had a closed mind to the application then the Member should not take part.

- (c) Officers who discover that they have an interest in a planning matter should cease to act and report the interest to their immediate manager

who will reallocate the matter to an officer without an interest in it. The Officer having an interest will not take part in any part of the decision making process in respect of that matter.

8.3 Monitoring Officer to advise

Members who are unsure whether to declare an interest should seek advice from the Monitoring Officer, although the final decision whether to make a declaration and or to withdraw from the meeting will always be one for the member.

9. Post determination Reviews

9.1 The Head of Service for Planning or such other Officer as s/he may nominate may, from time to time select a sample of implemented planning permissions to be reviewed by a committee with a scrutiny role to assess the quality of the decisions made by both the Planning Committee and Officers under delegated powers. The review will focus upon whether policies or practices are being applied consistently and whether there is a need for policies and practices to be reviewed.

10. Member Training

10.1 Town and Country Planning is a specialized field and both the Local Government Association and the Royal Town Planning Institute place particular emphasis on the need for members to have an adequate knowledge of the planning process. Whilst the council will seek to provide some training, Members have a responsibility to ensure that they understand the fundamental principles and keep up-to-date with developments.

10.2 Seminars will usually be arranged for Members at such times as there is a change in the composition of the committee with primary responsibility for determining planning applications and at such other times as the Head of Service for Planning considers appropriate

10.3 The Head of Service for Planning will arrange when s/he considers it relevant for briefing papers to be prepared for Members so that Members are kept fully up-to-date on developments in the planning process.

11. Officers

11.1 Generally

Much of the planning officer's work is done behind the scenes before an application reaches committee. Officers engaged in dealing with planning applications carry a very heavy caseload that involves dealing on a day to day basis with applicants, objectors, members and professional agents. It is the sole responsibility of the Officers to deal with such operation matters.

11.2 Officers' professional obligations

Many planning officers are Chartered Town Planners and are bound by the Code of Professional Conduct of the Royal Town Planning Institute that imposes certain professional obligations including conflicts of interest and

continuing training. Breaches of that code may be subject to disciplinary action by the RTPI.

11.3 **Employees Code of Conduct**

The Constitution contains an Officer Code of Conduct to which Officers should have regard whilst conducting business of the Council.

Appendix 3

EMPLOYMENT AND DISMISSAL PROCEDURE RULES

Introduction

1. For the purposes of interpretation of terms used, these rules should be read in conjunction with The Local Authorities (Standing Orders) (England) Regulations 1993 and 2001 (as amended).
2. When the Council seeks to appoint to a post it will have regard to relevant legislation, any policies / protocols that it has adopted for the purposes of making any such appointment and any obligations it may have in relation to the Dorset Councils Partnership. The Council will also have regard to relevant legislation, policies and protocols in relation to any disciplinary or dismissal action that may be undertaken.
3. The Shared Services Joint Committee when performing any of the roles identified for it below shall include as part of its membership the Leader and/or another Member of the executive. References in these Rules to the Shared Services Joint Committee shall be deemed to include any other Committee which may at any time take on the responsibilities of the Shared Services Joint Committee.

RECRUITMENT

General matters

4. Subject to the above, when undertaking a recruitment the Council will normally advertise the post in local and, where applicable, professional or national media. When doing so, a vacancy will also usually be advertised internally within the Council. Where appropriate, a decision may be taken to seek candidates by internal advert exclusively from existing permanent employees of the Council and the partners to the Dorset Councils Partnership.
5. In the case of appointments to the post of Monitoring Officer and section 151 Officer a recommendation is likely to be made having regard to relevant actual and proposed employee structures and responsibilities within the Dorset Councils Partnership.
6. The Council will offer equal opportunity to all candidates for employment in accordance with its published policies.
7. The Council will require the person being appointed to a post to reveal any relationship to a Member of the Council or any employee working in a supervisory or managerial capacity for the Council. This will not disqualify the candidate but will ensure that no undue influence may be alleged. Their appointment must be agreed by the Head of Paid Service / Chief Executive or other member of the Senior Leadership Team.
8. If a candidate for a post canvasses or seeks the support of any Member, they will be disqualified from consideration. Any Member advocating support for a particular candidate outside any appointment procedure will not be permitted to take any part in the appointment process. If a Member acts as a referee for a candidate for a post, they will not be permitted to take any part in the appointment process.

Political Assistants

9. The Council may decide from time to time whether it wishes to appoint Political Assistants. If it decides to do so these Rules will be varied as necessary in respect of these posts.

Recruitment of the Head of Paid Service / Chief Executive, Statutory Chief Officers (including the Monitoring Officer) and Non-Statutory Chief Officers ("Senior Officers"), collectively for the purpose of these rules ("Statutory Post(s)")

10. In relation to all Senior Officer posts of the Council, the Council will:
 - (a) have drawn up a statement specifying:
 - (1) the duties of the officer concerned; and
 - (2) 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 is likely to bring it to the attention of persons who are qualified for it; and
 - (c) make arrangements for a copy of the statement mentioned above to be sent to any person on request.
11. Where a post has been advertised as provided for in paragraph 10 above the Council will make arrangements to:
 - (a) interview all qualified applicants for the post; or
 - (b) select a short list of such qualified applicants and interview those included on the short list.Where no qualified person has applied, the Council will make further arrangements for advertisement.
12. Determinations relating to the matters set out in paragraphs 10 and 11 above and any other relevant decisions relating to the terms and conditions of employment of:
 - (a) the Head of Paid Service / Chief Executive; and any other Senior Officer whose job description identifies them as forming part of the Senior Leadership Team of the Dorset Councils Partnership, shall be made by the Shared Services Joint Committee. For the avoidance of doubt, subject to the requirements of these rules, this includes determining the terms and conditions for the making available of any officers employed by the host authority of the Dorset Councils Partnership to other partners of the Dorset Councils Partnership; and
 - (b) all other Senior Officers shall be made by the Head of Paid Service / Chief Executive or such other Senior Leadership Team members as the Head of Paid Service / Chief Executive may nominate unless the determining officer considers alternative arrangements are appropriate.

Appointor process relating to various Officers

13. An offer of appointment to:
 - (a) any Senior Officer; or
 - (b) a Deputy Chief Officer,shall not be made other than in compliance with the requirements of Schedule 1 of the Local Authorities (Standing Orders) (England) Regulations 2001 (as may be amended from time to time) to the extent that they apply to the governance arrangements operated by the Council (i.e. the use of appointers etc).

Appointment of Officers

14. Full Council shall be responsible for determining the appointment of:
 - (a) the Head of Paid Service;
 - (b) the Monitoring Officer;
 - (c) the section 151 Officer,

- having regard to any recommendation from the Shared Services Joint Committee (collectively for the purposes of these Rules "Statutory Post(s)"); and
- (d) the Chief Executive.
15. The Shared Services Joint Committee shall be responsible for determining the appointments of all officers whose job description identifies them as forming part of the Senior Leadership Team of the Dorset Councils Partnership,.
 16. The Head of Paid Service or any other officer nominated by him/her for such a purpose shall be responsible for determining the appointment of any other officer.

DISCIPLINARY AND DISMISSAL

General Matters

17. Disciplinary action and dismissal procedures of employees of the Council will in all cases be carried having regard to relevant policies and procedures of the Council.
18. Save to the extent that:
 - (a) the Council expressly creates a committee for the consideration of appeals in relation to disciplinary issues or dismissal of employees of the Council; and / or
 - (b) the issue relates to any of the Statutory Posts, no Member shall be involved in the disciplinary action or dismissal of any person appointed to any officer post of the Council.
19. No Senior Officer (including any Statutory Post) or Deputy Chief Officer will be dismissed by any committee or sub-committee unless the appointments to that committee comply with the requirements of Schedule 1 of the Local Authorities (Standing Orders) (England) Regulations 2001 (as may be amended from time to time) to the extent that they apply to the governance arrangements operated by the Council (i.e. the need to have at least one member of the executive where a Council operates a leader / executive governance model).
20. The Council and its management team have a zero tolerance approach to bribery and corruption. Investigations that identify any bribery and corruption involving employees are likely to give rise to formal disciplinary proceedings.

Head of Paid Service / Monitoring Officer / section 151 Officer

21. An employee of the Council appointed to a Statutory Post will not be dismissed by the Council unless the procedure below has been complied with. Regard will also be had to any relevant contractual provisions of the employee.
22. The Council has arranged for the appointment of an advisory committee on the basis of the following:
 - (a) as part of that appointment process, the Council will invite relevant independent persons to be considered for appointment to the advisory committee, with a view to appointing at least two such persons to it;
 - (b) the Council will arrange to appoint to the advisory committee such relevant independent persons who have accepted the invitation that has been made in accordance with the following priority order:
 - (1) a relevant independent person who has been appointed the Council and who is a local government elector;
 - (2) any other relevant independent person who has been appointed by the Council;
 - (3) a relevant independent person who has been appointed by another authority or authorities;

- (c) arrangements for the creation of the advisory committee may provide for the inclusion of only two relevant independent persons;
 - (d) the advisory committee may be jointly appointed with one or more other Councils and may include one or more members from, and/or one or more independent persons appointed by, those other Councils.
23. The advisory committee shall have been appointed at least twenty (20) working days before a meeting of the Council to consider whether or not to approve a proposal to dismiss the relevant officer.
24. Before taking a vote at a meeting to consider whether or not to approve a proposal to dismiss, the Council has taken into account, in particular:
- (a) any advice, views or recommendations of the Panel;
 - (b) the conclusion of any investigation into the proposed dismissal; and
 - (c) any representations from the relevant officer.

Dismissal process relating to various officers (including Statutory Posts)

25. A notice of dismissal relating to:
- (a) any Senior Officer; or
 - (b) a Deputy Chief Officer,
- shall not be given other than in compliance with the requirements of Schedule 1 of the Local Authorities (Standing Orders) (England) Regulations 2001 (as may be amended from time to time) to the extent that they apply to the governance arrangements operated by the Council (i.e. the use of dismissors etc).

Disciplinary and Dismissal of officers

26. Disciplinary action against, or dismissal of:
- (a) the Head of Paid Service / Chief Executive;
 - (b) any of the other Statutory Posts,
- will normally be considered and determined by a committee appointed by Full Council for such a purpose, but no notice of dismissal will be given until Full Council have approved it or in the case of the Monitoring Officer or section 151 Officer confirmed its agreement to remove the appointment of the post from that person.
27. Disciplinary action against, or dismissal of, any other Senior Officer will normally be considered and determined by the Head of Paid Service / Chief Executive unless s/he considers an alternative process is more appropriate.
28. Disciplinary action against, or dismissal of, any other Officer will normally be considered and determined by the Head of Paid Service or such other officer(s) as s/he may nominate for such purposes unless that person considers an alternative process is more appropriate.

Miscellaneous matters relating to disciplinary action or dismissal

29. The Council's policies will provide details of any right of appeal in respect of disciplinary action or dismissal.
30. Where any committee considers issues relating to disciplinary action against or dismissal of any officer attendance at that committee by members and officers will be limited to only those persons required to be in attendance or whose attendance is otherwise permitted in accordance with policies adopted by the Council relating to disciplinary action and dismissal.
31. For the avoidance of doubt, nothing contained in these rules in relation to disciplinary action or dismissal shall apply to the termination of engagement of any person as a result of a decision:
- (a) giving rise to a redundancy;
 - (b) to renew a contract of employment for a fixed term unless the Council has undertaken to renew such a contract; or

- (c) to terminate arrangements appointing a person to perform any function pursuant to section 113 Local Government Act 1972.
32. The Council may seek to negotiate conditions as part of any arrangement appointing a person to perform the functions of a Statutory Post pursuant to section 113 Local Government Act 1972 which provide that it may as part of any such arrangement:
- (a) terminate immediately without notice or penalty any such arrangement if following an investigation it concludes that the person appointed has been guilty of conduct that would have resulted in dismissal had that person been directly employed by the Council; and
 - (b) request the primary employing local authority to undertake a disciplinary investigation in respect of any issue arising in connection with the performance of that Statutory Post.

Appendix 4

CODE OF CONDUCT FOR EMPLOYEES

1. **Introduction**

- 1.1 The public are entitled to expect the highest standards of conduct from all the Councils that make up the Dorset Councils Partnership (hereinafter collectively referred to as "the Councils of the DCP") and their employees. Confidence in the integrity of employees will be threatened by any suspicion, whether well-founded or not, that employees may be influenced, in the performance of duties, by improper motives.
- 1.2 Whilst this Code is not in itself a disciplinary code, any failure to follow the standards it sets out may, depending upon the circumstances, constitute misconduct which could lead to disciplinary action, including dismissal.
- 1.3 For the purposes of this Code reference to Service Manager means Heads of Service and/or Corporate Managers.

2. **Who is the Code aimed at?**

- 2.1 The Code applies to all employees of the Councils of the DCP.
- 2.2 Inevitably some of the issues it covers will particularly affect senior, managerial and professional employees. However, the Code is intended to cover all employees under a contract of employment with the Councils of the DCP and where activities are carried out by any of their employees who, in that capacity, are acting as members of companies or of voluntary organisations, are also subject to the standards contained in this Code.

3. **General Obligations**

- 3.1 You should always act with good faith towards the business of the Councils of the DCP and should promote their interests. You should not knowingly do anything which is likely to adversely affect the reputation of the Councils of the DCP. You should also not knowingly place yourself in a position where your personal interests may bring you, or give the appearance of bringing you, into conflict with the interests and responsibilities of the Councils of the DCP.

4. **Standards**

- 4.1 Local government employees are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to elected members and to fellow employees with impartiality. Employees will be expected, without fear of recrimination, to bring to the attention of their line manager any deficiency in the provision of service. Employees must report to their line manager any fraud, corruption or other malpractice, any impropriety or any breach of procedure. If you find yourself in difficulty in doing this, you should report this to a member of the Senior Leadership Team or refer to the Council's whistleblowing policy for guidance on appropriate reporting.

5. **Disclosure of Information**

- 5.1 It is generally accepted that open government is best. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. The Councils of the DCP will generally wish to also be open about a variety of other types of information.
- 5.2 However, employees should not unless the information is already in the public domain knowingly disclose personal or financial information about any other person, which they obtain in the course of their duties to the Councils of the DCP, unless when dealing with that disclosure it is in accordance with existing legislation such as Data Protection and Freedom of Information.
- 5.3 Employees should respect the confidentiality of reports which are marked "Exempt" or "Confidential", and any other information which they receive under an obligation of confidence.

- 5.4 Employees should not use any information obtained in the course of their employment for personal gain or benefit. Nor should they pass it on to others who might use it in such a way. Any particular information received by an employee from an elected Member which is personal to that Member and does not belong to the authority for which that Member is an elected representative should not be divulged by the employee to external parties without the prior approval of that elected Member, except where such disclosure is required or sanctioned by the law.
6. **Political Neutrality**
- 6.1 Employees should seek to serve the Councils of the DCP as a whole. It follows that they must serve all elected Members and not just those of any controlling group.
- 6.2 Employees should not, in the course of their employment, attend meetings of political groups, unless their attendance has been specifically authorised by the Chief Executive or any other member of the Senior Leadership Team . They should take care not to compromise their political neutrality.
- 6.3 Some employees occupy posts which are “politically restricted”, under the provisions of the Local Government and Housing Act of 1989. This will be stated in their contract of employment. These employees are disqualified from membership of a local authority (other than a parish or community Council), and from being an MP or MEP.
- 6.4 Employees, whether or not politically restricted, must not allow their own personal or political opinions to interfere with their work.
7. **Relationships**
- 7.1 Elected Members
Employees are responsible to the Councils of the DCP through its senior managers. For some, their role is to give advice to elected Members and senior managers and all are there to carry out the work of the Councils of the DCP. Mutual respect between employees and elected Members is essential to good local government.
- 7.2 The Local Community and Service Users
Employees should always remember their responsibilities to the community they serve and should seek to provide courteous, efficient and impartial service delivery to all groups and individuals within that community.
- 7.3 Contractors
- 7.3.1 Any members of staff who are in a position to influence the award of a contract or a potential contract must make clear whether there is a relationship or potential relationship with the business or contractors who might receive the potential contract. Orders and contracts must be awarded on merit and in accordance with the relevant Contract Procedure Rules which set out arrangements to seek to secure fair competition against other tenderers in appropriate circumstances. No special favour in the tendering process should be shown to businesses run by, for example, friends, partners or relatives. No part of the local community should be discriminated against.
- 7.3.2 Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with a contractor, should declare that relationship in writing to the Monitoring Officer , with a copy to their Service Manager or Strategic Director.
8. **Appointment and other Employment Matters**
- 8.1 Employees involved in appointments should ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her.

8.2 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, or with whom they have a close personal relationship outside work.

9. **Private Work**

9.1 Full time employees may not, without the prior approval (such approval not to be unreasonably withheld) in writing of their Service Manager or a member of the Senior Leadership Team, hold any other paid appointment or conduct any paid business. Such approval will be considered upon the individual facts of each case and will be withheld if such work would conflict with or have a detrimental effect on the business of the Dorset Councils Partnership. In the event that the decision by the Service Manager or member of the Senior Leadership Team is to withhold the requested approval then the reasons for that decision will be put in writing to the employee.

9.2 Part-time employees must declare to their Service Manager or Director details of any other paid employment or business. Such employment, must not conflict with or have a detrimental effect upon the business of the Councils of the DCP.

9.3 No private work may be undertaken in the time of the Councils of the DCP, or on the premises or the Councils of the DCP, or on equipment of the Councils of the DCP, without the prior written approval of the appropriate Service Manager or member of the Senior Leadership Team.

9.4 In the course of their work with the Councils of the DCP if an employee creates a copyright work, that work becomes the property collectively of the Councils of the DCP. Similarly, if in the course of an employees work if that employee creates a patentable invention, or creates a design capable of registration, then this will also become the collective property of the Councils of the DCP, and the employee will be required to co-operate in all relevant registration formalities to secure these provisions.

10. **Personal Interests**

10.1 Employees at senior level (Team Leader /4th Tier and above) must declare in writing to the Monitoring Officer, with a copy to their Service Manager, any non-financial interests when they become aware of circumstances that are arising or are about to arise that they know or consider could bring about conflict with the interests of any of the Councils of the DCP.

10.2 Employees must declare in writing to the Monitoring Officer, with a copy to their Service Manager or line manager, any financial interest when they become aware of circumstances that are arising or are about to arise that they know or consider could conflict with the authorities interests provided they should always be entitled to seek advice if they wish in relation to that declaration.

10.3 Under Section 117 of the Local Government Act of 1972, an employee must declare any financial interest which the employee or his/her spouse may have in any existing or proposed contract with any of the Councils of the DCP. Failure to do so is a criminal offence.

10.4 Similarly, all employees should also declare any relationships when they become aware of circumstances which are arising or are about to arise which could cause potential conflict e.g. acting as a school governor, or involvement with an organisation or pressure group which may oppose policies of any of the Councils of the DCP.

10.5 Employees should consider whether to declare to the Monitoring Officer or their Service Manager membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct. For example, employees should declare in writing to their Service Manager or Director membership of freemasonry.

10.6 The Monitoring Officer or such other Officer(s) as may be appointed by him for such purposes may from time to time maintain a Register of Outside Interests and Relationships for recording notifications provided by Officers.

11. **Equality Issues**

- 11.1 All local government employees should seek to ensure that policies relating to equality issues as agreed by the Councils of the DCP are complied with in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equality.
- 12 **Separation of Roles During Tendering**
- 12.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the Councils of the DCP. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 12.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 12.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.
- 12.4 Employees contemplating a management buyout should, as soon as they have formed a definite intent, inform the Head of Paid Service of the Councils of the DCP in writing and withdraw from the contract awarding processes.
- 12.5 Employees should ensure that no special favour is shown to current, to former employees or their spouses, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.
13. **Criminal Proceedings, Cautions and Convictions**
- 13.1 Employees must recognise that by being involved in criminal processes that ultimately lead to arrest, the issue of bail conditions caution or conviction can have a direct bearing upon the reputation of the Councils of the DCP or a direct bearing upon the employees/offenders continued ability and suitability for the employment.
- 13.2 In the event that any employee is arrested or cautioned and charged by the Police for any offence with bail conditions the employee must inform their Line Manager immediately in confidence and also be prepared to then attend an interview with a member of the Senior Leadership Team and a member of Human Resources if required to investigate exactly what has occurred and to require the details of the matters involving the Police. A meeting or interview will be held in confidence.
- 13.3 During and/or after a criminal process concerning an employee which relates to a warning, the issue of bail conditions a caution or a conviction, the relevant Service Manager or member of the Senior Leadership Team may consider what further action (if any) needs to be taken and once that decision has been made the employee will be informed and granted the right of audience with a nominated representative.
- 13.4 A primary objective of the first interview and any subsequent interview is to obtain, in confidence, the appropriate facts and information and to enable a record to be made and kept on the employee's official personnel file.
- 13.5 As employers, Councils are naturally extremely concerned not only with the effect of the criminal processes on the Council's reputation if the information goes into the public domain but the employee's duty to continue with the position of employment and in particular the question of fitness for the job.
- 13.6 There can always be in such cases (but particularly, for example, when an employee is given a suspended or custodial sentence), the ability for the employing Council to dispose of the case as it sees fit by following any relevant part of the disciplinary procedure and then seeking to dismiss or suspend, remove to other work or downgrade if no other suitable post is available, (and in the less serious cases issuing for example a verbal or written warning over future conduct).
- 13.7 It is to be emphasised that prior to any formal disciplinary action being concluded or action taken against the employee, the employee will be given opportunity to

- make representations and have the assistance of a union representative or fellow worker before any final decision is made in accordance with the employing Council's relevant disciplinary procedures.
- 13.8 These arrangements apply to all criminal processes or proceedings; however, they should not conflict with any other arrangements being undertaken of a disciplinary nature involving the same employee.
- 13.9 In specific relation to cautions rather than convictions issued by the Police, where they are clearly relevant to the position of employment, the caution could still be strong evidence on which to take disciplinary action provided the process complies with the procedures referred to above and the Police have/ will be asked to supply a copy of the caution and any statement made in relation thereto.
14. **Corruption / Bribery / Fraud**
- 14.1 Employees must be aware that it is a serious criminal offence for them corruptly to receive or be given any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity.
- 14.2 The Chief Executive, Senior Leadership Team and Corporate Management Team have a zero-tolerance commitment to issues of bribery and corruption.
- 14.3 Employees should report to their Service Manager or any member of the Senior Leadership Team any corrupt offer that is made to them. Employees are also encouraged to report to their Service Managers any situation that they identify which they consider could create the potential of the Council being vulnerable to such matters.
15. **Use of Financial Resources**
- 15.1 Employees must ensure that they always use and endeavour to use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid whenever possible legal challenge to the authority.
16. **Hospitality & Gifts**
- 16.1 Subject as provided for below, employees should only accept offers of hospitality if there is a genuine need to impart information or represent any of the Councils of the DCP in the community. Invitations to attend purely social or sporting functions should be accepted only when these are part of the life of the community, where any of the Councils of the DCP should be seen to be represented or where the express written agreement of a member of the Senior Leadership Team (or Chief Executive in the case of it being a member of the Senior Leadership Team) has been secured.
- 16.2 When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the Councils of the DCP.
- 16.3 Having regard to the Council's commitment to a zero tolerance approach to fraud and corruption, employees should not accept any material personal gifts from contractors or outside suppliers. However it is recognised that occasionally employees may be given or receive insignificant items of token value such as pens, calendars, and diaries. Such an item may be accepted provided it does not exceed a value estimated to exceed £15.00.
- 16.4 When receiving authorised hospitality, employees should be particularly sensitive as to its timing in relation to decisions which the Councils of the DCP may be taking affecting those providing the hospitality.
- 16.5 Acceptance by employees of hospitality through attendance at relevant conferences, courses or meetings is acceptable where it is clear that the hospitality is corporate rather than personal or where a Service Manager or above gives consent in advance, provided that in either case no purchasing decisions are compromised. Where visits to inspect equipment, or other merchandise are required, employees should seek to arrange for the appropriate Councils of the DCP meet the cost of such visits so as to avoid jeopardising the integrity of subsequent purchasing decisions.

- 16.6 If an employee does accept a gift or hospitality in excess of £15.00, details should be recorded in a register maintained by the Corporate Manager – Democratic Services and Elections or such other person(s) as s/he may nominate for such purposes .
17. **Sponsorship – Giving and Receiving**
- 17.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, particular care must be taken when dealing with contractors or potential contractors.
- 17.2 Where any of the Councils of the DCP wish to sponsor an event or service, neither an employee or any spouse, relative or close associate must benefit from such sponsorship in a direct way without there being full written disclosure to the appropriate Service Manager or a member of the Senior Leadership Team of any such interest. Similarly, where any of the Councils of the DCP through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.
18. **Other Documents**
- 18.1 Employees should seek to make themselves aware of the Contract Procedure Rules, any procedure manuals of his/her service or directorate and any policies and procedures relevant to his/her employment and should seek to be in compliance with them. The employee's Service Manager or a member of the Senior Leadership Team should be able to tell the employee about these. If in doubt, the employee should ask.
19. **Generally**
- 19.1 This Code cannot cover every eventuality. Its purpose is to show the standards expected of employees. It does not replace the general requirements of the law.
- 19.2 It is not enough to avoid actual impropriety. An employee should at all times seek to avoid any occasion for suspicion and any appearance of improper conduct
- 19.3 If an employee is uncertain as to the conduct expected of him/her in a particular situation, s/he should consult his/her line manager. If this is impractical, the employee should consult their Service Manager or the Monitoring Officer.

Appendix 5

Part 1 – proposed standard delegation across the partnership

To determine any application (including for the avoidance of doubt but without prejudice to the generality of the foregoing any reserved matter application, applications under section 73 or section 73A of the Town and Country Planning Act 1990 and any, application for listed building consent) submitted pursuant to the Town and Country Planning Legislation (including any necessary determination(s) relating to conditions, obligations, limitations or any other restrictions or requirements necessary in respect thereof) provided that the power to determine does not apply to any application:

1. in respect of which:
 - (a) a Written Material Representation has been received by the Head of Planning (Development Management and Building Control) and that Written Material Representation:
 - (i) has been made by a Council Member(s) and received by the Head of Planning (Development Management and Building Control) within the Consultation Period; and/or
 - (ii) (A) has been made by a town or parish council in whose area the application is situated, and received by the Head of Planning (Development Management and Building Control) within the Consultation Period or other such period in time as the Head of Planning (Development Management and Building Control) might otherwise agree in writing (such extension to the Consultation Period not to be unreasonably refused); and
(B) contains a recommendation that is contrary to the proposed decision; and in either case
 - (b) the Head of Planning (Development Management and Building Control) at his/her absolute discretion after consultation with the Chairman of the Planning Committee, the Vice Chairman of the Planning Committee and the Ward Member(s) of the area in which the site of the application is situated considers is a matter which ought to be referred to the Planning Committee for determination; and/or
2. which the Head of Planning (Development Management and Building Control) considers at any time when assessing the application (prior to any determination) for the purpose of this delegation:
 - (a) would be Contrary to the Development Plan (and the anticipated decision would be to approve); and /or
 - (b) is on land owned by the Council; and/or
 - (c) is from an Identified Member or Identified Staff; and/or
 - (d) would conflict with a decision previously made by the Planning Committee of the same description and on the same or largely the same site; and/or
 - (e) requires an Environmental Impact Assessment.

Note as Regards the above consultation provision

The Chairman, vice Chairman and Ward members(s) can all be substituted by any other member(s) of the Planning Committee if any are unavailable / absent at the time that the consultation is being undertaken. The Head of Planning (Development Management and Building Control) can be substituted by any planning officer(s) nominated by the Head of Planning (Development Management and Building Control) for such a purpose.

Definitions relevant to the above

“Contrary to the Development Plan” means an application that in the opinion of the Head of Planning (Development Management and Building Control) is contrary to the Development Plan (as defined by section 38 Planning and Compulsory Purchase Act 2004 (as amended)) when assessed as a whole;

“Consultation Period” means the period of 21 days beginning with the date when in relation to an application as the case may be the Council first displays a site notice, or a press advert is first published or a notification procedure of any Council Member(s) is commenced (whichever is the earliest);

“Council Member” means an elected member of the Council of the district/ borough in which the site of the application is situated in whole or part;

“Identified Member” means an application that identifies in response to a question on the application form that the application is made by or on behalf of a Council Member and/ or any partner of such Council Member;

“Identified Staff” means an application that identifies in response to a question on the application form that the application is made by or on behalf of an employee of the Council and/ or any partner of such an employee;

Town and Country Planning Legislation means

- (i) the Town and Country Planning Act 1990;*
- (ii) the Planning (Hazardous Substances) Act 1990;*
- (iii) the Planning (Listed Buildings and Conservation Areas) Act 1990;*
- (iv) the Planning (Control of Advertisement) Regulations 1992;*
- (v) the Hedgerows Regulations 1997;*
- (vi) the Anti-Social Behaviour Act 2004 (in so far as it relates to high hedges);*
- (vii) the Planning and Compulsory Purchase Act 2004;*
- (viii) Department of the Environmental Circular 18/84;*
- (ix) Planning Act 2008;*
- (x) the Town and Country Planning (General Permitted Development) (England) Order 2015;*
- (xi) The Town and Country Planning (Development Management Procedure) (England) Order 2015/595;*
and
- (xi) all the Housing and Planning Acts,*
and for the avoidance of doubt also includes (a) any secondary legislation/enactments/orders made pursuant to any of the above; and (b) any amendments.

“Written Material Representation” means a representation received by the Council that is in writing and in the opinion of the Head of Planning (Development Management and Building Control) contains one or more planning considerations of material planning relevance to the application to be determined;

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NORTH DORSET DISTRICT COUNCIL

COUNCIL MEETING

21 OCTOBER 2016

CABINET REPORT FOR AUGUST AND SEPTEMBER 2016

Leader and Access and Affordable Housing – Councillor Graham Carr-Jones

PORTFOLIO HOLDER'S REPORT

The Customer Access Programme Board continues to meet monthly. In addition, a Customer Access workshop is taking place quarterly. Membership of the board includes representatives from Business Transformation, Customer Services, Dorset For You, Communications. At the last programme board on 29 September 2016, the board agreed revisions to the Customer Access portfolio to ensure they were aligned to the transformation programme's 2017/18 priorities. A full dependencies diagram of the revised Stronger Together Portfolio can be found within the 111 power point presentation recently circulated from the Chief Executive.

Three customer access projects were agreed:

- Customer Access Plan
- Nordon Customer Access
- Channel Shift

At the board, it was agreed Julia Willoughby, Penny Mell and Melissa Ashdown-Hoff will meet to discuss Qnomy self service terminals and how it will be used across council sites, including Nordon.

Julia Willoughby gave a brief update on the Nordon Project. The team are in the process of drawing up a plan regarding front facing services; this plan will be provided to Property. The reception team at Nordon are still counting their customers to gauge potential footfall to the hub. Julia Willoughby will provide a full report and update on the Channel Shift project at the next programme board meeting on Thursday 3 November.

Laura Hall presented the group with an updated timeline for the Dorset for You project. It was agreed that Business Analysts, Communication Officers and key members from the Business Transformation Team should be involved in the content migration workstream for the new Dorset For you website, which is working in a phased approach with services over the next few months.

Fiona Napier discussed progressing our customer access plan and how it needs to be an operational plan and reflect the changing way in which customers access and use our services. Draft proposals are being worked up which will go back to the programme board in November, before being worked up into a paper which will then go to Committee/Cabinet.

Launching Leadership Excellence Programme

I was delighted to have been asked by the Chief Executive to the launch of a new leadership excellence programme for all mid-level managers in the Dorset Councils Partnership. Here I spoke about the challenges of political leadership, being a new leader to North Dorset, as well as how important it is that there are good relationships between elected members and council officers – something we are rightly proud of at North Dorset District Council – relationships based on trust and mutual understanding of respective roles. This programme is part of the overarching people plan that is being developed by the partnership to support all staff to be the very best that they can be as we go through yet more changes in local government both as a partnership as we transform and reduce our costs and potentially as part of the local government reorganisation that all nine councils in Dorset are talking about.

Local Government Reorganisation

Following on from the successful 111 event held at South Walks House on 10 October on Local Government reorganisation, the text of the Chief Executive's power point presentation is set out below:

LGR Overview

All nine councils participating in the process

Consultation 65% of the way through

PwC supporting the development of the Business Case for Change document (Capacity and independence)

Programme team managing all the work strands including:

- Communications and consultation
- Programme risks log
- Report preparation and three evidence documents
- Timetable and resources
- Formal links to DCLG

Dorset Chief Executives Group meets weekly

Each work stream has a lead Chief Executive:

- Reshaping Dorset's Programme Board – Matt Prosser, DCP
- Combined Authority – Andrew Flockhart, Poole
- Devolution – Debbie Ward, DCC
- LGR Consultation – Tony Williams, Bournemouth
- Local Partnerships financial work – Steve Mackenzie, Purbeck
- Business Case for Change – David McIntosh, East Dorset & Christchurch

Working towards a report to all nine authorities in early 2017

Key dates have been circulated but include:

- . 25th October – consultation closes and analysis takes place
- . 5th December electronic circulation of the evidence reports from ORS, PwC and Local Partnerships
- . 8th December – all Member briefings (x2) by ORS, PwC and Local Partnerships
- . 15th December – Leaders meet to draft recommendation
- . On or before 23rd December the covering report will be issued to all 330 members for consideration through sovereign council processes.
- . January 2017 – Sovereign council processes to end with Full Council meetings

8 week consultation – mid August to 25 October
Independent research company – ORS
Consultation programme

- Household survey (representative) 20,000
- Open questionnaire on-line & libraries
- Stakeholder & residents' workshops
- Roadshow events to promote the consultation
- Comprehensive communications campaign: "Reshaping our councils"

Local Government Reorganisation Consultation Workshop

Current response rates as of 6 October are:

- Open Questionnaire 6316 (5935 on-line 381 postal)
- Household Survey 3009 (110 on-line 2899 postal)
- Deliberative Events Held – 13
 - 8 x residents workshops
 - 3 x Town and Parish Council workshops
 - 2 x voluntary and community sector workshops
- Roadshows run – 32 (9 in DCP area)
- Roadshows to be held – 9 (5 in DCP area)
- Business Consultation events 18th and 20th October

Combined Authority Update

All three councils in the DCP agreed to become a part of the CA
Submission is with Government and going through the Parliamentary process
Creation of the CA is not expected until April 2017

Interim Statutory Officers are:

- Chief Executive – Andrew Flockhart, Poole
- Section 151 – Jason Vaughan, DCP
- Monitoring Officer – Tanya Coulter, Bournemouth
- Programme Officer – Steph Lyons, DCC

Housing

Below is a breakdown of the Housing Register for the 1st Sept 2016:

Emergency – 3
Gold – 92
Silver – 261
Bronze – 334
Ineligible – 50 shared Ownership
Total – 740 **live** applications

The numbers on the register have more or less remained the same within the last quarter

Applications

Throughout the first quarter of the year we have received on average 107 applications per month. During the first 6 months we have received 606 applications which is a large increase in applicants and explain the increase on the register.

Throughout September the applications have increased to 117 of these 110 have been processed. The applications are being processed within the 20 days target.

Housed Applicants

Throughout September we have housed 20 households, which can be broken down into the following bed sizes:

The bed needs for applicants housed are as follows:-

1 beds = 7
2 beds = 10
3 beds = 2
4 beds = 1

In addition we have housed a further 5 households by direct let with the Registered Provider. This can be for a variety of reasons for instance:

- To help the RP with efficient management of their stock.
- To move applicants into Trailway Court which is an extra care property, the vacancies are not advertised through the Locata system.
- Single applicants being housed into supported accommodation which again is not advertised through the Locata system

Reception/Triage

We no longer receive help from Customer Services on reception which has a massive impact on the housing team. Below are some figures we have been collecting, from mid-April we will be collecting extra data and asking customers where they have travelled from:

From 1st Sept – 30 September 2016 - 89 people seen:

Housing register = 295 minutes or 4 hours 55 minutes
Housing register application = 100 minutes or 1 hour 40 minutes
Scanning = 385 or 6 hours 25 minutes
Homelessness = 110 minutes or 1 hour 40 minutes
Trailways Enquiries = nil minutes
Food Parcels = 55 minutes
Other = nil minutes

Using the Local Housing Allowance Broad Rental Market Areas (BRMA) we have gathered information as to where are clients have travelled from

Mid and West Dorset 62
Salisbury 13
Yeovil 9
Out of LHA area 5

Homeless information

Approaches for advice and assistance

We had 51 approaches from households requiring housing advice during **September 2016**

Of which:

Appointment at Blandford – **20**
Gillingham Direct – **20**
Home visits – **5**
Telephone interview - **4**
Multi-Agency meeting – **2**

Of those that approached and were given advice **15** were considered to be non-priority needs ie were not owed a duty by the Council.

Homelessness applications

In **September** there were **5** homeless forms given and **5** decisions made, of which:

5 were accepted,

There were **0** households in B&B at the end of **September 2016**.

Housing Options Service

The new housing options service came into effect on the 1st September 2016. This has been an extremely busy time for the Team but a lot has been achieved so far.

As the new Housing Option Manager, Sarah How has met with all members of the team. This has been an extremely useful exercise enabling the Team to get to know one another and enabling an understanding all manner of things such as blockages to the service like IT, the numbers of appointments they are dealing with, and training/development needs.

Four vacancies have been appointed to and all of the candidates were of an excellent calibre:

Housing and Partnership Team Leader – this went to an internal candidate from the housing team at North Dorset, Stephanie Rogers who has previous experience in a similar role when she worked for the Borough of Poole, in addition to her housing options/homelessness experience.

Housing Officer – This role gives housing/homelessness advice to the public working alongside the other housing officers. The successful applicant has previous experience working for a registered provider and had worked closely with the housing team at North Dorset.

Housing Assessor – This is the first point of contact for the Housing team and the successful applicant for this role has been working for the Citizens Advice Bureau as a volunteer advisor dealing with housing prevention and homelessness advice work.

Accommodation Officer – This role involves working alongside the other Assessment Officers looking after all the temporary accommodation in the district which is currently all in the West Dorset and Weymouth & Portland area but is hoped to eventually be in the North Dorset area too. The successful applicant had experience managing properties in the private sector.

All the checks on these new members of staff need to be done but it is hoped they will be in post within the next month. There will be a resulting vacancy from Steph Rogers and this is due to be advertised in the next few weeks.

The Team is starting to work together well with a housing officer from the North Dorset hub working at South Walks House once a week whilst the new Team is established; other officers are making the most of any shadowing opportunities across the board. The senior officer and team leader are also coming over to Nordon on a weekly basis.

The IT is being looked at, so all members of the team can work from any of the hubs either by laptop or with a PC. The next thing will be to concentrate on getting the phones on to one "hunt group" which is a system that enables the Team to answer one another's phone calls wherever they are working, so, for instance, a member of staff could be at Nordon but answer a call made to a member of staff at South Walks House.

The Team share the same IT system for Choice Based Lettings scheme - Locata. This will be a help in getting a consistent approach across the Partnership. In addition to this the Team is starting to look at all the letters/process and procedures across the partnership to ensure this consistent approach is embedded within the Team.

CABINET DECISIONS WITHIN THIS PORTFOLIO

Cabinet on 15 August 2016 considered the following item within this portfolio:

Cabinet considered a proposal to adopt the Housing Assistance Policy 2016 with the objective of delivering an integrated customer focussed service for disabled people, funded from government allocations. The policy would be reviewed at the conclusion of the 2016/17 financial year.

Cabinet on 19 September 2016 considered the following items within this Portfolio.

Members received and noted the results of the LGA's Financial Health Check for the Council. This service was provided free of charge and was necessary if the Council wished to apply for government funding in the future.

PORTFOLIO HOLDER DECISIONS MADE WITHIN THIS PORTFOLIO

On 5 August 2016 Cllr Walsh and I took a decision to agree to support the shared enabling service to promote and support the development of Community Land Trusts across North and West Dorset areas over a 2 year period.

PORTFOLIO HOLDER'S REPORT

CIL (Community Infrastructure Levy)

All our CIL documents have now been sent off for examination. We know that there are 5 representors who would like to be heard at a Public Hearing and consequently the Examiner has booked to hold that on the 24th November if he deemed it necessary.

We are hoping to hear back and have the examiner's report by the end of the year when we will look at the timelines for adopting CIL and how that will affect those applications already in the system.

Neighbourhood Planning

There are, at the time of writing this 13 Neighbourhood Plans being developed by local communities in North Dorset but I am hoping to have signed off the designated area for Hazelbury Bryan before our Council meeting.

NDDC has now received the final report from the examination of the Shillingstone Neighbourhood Plan in which the examiner has found that the plan meets the basic conditions. The examiner recommends a number of modifications however and in accordance with legislation, it is now the duty of NDDC to give consideration to these modifications and also to determine whether the neighbourhood plan can go forward to referendum. NDDC Planning Policy have to reach a view as to whether it agrees the plan meets the basic conditions necessary and has 5 weeks to reach a decision unless an extension is agreed with the parish council.

Blandford+ Neighbourhood Plan Group have just finished the consultation on their submitted plan. Our Planning Policy team are now collating all of the responses received which will then be passed to the Neighbourhood Plan Group and the agreed examiner for examination.

Okeford Fitzpaine are currently consulting on their Pre-Submission Plan.

As you will understand, there is a great deal going on in Neighbourhood Planning in North Dorset at present and as we no longer have a dedicated Neighbourhood Planning Officer the Planning Policy Team have divided the areas between themselves and are doing all they can to support the community groups I know this is not an ideal situation but "needs must".

The priority for the Planning Policy Team it must be realised is the review of the Local Plan and so I can only ask that members inform those in the process of developing a Neighbourhood Plan in their area of the situation and re enforce the message that I have sent out as Portfolio Holder, that our Planning Policy officers will help as soon as they possibly can but that will not be instantaneous so please be patient.

Local Plan Review

North Dorset District Council is reviewing its recently adopted Local Plan Part 1. To help in this process we are carrying out a 'Call for Sites' to identify sites that may have potential for development over the next 15 years.

The 'Call for Sites' is an opportunity for agents, landowners and developers to submit land which they believe could be developed to meet future demand for homes and jobs. This will help to ensure that there is sufficient land available within our area to meet anticipated development needs.

Local authorities are required to prepare a Strategic Housing Land Availability Assessment (SHLAA) to provide realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period. In addition, we are required to plan to meet the economic needs of the area, including identifying sufficient land for future development. We will assess all the sites using the methodology set out in the National Planning Practice Guidance.

<http://planningguidance.communities.gov.uk/blog/guidance/housing-and-economic-land-availability-assessment/>

One of the first stages in the Local Plan production is the preparation of and consultation on a [Sustainability Appraisal Scoping Report](#) which is now finished and views are now being sought from statutory stakeholders and other interested parties.

Sustainability appraisals aim to promote sustainable development by ensuring that the key environmental, social and economic issues are considered when developing planning policy. North Dorset District Council will carry out sustainability appraisals alongside the review of the North Dorset Local Plan, to ensure that the sustainability issues are considered throughout its development.

The purpose of the scoping stage is to identify the key environmental, social and economic issues for North Dorset and use these to produce a series of sustainability objectives. These sustainability objectives are later used as criteria to test the policies which come forward through the Local Plan Review process, with the aim of ensuring that these policies contribute towards achieving sustainable development.

A Planning Policy Panel will be set up to look at the Sustainability Appraisal Scoping Report and for members to be given an update on all that is happening.

Strategic Planning Forum

As I informed you after the last Strategic Planning Forum, NDDC are now servicing this Forum of which I am chairman. The first thing that we agreed and have now done, is send a letter to the new Minister of State for Housing and Planning, Gavin Barwell signed by all members of the forum representing all 9 Authorities in Dorset, that was not as simple as it sounds as different areas have different issues and constraints. In the letter is laid out how jointly think the housing issues in Dorset can be best addressed, including Local Authorities having the powers to determine through their own evidence bases what housing is needed in their areas and therefore what should be built rather than being told what we must build when we know that certain housing types will not work within the county as well as they might in other regions of the country.

I am pleased that with all the issues around developer's delivering housing even after planning consent is given that rather than government threatening Local Authorities with designation the Communities Secretary Sajid Javid has promised some changes:

“Javid promises housing White Paper with “significant” new planning measures by year end”

“Communities Secretary acknowledges the administration's poor track record for delivering new homes and promises significant new measures to speed up the supply of new housing...”

The government will publish a Housing White Paper later this year which will include significant new measures to speed up the supply of new housing.

Communities Secretary Sajid Javid highlighted that prospect in his speech, which focused on the UK's housing crisis, at this week's Conservative Party Conference in Birmingham.

The Secretary of State acknowledged that the administration's track record was poor. "This country has not built enough homes. We've got to be honest about it.

"In the last year of full records, we managed to deliver more than 170,000 additional properties across England. We need to do much better."

He added: "Everyone agrees we need to build more homes. But too many of us object to them being built next to us. We've got to change that attitude.

"So my message is very clear: it's time to get building. The big developers must release their stranglehold on supply. Time to stop sitting on land banks, delaying build-out: the homebuyers must come first.

"Almost 280,000 planning permissions were issued over the last twelve months... I want to see each and every one of those homes built as soon as possible.

"Local leaders must be prepared to make difficult calls, even if they're unpopular. And so must MPs and councillors.

"Of course, there are valid reasons to oppose some planning applications. But all of us have a duty to think about the long-term consequences of every decision we make.

"As elected representatives, we are here to take the right decisions – not the easy ones. Ultimately, we have a responsibility to build more houses."

Javid used his speech to stress three immediate initiatives and flag up future action. He highlighted the launch of a £3bn Home Building Fund. The fund will provide loans for SME builders, custom builders, offsite construction and essential infrastructure.

He promised direct action to fix the housing market, using public land and £2bn of investment to encourage new developers and different models of construction to build at up to double the rate of traditional housebuilders. This 'accelerated construction' approach will deliver up to 15,000 homes in this Parliament on surplus public sector land.

Javid also promised a package of measures to encourage urban regeneration and to build on brownfield land. This would involve "delivering high quality housing for families, bringing new energy to our high streets and town centres" and would result in "abandoned shopping centres being transformed into new communities and increasing density of housing around stations to build homes".

He stressed that increasing the stock of affordable housing was a moral imperative. And he reiterated the government's ambition for "a million new homes by 2020".

CABINET DECISIONS WITHIN THIS PORTFOLIO

Cabinet on 15 August 2016 considered the following item within this portfolio:

No items for this meeting.

Cabinet on 19 September 2016 considered the following item within this portfolio:

Members agreed the submission of the North Dorset Community Infrastructure Levy Draft Charging Schedule and associated documents for examination. S106 agreements would continue to be used for strategic main developments.

On 5 August 2016 Cllr Carr-Jones and I took a decision to agree to support the shared enabling service to promote and support the development of Community Land Trusts across North and West Dorset areas over a 2 year period.

On the 27th of September 2016 I agreed the Council's response to the consultation on the submission version of the Blandford+ Neighbourhood Plan 2015-2031

**PORTFOLIO HOLDER'S REPORT
Dorset Waste Partnership 12th September 2016**

Financial Report

It was reported that there is a potential underspend in this financial year this is attributed to the following:

Renewal of the HRC contract £302k
Reduction in HRC opening hours £158k
Reduction in capital charges for extending bin life £250k
Slippage in capital programme £152k
Recyclate prices to date £48k

However there is a potential adverse impact of disposal costs of £150k as a result of the need to find alternative disposal arrangements.

Potential full projected savings arising from route optimisation in East Dorset and Christchurch may have some risk and not therefore full achieved by the financial year end.

Inter Authority Agreement

1. That the Scheme of Delegation be adopted;
2. A Joint Scrutiny Group be established with a recommendation for the Joint Scrutiny Group to adopt the proposed schedule of meetings and terms of reference as amended by the Joint Committee;
3. That Partner Authorities appoint elected members to the Group, details to be provided to the Clerk to the Joint Committee.

Fixed Penalty Notices (FPNs) for Fly Tipping and Use of an External Company to Issue FPNs 44

The Joint Committee considered a report by the Interim Head of Service (Strategy) of the Dorset Waste Partnership that set out the introduction of a charging fixed penalty notices (FPNs) for fly tipping offences following a change of legislation in May 2016. Reason for Decisions It was a legal requirement to specify a charge under the regulations. The recommended charge was the maximum amount set out in the legislation.

Resolved.

1. That a charge level of £400 is set for fixed penalty notices made under The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 with a 50% reduction if paid within 7 days;
2. That the Director of the DWP be authorised to procure and appoint the external company;
3. That a 12 month pilot is carried out with an external company to issue FPN's for littering, fly-tipping and failure to produce duty of care documents on behalf of the DWP.

Garden Waste charges 2017/18

Resolved

1. That the annual fee of £47.50 for 2017/18 for the DWP Garden Waste service be approved;
2. That the implications of a reduced Garden Waste service in the winter months, to take effect no earlier than 2018/19 be explored by officers;
3. That the Joint Committee agree that the annual charge for garden waste sack customers is set at £5 less than the price agreed for a wheeled bin.

CABINET DECISIONS WITHIN THIS PORTFOLIO

Cabinet on 15 August 2016 considered the following item within this portfolio:

Cabinet considered the summary of offers received for the unconditional sale of Nordon.

Members also reflected on the views of the Nordon Board and Overview and Scrutiny Committee in respect of those offers.

Members agreed that Nordon be remarketed inviting conditional bids for a social housing led development, whilst retaining the Lodge and registrar's Office to develop as a local service hub.

Cabinet on 19 September 2016 considered the following items within this portfolio:

Members delegated authority to the Head of Community Protection to authorise officers to enforce the Microchipping of Dogs (England) Regulations 2015.

PORTFOLIO HOLDER DECISIONS MADE WITHIN THIS PORTFOLIO

None for this period

PORTFOLIO HOLDER'S REPORT

Community Development Budget Consultation

At its meeting in July Cabinet took the decision to include a reduction to the Community Development budget in the draft 2017/18 budget proposals. We are required to draw up a balanced budget and, as Members are too well aware, in our present financial position all discretionary spending must be subject to review.

Any reduction to the Community Development budget would, of necessity, mean a reduction in the funding which NDDC gives to the four Community Partnerships and their Community Resource Workers. I therefore met with the Chairs and representatives of the Community Partnerships, on 20th September, to brief them on the budget proposals and on the procedures involved. Meetings have also been held with the Community Resource Workers.

Reducing the Community Development budget would be likely to result in a significant reduction or alteration to a service to the public and, as such, must be subject to a public consultation. Accordingly, a full consultation with the public and key stakeholders was launched on 3rd October and will run until 28th November.

This will run alongside a consultation on proposed reductions to the Council's grant to CAB.

The district council is consulting on three options with regards to the Community Development service.

Option 1 - cease the £122,000 district council funding for the Community Development Service from 1 April 2017.

Option 2 - cease the £122,000 funding for the Community Development Service from 1 April 2017, and provide a time limited project completion fund of £10,000.

Option 3 - remove £100,000 from the Community Development Service budget leaving a remaining budget of £22,000 for 2017-18, and provide a time limited project completion fund of £10,000.

If option B2 or B3 are selected the project completion fund of £10,000 would be available during the 2016-17 financial year only. Community partnerships would be able to bid for funding to enable completion of projects already started by 31 March 2017.

The final draft budget will, as usual, be considered by Cabinet and Overview and Scrutiny before coming to full Council for decision.

Elections and Electoral Registration

The Annual Canvass has started in North Dorset, with forms posted out to all households on 22 August. The return rate as at 30 September is 69.09%. The second reminders are due to go out on 10th October. The Team has been promoting online responses and telephone or SMS responses, and 63% of responses received have been made in this way.

Democratic Services

The Team has worked exceptionally hard to ensure all the necessary background information has been put into the ModGov Committee Administration system. This will enable Members to access all Committee papers via an app on a mobile device. The ModGov system went "live" on Monday 3 October, and Members and the public can download the ModGov app and access the Partnership Committee papers from this date. For practical reasons, no historic papers have been uploaded to the ModGov system, so for Committee agendas and minutes prior to the "go live" date, a request should be made to the Democratic Services Team.

A list of options has been presented to Members regarding the provision of devices, or the installation of software on their own device - this will enable Members to access papers and work digitally at meetings. The Senior Leadership Team, the Corporate Management Team and Service Managers no longer received hard copy papers. Once Members have been issued with an appropriate device, or have had the necessary software uploaded to their own device, the Team will be arranging a series of drop-in sessions to assist Members with using the app and demonstrating how to access papers and annotate these. It is proposed that paper agendas will generally no longer be provided from 1 April 2017. This will save well in excess of £26,000 in printing costs across the Partnership. The use of ModGov not only ensures that the Partnership is operating in a modern, business-like manner, it also enables the Team to work more efficiently and effectively (e.g. a change in Parish Clerk is entered into

the system once and this is automatically changes every incidence of this information; the system automatically publishes to the website; reminders regarding Committee deadlines are automatically sent to report authors).

Post Nordon arrangements

Under Jacqui Andrew's careful leadership work is underway to ensure appropriate procedures are in place for Members and for the democratic process in readiness for when Nordon closes. It has been agreed with Group Leaders, who consulted with their Members, that Development Management, Licensing and Full Council meetings should take place within the District Council area. All other meetings will take place at South Walks House. A number of community facilities were approached with regard to hosting the Council meetings and Durweston Village Hall was the only venue with the appropriate facilities including accessibility, availability, and parking. The new arrangements will take effect from 1 April 2017 and the microphone sound system will be removed from the Council Chamber after the last scheduled meeting in March 2017 and installed at Durweston prior to the first scheduled meeting in April 2017.

North Dorset Business Day

We will be holding the second North Dorset Business Day, at the Exchange in Sturminster Newton, on Thursday 17th November. This event, designed to promote growth and link people, invites businesses and professionals, from across the district, to promote their products and services. There will be exhibitions and workshops and invaluable networking opportunities. Councillors are asked to promote this event and encourage businesses in your area to participate. Stands can be booked through Susan Sullivan, Economic Development Officer, on ssullivan@dorset.gov.uk.

Federation of Small Business award

I attended the Federation of Small Business Awards on 15 September. Officers and Brief holders across the Partnership have agreed to review our contribution to this programme to ensure we are maximising our benefit from our joint efforts.

CABINET DECISIONS WITHIN THIS PORTFOLIO

Cabinet on 15 August 2016 considered the following item within this portfolio:

None for this meeting

Cabinet on 19 September 2016 considered the following item within this portfolio:

None for this meeting

PORTFOLIO HOLDER DECISIONS MADE WITHIN THIS PORTFOLIO

None for this period

PORTFOLIO HOLDER'S REPORT

North Dorset Health and Wellbeing Locality Group

The new North Dorset Health and Wellbeing Locality Group have met for the first time in August. The aim of the group is to improve cross-organisation working to prevent illnesses and improve life for residents. The group is currently in the process of setting-up a health campaign to improve activity in North Dorset. This was chosen as North Dorset worryingly, has high rates of inactivity and childhood obesity.

Stour Valley and Poole Partnership

The SVPP has undertaken a feasibility study, in which the viability of joining West and Weymouth's (WestWey) and Bournemouth BC's revenues and benefits service to create a 'Dorset' revenues service is complete. The results will come to the SVPP Joint Committee next month.

The SVPP has also been conducting a single person discount review

The Partnership has just under 50,000 customers who claim a single person discount.

Last year Capita carried out the external review which identified 1,700 claims to withdraw.

We are now finding that there are (as was predicted) a number of the taxpayers now re-applying following the annual billing run. As long as the customer formally declares they are a single resident we cannot stop the process of re-awarding.

The Compliance Team review. This review identifies approximately 5,000 cases to review where there is a miss-match to Electoral Register.

All reviews are being vetted against information on the system and electoral register and where clarification needed a form sent to the customer. This requests information to be submitted with 21 days or a penalty will be considered and discount cancelled from 1 April 2015. For the first time is reviewing taxpayers who are in receipt of Local Council Tax support. In these cases the review is under the heading of an "intervention" in line with Benefit Administration. Some of these cases will also be identified as a FERIS (Fraud and Error Reduction Incentive Scheme) review, for which the partnership has received funding for in 2016/1.

Where there has been no response the Compliance Team are now ready to issue penalties and cancel discounts.

ADMINISTERING PENALTIES

The Joint Committee requested the Management Board produce for them a Penalties policy.

The Partnership considers that issuing penalties for council tax in the following circumstances falls within existing legislation and can be administered in accordance with the delegation given by each Council to the Joint Committee:

- If a council taxpayer without reasonable excuse fails to supply information or negligently supplies incorrect information which affects their liability or entitlement to a discount, a penalty of £70 can be imposed.
- Further penalties of £280 may be imposed if the council taxpayer subsequently fails to supply the same information when requested to do so or he knowingly supplies information which is inaccurate in a material particular

If the Management Board agree to the issue of Penalties this will be implemented immediately by the Partnership.

PROSECUTIONS POLICY FOR SVPP

The Partnership has since its creation been operating to a prosecutions policy for the SVPP.

Local Authorities have a statutory duty to administer and arrange their financial affairs appropriately and in accordance with S151 of the Local Government Act 1972.

The Compliance Team's responsibility will be to investigate allegations of Fraud and Corruption and to ensure that individuals and businesses within the SVPP area comply with the law, as directed by the respective S151 Officers and the SVPP Board.

The objective of the Compliance team and the Prosecutions Policy is to prevent, detect, punish and deter any fraud committed in order to protect the public purse and taxpayer's money.

The partnership will operate a "zero tolerance" approach to any abuse and will seek to deter fraud, abuse and / or evasion by way of warning letters, penalties, recovery, cautions, civil and criminal proceedings.

Where Fraud is suspected, all evidence will be collated and a recommendation will be submitted to the Compliance Manager to review the case and make a final decision on any further action deemed appropriate. Each case is unique and will be reviewed on its own merits. The decision will take into account evidential material, the public interest test and any previous offences.

Should legal action be deemed appropriate the case will be referred to the Borough of Poole's Legal Team.

The Compliance Team will work jointly with all service partners and departments of each Council as required.

CIVIL PENALTIES FOR BENEFITS

A future report will be brought to Management Board to consider the merits of imposing penalties for Benefit Claimants in the following circumstances:

If a claimant fails to supply information or negligently supplies incorrect information which results in a housing benefit overpayment of more than £65, a penalty of £50 can be imposed if the claimant has failed to take reasonable steps to correct the error.

If a claimant fails to supply information or negligently supplies incorrect information which results in a council tax support overpayment, a penalty of £70 can be imposed if the claimant has failed to take reasonable steps to correct the error.

CABINET DECISIONS WITHIN THIS PORTFOLIO

None for this period.

PORTFOLIO HOLDER DECISIONS MADE WITHIN THIS PORTFOLIO

None for this period.

PORTFOLIO HOLDER'S REPORT

Finance

As we move further into the Budget Setting process for 2016 there is good news and there is bad news, in my view. In particular -

The good news is that we received a realistic Financial Health Check from the LGA, and for free, the bad news is that it does set us a number of challenges.

The second piece of good news, in my view is that we have been offered a four year financial settlement, rather than having the usual cliff edge scenario at the end of the year, waiting to hear what our settlement will be. It is understood that accepting the 4 year settlement means that the Council will receive the published settlement as a minimum, and does not mean that the Council would be excluded from any future additional awards. It would however be protected from any reductions in Revenue Support Grant or Rural Services Delivery Grant, unless these reductions were deemed to be unforeseen events.

The bad news is that we still have work to do to make the necessary savings and some of the decisions we have to make, notable about our support for community organizations, are not popular decisions.

We also have to brace ourselves for the reduction in New Homes Bonus. NDDC estimates that £825,000 will be lost in 2017/18 (43% of the amount anticipated in that year) and nearly £2.2m will be lost over the three years up to and including 2019/20. This creates a significant budget pressure particularly in 2017/18 when the Council is impacted by the reduction in the scheduled payment of New Homes Bonus from six years to four.

Corporate Performance

Performance is on the whole satisfactory in comparison with our partners, considering the state of 'churn' which our organizations are going through. The Development Management Service's major restructuring should address the issues in that area.

Personnel

Work continues to complete the processes underpinning the melding of staff into one organisation

CABINET DECISIONS WITHIN THIS PORTFOLIO

Cabinet on 15 August 2016 considered the following item within this portfolio:

Cabinet noted the latest position and the projected outturn for the year in respect of the 2016/17 revenue and capital budgets. Cabinet also noted the transfer of £17,000 to the General Reserve due to the Dorset Waste Partnership no longer holding a 1% contingency reserve. This amount would be used for any future unforeseen DWP budget overspends.

Cabinet on 19 September 2016 considered the following item within this portfolio:

Following an update on balancing the 2017/18 Budget, members agreed
That the budget options are included within the 2017/18 budget proposals;
That the updated position on Reserves is approved;
That the Council governments offer of a '4 year' financial settlement is accepted

Members received an update on the Council's treasury management activity and performance for the 2015/16 financial year.

Members approved the updated policy and procedure for confidential reporting of concerns ("Whistleblowing").

Members agreed to adopt the Anti Fraud and Corruption Strategy for the Partnership.

PORTFOLIO HOLDER DECISIONS MADE WITHIN THIS PORTFOLIO

None for this period

NORTH DORSET DISTRICT COUNCIL

COUNCIL – 21 OCTOBER 2016

REPORTS FROM MEMBERS ON OUTSIDE BODIES

Citizen's Advice Bureau ("CAB") – Councillor Stayt and Stayt

As many of you will be aware the level of grant support for the bureau is under threat of being drastically diminished, yet the social problems will remain and will need to be addressed by the council, the government and society at large. **The issue's will not disappear as if by magic!**

Following on from a very successful AGM I thought that rather than give you a detailed report on the activities of the CAB, I would present you with some comment from the CAB's clientele

" Thank you so much for your recent help, the advisor was constructive and I am so grateful. With all good wishes and many thanks"

"Just a note to say a very big thank you for all you did to terminate my gym membership."

" I am writing to you regarding my Child Benefits case with the happy news of it being closed and my receiving them. Thank you so much for all your help as I probably wouldn't have been able to deal with all of it on my own. You have my gratitude."

"I don't know what I'd do without you, you're always there for me. Many thanks once again"

Reflect for a moment on these comments as it is quite possible that they could come from members of your own family, or friends, colleagues or community. Above all we ask for your continuing support for the work of the CAB.

Cranborne Chase and West Wiltshire Downs AONB Partnership Panel – Councillors Burch and Langham

Report by Councillor Langham

This report is based on the minutes of the Steering Group held on 4th October because the Partnership Panel is not until 26th October.

The following is a summary of recent activity relating specifically to the Cranborne Chase AONB.

The Sustainable Rural Tourism project has two website already on-line: 'Discover Nadder' and 'Discover Chalke Valley' whilst 'Discover Cranborne Chase' and 'Discover Wylke' are in process. The aim of these websites is to encourage businesses to cooperate in order to enhance tourism within the AONB's.

A 'Taste the Chase' Food Fair was held earlier this year at the Larmer Tree and a 'Locator Logo' was launched which is a marketing tool available to any business based in the AONB. This is free to use until March 2018 after which a small fee may be charged with income going to the Cranborne Chase Landscape Trust.

An application has been submitted to Heritage Lottery for a Landscapes Partnership Scheme and a decision on this is due on 25th October.

The project to apply for 'Dark Night Sky reserve status' is ongoing with several stargazing events planned.

The 'Landscapes in Planning' project has produced a 'Good Practice Note' to help communities with Neighbourhood Planning and advise Parish Councils on how the AONB deals with the planning process. Five Parishes have so far requested assistance.

Richard Burden, the Landscape and Planning Officer, has so far responded to:

1. Proposed Waste Disposal Site at Sunrise Business Park
2. Blandford PLUS Neighbourhood Plan
3. Over 100 planning applications since the last meeting.
4. A 4 day Festival to be held at Wimborne St Giles in 2018
5. Lidl Supermarket Planning Application for Blandford.

The Annual Planning Seminar in May was fully booked and self-funding.

A guide to Conserving and Enhancing the landscape setting of our rural highways is ready to be printed. Other ongoing projects include 'The Big Chalk', a forestry machinery demonstration day, Ancient Tree project, Foundations of Archaeology and the Great Place scheme.

Finally, the AONB Annual Forum is to be held on 13th December at 5pm at Sixpenny Handley and there will be an opportunity for instructed Stargazing.

Dorset AONB – Councillors Burch and Langham

Dorset AONB met at The Village Hall, Martinstown, to demonstrate how the landscape contributes so much more than just a view. The presentation focused on the very real benefits to the wellbeing and economy of the people who live and work here. In particular the talk was about the work involved in the South Dorset ridgeway and was entitled "Land of Bone and Stone". The area was compared to Stonehenge and other sites in Wiltshire and interestingly more "henges" have been found along the south Dorset ridgeway than in Wiltshire.

District Councils Network – Councillor Kerby

The District Councils' Network (DCN) is pushing for reform and greater devolution and has been focusing on enabling legislation set out in the Cities and Local Government Devolution Bill to allow for the formation of clusters of district councils, which reflect and map Functional Economic Areas.

The suggestion for the flexible and lowest level local transfer of powers is contained in the DCN's submission to the independent consultation on better devolution – led by Lord Kerslake on behalf of the All Party Parliamentary Group (APPG) on reform, decentralisation and devolution.

Under the double devolution model, specific functions could be more effectively delivered among districts within a Functional Economic Area – for example housing, planning, regeneration, skills, health and social care, early intervention, welfare reform and the roll out of the Universal Credit programme.

So while the DCN is supportive of Combined Authority models for certain areas, it is also making the case that English devolution should adopt a set of 'governance principles' rather than set models.

This would allow for alternative governance models, such as Joint Committees, to provide less formal but equally successful long-term devolution arrangements that best suit local circumstances.

The DCN submission also sets out key areas where the devolution of powers could boost local growth. In addition, the devolution submission makes the case for the financial independence of districts and explains how a sustainable funding system for local government could be set in train.

Areas for reform include business rates, council tax, localised fees and charges, infrastructure investment funding, the New Homes Bonus and HRA self-financing and social rent policy.

Dorset Community Safety Partnership (DCSP) – Cllr Kerby

The Community Safety Partnership has met for the second time following the creation of the pan-Dorset Community Safety and Criminal Justice Board. The focus on local working arrangements and of local crime continues, whilst the more strategic focus is at the pan-Dorset level. See fig 1.1 below

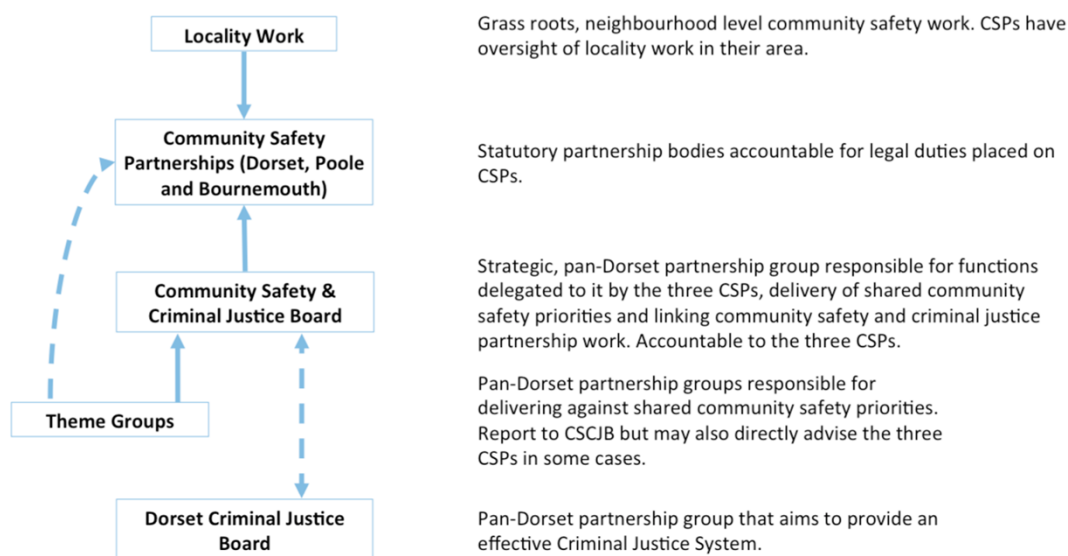


fig 1.1

The CSP received a report detailing the Cardiff Model from Public Health Dorset detailing how figures from the health sector could be used to improve policing. The use of non-police data is an area that CSP is keen to explore, as it may give a more accurate reflection of certain crimes such as domestic violence where the victim is less willing to report a crime to the police.

CPEND – Councillor Sherry Jespersion

There has been no meetings of CPEND since the last report.

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